

ABSTRACT

Driven Apart:

The Construction of Women as Worker-Citizens and Mother-Citizens in Canadian Employment and Child Care Policies, 1940-1988.

This thesis examines how Canadian women have campaigned for federal employment equity and child care policies in order to enjoy equal employment opportunities with men. It demonstrates how women articulated these double-edged demands through the Royal Commission on the Status of Women (RCSW) and the Royal Commission on Equality in Employment (RCEE). It shows that while both royal commissions called on the federal government to take up women's double-edged demands, the policy response has been uneven. Federal policies to eradicate sex discrimination at work and promote employment equity have been developed. By contrast, a publicly-funded system of child care has never been included within the federal welfare state.

Drawing on forty interviews and analysis of a range of primary documents the thesis argues that the federal response to women's demands was narrowed by the meta-discourse of worker-citizenship that underpinned the Canadian welfare state. This prioritised the equal, non-discriminatory treatment of worker-citizens and defined employment inequality as a problem located in the public sphere. Although the federal government promoted the equal treatment of worker-citizens once they entered the labour market, it was less willing to address the inequalities of access many women experience as a result of assuming paid employment while caring for dependent children. Federal policy responses to women's double-edged demands were driven further apart by the costs of each policy, government structures, jurisdictional tensions over child care and the pattern of women's mobilisation on employment equity and child care during the 1980s.

This Canadian case study illuminates (i) current feminist debates about whether women's roles as worker-citizens and mother-citizens can be reconciled in public policy; (ii) the multi-dimensional nature of potential policy issues. It argues that royal commissions have been critical sites for women to voice concerns about the complex nature of gender inequality in employment, and challenge prevailing assumptions that the problem can be resolved through the equal treatment of men and women in the public sphere.

For my parents
Michael and Patricia Timpson
with special love

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LIST OF ABBREVIATIONS

ADC	Action Day Care
ATF	Action travail des femmes
BC	British Columbia
CACSW	Canadian Advisory Council on the Status of Women
CAP	Canada Assistance Plan
CCEC	Child Care Expense Credit
CCED	Child Care Expense Deduction
CCF	Co-operative Commonwealth Federation
CCIF	Child Care Initiatives Fund
CCRF	Canadian Charter of Rights and Freedoms
CCTC	Child Care Tax Credit
CDCAA	Canadian Day Care Advocacy Association
CEIC	Canadian Employment and Immigration Commission
CEW	Committee for the Equality of Women in Canada
CFBPW	Canadian Federation of Business and Professional Women's Clubs
CFUW	Canadian Federation of University Women
CHRA	Canadian Human Rights Act
CHRC	Canadian Human Rights Commission
CHST	Canada Health and Social Transfer
CLC	Canadian Labour Congress
CNR	Canadian National Railway
CMHC	Canadian Mortgage and Housing Corporation
CPTW	Commission of Inquiry into Part-Time Work

DCRAA	Day Care Reform Action Alliance
EEA	Employment Equity Act
EOW	Equal Opportunities for Women programme
FFQ	Fédération des femmes du Québec
FPS	Federal Public Service
FWIC	Federated Women's Institutes of Canada
IDC	Interdepartmental Committee
ILO	International Labour Organisation
IWY	International Women's Year
IYC	International Year of the Child
LIP	Local Initiatives Project
NAC	National Action Committee on the Status of Women
NDP	New Democratic Party
NSCC	National Strategy on Child Care
NWT	Northwest Territories
OCBCC	Ontario Coalition for Better Child Care
OCBDC	Ontario Coalition for Better Day Care
OECD	Organisation for Economic and Cultural Development
OFL	Ontario Federation of Labour
PSC	Public Service Commission
PQ	Province of Québec
RCEE	Royal Commission on Equality in Employment
RCSW	Royal Commission on the Status of Women

REAL	Realistic Equal Active for Life
SCCC	Special Committee on Child Care
TBS	Treasury Board Secretariat
UN	United Nations
WISE	Women in Science and Engineering

**THE DOUBLE-EDGED NATURE OF EMPLOYMENT INEQUALITY
FOR WOMEN
Empirical and Conceptual Questions**

Debates about women's rights at work and the gendered dimensions of employment inequality have been notable and contested features of Canadian political discourse throughout the second half of the twentieth century. Concern about these issues took root during the 1940s when women experienced dramatic shifts in their employment opportunities as a result of being drawn into and later jettisoned from the reserve army of wartime labour.¹ Pressure to improve women's employment conditions, particularly in the burgeoning public sector, recurred in the mid-1950s.² However, it was in the 1960s, once the second wave of feminism took root in Canada, that women began to develop a sustained critique of the employment inequalities they experienced and pressure their governments to address the problem through policy innovation and change.³

From the outset of second-wave feminism, women advanced an analysis of employment inequality that took account of their labour in both the public and domestic spheres.⁴ Although feminists viewed the eradication of sex discrimination in the workplace as essential, they also argued that the gendered dimensions of employment inequality would never be resolved if the problem was simply defined in this way. Only, they claimed, if questions about women's employment in the public sphere were addressed in tandem with questions about their labour in the domestic sphere would the dynamics of gender inequality in employment be fully understood. As the care of dependent children was the factor that most often distinguished the responsibilities of

women from those of men, feminists argued that this aspect of women's labour had to be recognised in the design of policies to promote gender equality in the workplace.⁵

Growing awareness of the need to link questions about production and reproduction in analyses of women's economic position was by no means unique to Canadian feminism. It was, for example, well established in the early writing of second-wave feminists in both Britain and the United States.⁶ What did, however, distinguish Canadian feminists from their counterparts in these other liberal democracies was an ability to work together, despite ideological differences, in order to advance this double-edged critique of gender inequality in employment.⁷ Right from the start of the contemporary women's movement Canadian feminists engaged with the state, demanding policies that recognised the link between women's employment opportunities and the provision of child care.⁸

Although Canadian feminists lobbied both provincial and federal governments about employment opportunity and child care, it was in the federal arena that women -- particularly those outside Québec -- focused their demands for policies that acknowledged the link between these two issues.⁹ This reflects how the contemporary women's movement in Canada emerged in the context of a broader social project to achieve universal welfare guarantees, assured by the federal state.¹⁰ The federal focus was established in the mid-1960s as a result of the Royal Commission on the Status of Women (RCSW). It has been sustained by the establishment of the National Action Committee on the Status of Women (NAC) in 1972, and the pressure this organisation exerted on the federal government to develop universal social policies that would benefit women throughout the country. Moreover, it has been reinforced by the creation of the Canadian Day Care Advocacy Association (CDCAA) in 1982, and the campaigns

by child care advocates for a national system of publicly-funded child care.

In many respects the federal focus of these campaigns is surprising. After all, only one tenth of the Canadian labour force is regulated by the federal government and, even at the start of second-wave feminism, both federal and provincial governments had been involved in some employment equality and child care initiatives. Moreover, while the federal government has the capacity -- as a result of its spending power -- to finance the development of child care services, it is the provinces that have jurisdictional control over their delivery.

Despite a long history of feminist engagement with the federal state, repeated campaigns for the development of policies to address the double-edged nature of women's employment inequality and the clear absorption of these demands into the recommendations of two significant royal commissions, the federal policy response has been uneven. Policies to eradicate sex discrimination at work and promote women's employment opportunities have been developed and implemented in the federal policy sphere. By contrast, policies to promote publicly-funded child care, in a way that would enhance the employment opportunities of many working women, have not been developed by the federal government.¹¹

Overview of the thesis

This thesis seeks to explain why the double-edged interpretation of women's employment inequality, advanced throughout the second wave of feminism, was not absorbed into the design of federal policies to promote gender equality in the sphere of employment. The analysis follows the development of debates about women's rights at work from the period of reconstruction, after the Second World War, when questions about eradicating employment discrimination against worker-citizens first emerged in Canadian political debate, through the

heyday of second-wave feminism, when concerns about reconciling women's particular circumstances with broader demands for equality policies were at their height.

The thesis is concerned, not only with the way that women's concerns about employment inequality have been articulated in royal commissions, but with the extent to which these concerns have been transposed into federal policies to improve their employment opportunities. It therefore examines federal policy developments from the middle of the first Trudeau administration, when the recommendations of the RCSW were made in 1970, through to the close of the first Mulroney government, looking in detail at its response to the 1984 recommendations of the Royal Commission on Equality in Employment (RCEE). In both cases it shows that even though the royal commissions encoded feminist demands for a double-edged approach to employment inequality in their recommendations, the federal government consistently developed equal employment opportunity strategies which failed to address the problems of child care that many working women faced.

Although scholars have examined the intellectual and political origins of the contemporary women's movement, no one has yet considered how questions about equal employment opportunities, which have been so central to second wave feminism, were shaped by the political context in which the movement arose.¹² Yet as this thesis demonstrates, it is only by looking back at that period, when ideas about the equal, non-discriminatory treatment of workers were ascendant, that we can begin to understand why it proved so difficult for women to insert their specific claims about child care into an established debate about promoting equal employment opportunities in the sphere of employment.

In Chapter Two I consider how initial feminist demands for equal employment opportunities were shaped, first, by the way that human rights and labour movement activists in the 1950s campaigned for the introduction of legislation to outlaw workplace discrimination and, second, by the meta-discourse of worker-citizenship associated with the creation and institutionalisation of the *Canadian welfare state*.¹³ I show how both factors made it relatively easy for women to call for anti-discrimination policies to ensure their equal treatment with men, and relatively difficult for them to get the particular problems they faced with child care recognised as integral to the promotion of equal employment opportunities for men and women.

Although the Royal Commission on the Status of Women (RCSW) has come to be viewed as a touchstone of second-wave feminism in Canada, no one has yet demonstrated how women used the opportunity it provided to place the double-edged nature of their concerns about employment inequality on the federal policy agenda. In Chapter Three I look specifically at how questions about women's employment opportunities and the need for child care were raised in the briefs that women submitted to the RCSW and addressed by the Commissioners in their report. I return to the way that women used royal commissions to voice these particular concerns in Chapter Six, when I analyse both the briefs that women submitted to the Royal Commission on Equality in Employment (RCEE) in the early 1980s and the recommendations in its report.

I demonstrate in Chapters Four, Five, Seven and Eight how, despite the recommendations of these two royal commissions, federal policies have not been designed to address both dimensions of the employment inequality that women experience. Federal policies to eradicate sex discrimination in the workplace and promote employment equity amongst men and women have been developed and become more sophisticated over time. Indeed, I show how

they have moved from a focus on overt discrimination in the 1970s to addresses systemic discrimination in the 1980s and 1990s. By contrast, despite the repeated calls of feminist campaigners and royal commissioners for the development of a publicly-funded system of child care to enhance women's opportunities for employment, national child care legislation has never been implemented. Although the first Mulroney government's National Strategy on Child Care did lead to small changes in the federal funding of child care, legislation to establish a national system of child care never emerged. Federal government involvement in the field of child care remains limited, first, to welfare based subsidies to help provide child care for the working and non-working poor and, second, to a variety of forms of tax relief to enable individual parents to purchase child care.

The rest of this introductory chapter is divided into three principal sections. I begin by considering how this thesis enhances the literature on women's employment. I then review the empirical evidence about women's employment inequalities in Canada and the limited provision of child care. I conclude by considering the contribution this thesis makes to theoretical debates about female citizenship and the construction of issues on policy agendas.

Contribution to the literature on women's employment

The dearth of Canadian literature by political scientists analysing how public policies have addressed the public and domestic facets of women's labour contrasts significantly with the work of historians and sociologists who pioneered research on the link between the public and domestic facets of Canadian women's labour. In the late 1970s scholars began highlighting the theoretical, empirical and political importance of examining how the double ghetto in which women worked affected their employment opportunities.¹⁴ Members of the Women's History Collective at the Ontario Institute for Studies

in Education and the Clio Collective in Montreal pioneered research in Canada on how women's labour had shifted from the unpaid domestic sphere into the world of paid employment. They unearthed textual and oral histories which demonstrated that despite this transition women still faced the double-bind of a double-day, in which they went out to work for pay and home to work for love.¹⁵ Reflecting, some years later, on the growth of this literature, Light and Pierson argued that such research was 'of necessity historical, for...one is drawn inevitably into consideration of how this sexual division of labour developed and evolved.'¹⁶

In the field of sociology, Pat and Hugh Armstrong, Paul and Erin Phillips and Sue Wilson reinforced the historians' claims by mapping out how the continuation of women's segregated, low paid, low status employment reflected the fact that women had entered the labour force while maintaining full responsibility for work they had traditionally carried out at home. All three of these volumes are still in print and, though they demonstrate some marginal improvements in women's employment status, they continue to show how family responsibilities impact more significantly on the employment opportunities of women than on those of men.¹⁷

Although this historical and sociological research analysed the changes in female labour force participation, it took considerable time for scholars in the field of Canadian public policy to address the policy issues that were raised by the reconstruction of women's work.¹⁸ Some feminist scholarship on public policies of particular concern to women has begun to consider how government policies shape both the public and domestic aspects of women's lives.¹⁹ Nonetheless, very little of this recent literature has focused on the extent to which the double ghetto of which feminists have long been aware is reinforced by public policy. This thesis begins to fill that particular gap in the literature by analysing how

questions about the public and domestic facets of women's labour have been addressed and contested in political debate, encoded or not encoded in policies to promote gender equality in the workplace. In so doing it contributes to the literature on women's employment in Canada and also, more broadly, to the international literature in this field.

A review of the Canadian literature on employment discrimination, equal employment opportunity and child care reveals that although important research has been conducted on each of these specific policy issues, no one has yet considered why these issues, though long connected in political debates about promoting women's employment opportunities, have been developed at such different rates and, despite repeated calls to the contrary, not linked together in the design of public policies to promote gender equality in employment.²⁰ Indeed, it could be argued that the literature analysing policies concerned with women's employment tends to reinforce the assumption that these policy areas are distinct rather than related in the way that has long been suggested by sociologists, historians and feminist activists.

The rationale for this thesis is reinforced, first, by the distinct development of the Canadian literature on child care and policies concerned with women's employment, second, by the fact that there has been no sustained analysis of how women have used federal royal commissions to articulate the double-edged nature of these concerns and, third, by the limited attention that has been paid to the development of federal child care policies before the 1984 Mulroney government developed its National Strategy on Child Care. With the exception of Ruth Roach Pierson's work -- which addressed the 1942 War Time Day Nurseries Act -- and the brief reviews of federal policy developments by Martha Friendly and Maureen Baker, the literature on this earlier period is almost entirely provincial in focus.²¹

Analyses of the Mulroney government's child care strategy have been published by Susan Phillips, Derek Hum, Lisa Powell, Katherine Teghtsoonian and Martha Friendly.²² These focus on the specific debate surrounding the Tories' development of a National Child Care Strategy and the failure of their proposed child care legislation (Bill C-144) in 1988. Although these publications reinforce my own interpretation of the rationale behind the Conservative government's approach to questions of child care, as discussed in Chapter Seven, they differ from my own analysis in three ways. First, they do not take account of the extensive debate about child care and women's employment that preceded the attempts to develop policies in the 1980s.²³ Second, they examine child care as a discrete policy area, rather than one that relates directly to questions of women's employment. Finally, while they all focus on the Mulroney government's decision to circumvent the recommendations of the 1984 Task Force on Child Care, none addresses, in any detail, the Conservative's failure to take up the recommendations of the Royal Commission on Equality in Employment and integrate policies to promote employment equity with those of child care.

Even looking beyond the Canadian literature, very few studies of gender inequality in employment have examined how child care policies affect women's opportunities to pursue employment outside their homes. There are a few exceptions. Mary Ruggie's study of *The State and Working Women* compared the development of equal pay and child care policies in Britain and Sweden in the 1970s, using these policies to account for the greater degree of employment equality between Swedish men and women. Her comparison showed that while the British mode of liberal incrementalism led to fragmented policies, introduced primarily in response to market demands, Swedish corporatism stressed the importance of improving the general conditions that

shaped workers lives.²⁴ In addition, some feminist analyses of social policy in Britain and the United States have linked together analyses of family policy, child care provision and women's work.²⁵ Others have examined these problems in a comparative context looking at these policies in both Britain and Sweden.²⁶ In Canada, however, research linking these two issues has not been published to date.

Interestingly, case studies examining how particular countries have addressed the issue of women's employment inequality have tended to link questions about participation with those of remuneration, rather than with questions about child care.²⁷ While questions about participation and pay are important, the current emphasis in the Canadian literature means that studies which examine how governments have addressed employment inequality in terms of the gendered link between parenting and participation are thin on the ground. Although this pattern of research is understandable given the discrete historical development of policies concerned with child care and those concerned with women's employment, it unduly limits the development of a comprehensive analysis of the gendered dimensions of employment inequality in Canada.²⁸

Empirical evidence on the double-edged nature of employment inequality

The feminisation of the Canadian labour force

Why did women who engaged with second-wave feminism become so concerned about the gendered nature of employment inequality? After all, in the period with which this study is concerned, Canada experienced one of the fastest rates of labour force feminisation in the Western industrialised world.²⁹ Women's participation in the labour force became a permanent feature of Canadian society rather than a temporary phenomenon induced by singleness,

family poverty, war or what had been constructed as the desire of some middle-class women to earn 'pin money' over and above their husband's 'family wage.'³⁰ Indeed their earnings became a crucial component of household income.³¹ The proportion of women engaged in paid employment rose from 21 per cent in 1941 to 57 per cent by 1988. While women accounted for one-fifth of the labour force in 1941, by 1988 most women in Canada went out to work and collectively accounted for just under half (44%) of the country's total labour force.³² By contrast men's labour force participation rates declined by about 11 per cent over the same period (Figure 1.1).³³

As in other industrial societies, structural changes in the post-war economy of Canada encouraged this feminisation of the labour force. The decline of manufacturing industries and the concomitant growth of the tertiary sector meant that while industries which had traditionally attracted men closed down in the 1950s and 1960s, those demanding support skills that had long characterised women's traditional domestic roles expanded.³⁴ The phenomenon was by no means unique to Canada. Data from the Organisation for Economic and Cultural Development (OECD) demonstrate that throughout and, indeed, beyond this period the service sector proved to be the major source of net job creation throughout the industrial West.³⁵

Although employment opportunities opened up for women in both the public and commercial wings of the service sector, it was in countries like Canada, where welfare states were being established, that the growth in women's employment intensified most quickly.³⁶ Elizabeth Hagen and Jane Jenson have noted that the jobs created by these new welfare infrastructures were 'in the areas of care and social services that had long been associated in popular discourse on "feminine" talents.'³⁷ Moreover, as Caroline Andrew has argued, this means that even though women have serviced welfare states, 'they are not in the most

powerful positions. They are executants not deciders.'³⁸

Reflecting on the growth of service sector employment in the mid-twentieth century Hagen and Jenson noted that although 'women as a group had more employment opportunities open up for them than men,' the much trumpeted rise in women's employment was in the part-time sector of the labour force, which was increasingly dominated by women in all OECD countries (Table 1.1).³⁹ Even by the late 1980s, the service sector still accounted for over 80 per cent of part-time employment in Canada.⁴⁰ Moreover, the 1983 Report of the Commission of Inquiry into Part Time Work (CPTW) revealed that, while women account for 71 per cent of all part-time workers and 35 per cent of all full-time workers, men made up 28 per cent of the part-time work force and 65 per cent of the full-time labour force.⁴¹ The growth in part-time employment intensified the inequalities of employment opportunity that women experienced because, during this period, part-time employment was concentrated in the least skilled, lowest paid and most poorly organised sections of the work force, where benefits are usually more limited than in the full-time sector.⁴²

The occupational segregation of Canadian men and women persisted in both horizontal and vertical forms, leaving women disadvantaged in each case.⁴³ Cross-national studies within the OECD revealed how these patterns of occupational segregation between men and women intensified with the increased participation of women in the paid labour force.⁴⁴ The vast majority of female employees remained concentrated on the bottom rung of private companies and public sector organisations, where they were most often employed in low skilled and poorly paid occupations.⁴⁵ Although there was a significant increase in the proportion of women assuming professional and managerial positions in Canada in the 1970s and 1980s, the 1981 census revealed that in the country's ten leading occupations 75 per cent of the managerial and

administrative positions were held by men while 78 per cent of the clerical and related positions were held by women.⁴⁶

The net result of women's concentration in the part-time labour force and least skilled occupations was that as a group women earned considerably less than men. Although there has been a slight narrowing of the gap between men's and women's pay in the 1990s, the pattern remained fairly consistent throughout the period with which this study is concerned.⁴⁷ In 1988, when full-time and part-time work were considered together, women earned 55 per cent of the income earned by men. Even when full-time, full-year earnings were compared, women earned 65 cents for every dollar earned by men.⁴⁸

As in other advanced industrial countries the longer term feminisation of the Canadian labour force seems to be related, not only to the type of work that the service sector has generated, but also to the increasing flexibility that is demanded of its employees. Examining the changing composition of the female labour force in Canada, clarifies why women became such an attractive source of labour in an economy that increasingly demanded flexible and part-time work.

Table 1.1
Female Share of Part-Time Employment,
Major OECD Countries, 1973-1987 (%)

	1973	1979	1981	1983	1986/7
Canada	69.5 ¹	72.1	72.0	71.3	71.9
United States	68.4	67.1	70.3	66.8	67.6
Japan	60.9	69.7	67.3	72.7	73.3
France	82.1	82.0	84.6	84.6	82.2
Germany	92.4	91.6	93.8	91.9	90.3
Italy	55.4	61.4	64.1	64.8	64.2
United Kingdom	92.1	92.8	94.3	89.6	88.7
Sweden	88.0	87.5	84.5	86.6	85.9
Australia	79.6	78.8	79.0	77.8	78.2

Source: OECD,1985:16; OECD,1988:149.

Mothers at work and the increasing demand for child care

The most visible change in the composition of the female labour force in Canada in the period with which this thesis is concerned is the increased participation of women with young children.⁴⁹ Up until the 1940s women's employment had typically been constructed as a temporary stage between two phases of dependency even though, as Bryan Palmer has argued, this masked the reality of how many married, working-class women worked for pay.⁵⁰ However, the gendered demarcation between the public and private spheres broke down during the Second World War because so many women were drawn into the labour force. Although single women and married women without children were hired long before those who had children, the employment of mothers eventually became acceptable, particularly in the war industries where their labour was needed most. Indeed, as I discuss in Chapter Two, this process was officially sanctioned by the introduction of the 1942 Wartime Day Nurseries Act. This legislated for federal-provincial funding of child care spaces in Ontario, Quebec and Alberta in order to 'secure the labour of women with young children for the war industry.'⁵¹

Although there was some fluctuation in married women's employment during the late 1940s and early 1950s, when many younger married women temporarily left the workforce in order to raise their families, the war heralded an era in which married women's participation in the workforce would become a permanent feature of Canadian society.⁵² In 1941 only one in every twenty-five married women went out to work.⁵³ Twenty years later the ratio was one in five.⁵⁴ The pattern continued and by 1989, 60 per cent of married women in Canada worked outside their homes.⁵⁵ Moreover, in contrast to the immediate post-war period -- when ideas about the importance of maternal care of young children were ascendant -- the participation rate of young married women, who in many cases had infants and school-aged children, began to increase from the

early 1960s.⁵⁶

Despite these changes in female labour force participation rates, even by the 1980s women with dependent children still found it difficult to take up full-time employment. As the Commission on Part-Time Work noted, although 'both full and part-time women workers are likely to have children at home...a higher percentage of part-time workers do so, and this generalisation holds true for each and every age group and applies whether or not a spouse is present or absent.'⁵⁷ Although part-time work does not have to be undertaken by women it is, as Paul Blyton suggests, a 'working arrangement that many women have found particularly suitable' because their employment choices are restricted by the child care support to which they have access.⁵⁸ Although, as we shall see in Chapters Three and Six, some women who submitted briefs to the RCSW and the RCEE argued that part-time work offers positive flexibility to both mothers and employers, it is important to recognise that in many cases the acceptance of part-time employment by men and women is involuntary and simply reflects the type of work that becomes available. Moreover, as the research into the reasons why men and women take up part-time employment reveals, even when the decision is made by choice it is more frequently structured by family responsibilities for women than it is for men.⁵⁹

While the declining fertility rate amongst women clearly influenced their growing participation in the labour force, the fact remains that, increasingly, women who took up jobs outside the home were also the mothers of dependent children.⁶⁰ In the 1960s most female employees in Canada would leave the workforce when their first child was born and return only when their youngest child had entered school.⁶¹ However, by the 1980s most women with young children went out to work. By 1988, 62 per cent of women whose youngest child was under six and 68 per cent of those with school-aged children were working

outside the home (Table 1.2). Moreover, as Phillips and Phillips note, these proportions have continued to increase during the 1990s.⁶²

Table 1.2
Labour Force Participation Rates of Women by Age of Youngest Child,
Canada 1975-1988 (%)

Year	Under 3	3-5	6-15
1975	31.2	40.0	48.2
1976	31.7	40.9	50.0
1977	34.0	42.5	51.9
1978	37.6	46.1	54.3
1979	39.4	47.8	55.6
1980	41.7	50.1	58.2
1981	44.5	52.4	61.1
1982	45.3	53.7	62.3
1984	51.5	56.9	64.4
1985	53.5	59.5	66.2
1988	59.0	62.0	68.0

Source: Gunderson (1986:14); Canada, Treasury Board (1990:8).

In the period of time with which this study is concerned, women became permanent members of the industrial labour force. However, they still experienced significant levels of systemic employment discrimination that were not confronted by men. They still found it more difficult to insert themselves into full-time than part-time work. They remained concentrated in the least

skilled and lowest paid sectors of the work force, where opportunities for promotion were restricted and the likelihood of part-time employment increased. Furthermore, to a greater degree than men, they still had to juggle their employment with responsibilities for child care.

The double burden that women experience from juggling their employment while continuing to care for their children has been reinforced by the limited provision of subsidised child care spaces in Canada. Table 1.3 illustrates this problem by comparing the age, number and percentage of children of full-time working mothers who were served by licensed child care spaces in 1988. Although the table gives no indication of the level of informal child care, it does indicate the gap between the demand for child care and its provision in 1988.⁶³

Table 1.3
Age number and percentage of children
with mothers in full-time employment served by regulated child care
1988

Age of Children	Number of Children	% of Children
0-17 months	303,954	5.2
18 months - 3 years	320,716	11.6
3-6 years	652,922	23.4
6-13 years	1,634,010	3.6

Source: Canada, Health and Welfare Canada, 1988

Conceptual and theoretical contributions of this thesis

This thesis aims to make two important conceptual contributions to contemporary academic debates. First, it contributes to current feminist debates about the extent to which questions about gender equality and gender difference can be reconciled in public policy. Second, it highlights how the established literature on issue-raising has tended to overlook the multi-dimensional nature of potential policy issues.

Some important work addressing questions about gender equality and gender difference in specific analyses of employment policies has been carried out by feminist scholars in the United States, Australia and the United Kingdom.⁶⁴ This Canadian case study adds to that literature by linking the issues of equal employment opportunity and child care and by demonstrating how difficult it has been for women to insert demands about their specific circumstances into a policy discourse dominated by concepts of equal opportunity and anti-discrimination.

The thesis argues that to date the literature on issue raising has tended to see issues as unidimensional and uncontested. It highlights the multi-dimensional nature of potential policy issues by showing how *some aspects* of an issue can get structured into the policy process while others are structured out of it. Indeed the thesis shows that the issue of gender inequality in employment is multidimensional and has always been contested, not only in terms of how it should be understood, but also in terms of whether and how it should be addressed in the policy process.

Questions of citizenship in contemporary feminist theory

The focus on equal opportunity and child care is important for theoretical as well as empirical reasons because, in addition to filling a lacuna in the literature on how women mobilise around employment issues in Canada, it enables us to address some major concerns raised in contemporary feminist theory.

The first concern is whether equal employment opportunities are best realised through the development of policies that treat men and women in the same way or ones that acknowledge the different contexts in which they often assume paid work.⁶⁵ The crux of the problem has been clearly identified by Elizabeth Meehan and Selma Sevenhuijsen in their introduction to *Equality Politics and Gender*. They ask whether the social contract which underscores contemporary liberal visions of rights and citizenship is in fact a highly sexual contract with an inherently masculine view of rationality and autonomy that needs to be broadened in order to incorporate a vision of equality that takes women's interests into account:

Do feminists who argue that gender differences concerning moral reasoning and citizenship should be recognised run the risk of justifying the case of those who are against women's liberation? On the other hand, if feminists do not call for a recognition of differences, how can equality policies which assume the possibility of gender-neutrality in politics and at work, ever improve the lives of women who, by and large, are not in the same situation as men with respect to family obligations (and) the labour market?⁶⁶

The second issue that this study tackles relates to the centrality of employment in the construction of contemporary citizenship. As Carole Pateman notes, 'in the 'democratic' welfare state...employment rather than military service is the key to citizenship.'⁶⁷ Given the primacy of worker-citizenship in welfare states it is hardly surprising that feminist theorists have become increasingly concerned about how questions concerned with sex equality and gendered differences, in both the public and domestic spheres, are addressed

in policies designed to improve women's employment opportunities.⁶⁸ As Ruth Lister has argued 'if women are to enter full citizenship, it is going to require radical changes in both the 'private'...*and*...public spheres...*as well as* a challenge to the rigid separation between the two. In particular, the sexual division of paid and unpaid work...and the organisation of paid work...need to be recast.'⁶⁹

It is important to recognise that these concerns in feminist theory, though developed in response to the specificities of gender, are part of a broader discussion about the extent to which the ideals of universality and equal opportunity -- that lie at the heart of welfare state forms -- can be reconciled with the recognition of significant differences amongst members of any political community.⁷⁰ The feminist critique of this tension has a particular significance because the differences which it seeks to expose are rooted in a set of gender relations within the domestic sphere that liberalism has, historically, ignored. As Forbes has argued, 'while liberals draw a strict line between the pursuit of equality and the privacy of the family, the family is a battlefield for radicals and conservatives.'⁷¹ Indeed this strict division explains, *not only* why radicals and conservatives rather than liberals have brought the issue of the family into the domain of public policy, but also why scholars have found that issues concerned with role equity rather than role change have fared better in the public policy domain of both the United States and Canada.⁷²

The third debate addressed by the study of equal employment opportunity and child care policies is whether the encouragement of anti-discrimination policies within liberal democracies tends to overemphasise debates within the public sphere and, as a result, marginalise considerations of care that worker-citizens confront when they have to juggle family responsibilities with paid employment.⁷³ This is particularly evident in the way that policies to promote

equal employment opportunities amongst men and women have not fully addressed how the construction of women as mother-citizens, with key responsibilities in the domestic domain, impacts on the realisation of this policy objective. Joan Tronto makes the important point that:

notions of citizenship in the twentieth century embodied "the work ethic" as a public good. The work ethic, that one's rewards depend upon the amount of hard work that one does, starts from an assumption that people are ready and able to work, and that one meets one's needs by working. This image of what constitutes responsible human action misses entirely the care work that is necessary to keep human society functioning, except in so far as that work is also paid work.⁷⁴

The fourth question raised by my analysis is whether employment equality and anti-discrimination policies have been more successfully developed than those of child care because they can slot women into a male-defined norm of worker-citizenship. As Anna Orloff has noted 'just as the independent male householder serves as the ideal-type citizen in classical liberal and democratic theory, the male worker serves as the ideal citizen in the literature on social rights.'⁷⁵ Indeed, her perspective on patriarchy prompt three further questions about how we can reconstruct the concept of citizenship in a way that includes women. Do the rights and obligations attached to the concept of worker-citizenship adequately address the gendered differences in men's and women's employment opportunities and in their domestic responsibilities? How could the links between the public and domestic dimensions of men's and women's lives be acknowledged in employment policy in a way that reflects their interconnectedness rather than relegates them to artificially separate spheres? Finally, how can debates about citizenship be recast in a way that reflects both men's and women's experiences of political, social and economic life?

It has never been easy to acknowledge differences between groups while trying to promote equality amongst them, particularly as the options of

promoting equality and difference are so often paired dichotomously. This is unfortunate because as Joan Scott points out 'equality is not the elimination of difference and difference does not preclude equality.'⁷⁶ Indeed the case study that follows demonstrates how some aspects of gender discrimination in the workplace have been acknowledged in Canada through the introduction of anti-discrimination and employment equity policies which can be contained within the sphere of employment. By contrast, women have had more difficulty getting their proposals for policies which link questions of employment opportunity with those of child care absorbed into the federal policy arena. Indeed, I would argue that this is because they encourage awareness about how gender relations in the domestic sphere shape women's opportunities for employment. As Joyce Gelb and Marian Lief Palley have argued:

role equity issues are those policies which extend rights now enjoyed by other groups (men, other minorities) to women and appear to be relatively delineated or narrow in their implications, permitting policy makers to seek advantage with feminist groups with little cost or controversy. In contrast role change issues appear to produce change in the dependent female role of wife, mother, and homemaker, holding out the potential of greater sexual freedom and independence in a variety of contexts. The latter issues are fraught with greater political pitfalls, in turn creating visible and often powerful opposition.⁷⁷

The evidence in this thesis suggests that the political framework of liberal democracies is, in fact, a highly gendered political space, even though it takes on the semblance of gender-neutrality. Even though Canadian feminists have a long history of active engagement with the state, through a 'visible and articulate women's movement' which has successfully placed issues on the political agenda, the result, more often than not, has been that their demands have been contained within a limited set of reforms.⁷⁸ Indeed this problem reflects the growing concern amongst Canadian feminists about the extent to which women's issues are co-opted or institutionalised. As Barnsley has noted, this is a shorthand term for explaining, first, 'what happens to women's issues when the women's movement succeeds in getting the state and its various institutions to

respond - whether with legislative change or special programs or simply increased attention,' and, second, for identifying 'the process by which the state takes on women's issues, redefines them and compromises them, often beyond recognition.'⁷⁹

The central argument advanced in this study is that the restricted employment opportunities that women experienced in Canada during the period under investigation were not easily ameliorated because, contrary to the demands voiced by women, employment inequality came to be defined primarily in terms of the inequalities of opportunity *within* the public sphere of employment. While some gender discrimination has been eliminated, evidence of persistent inequalities suggests that these policies have not succeeded in redistributing employment opportunities between men and women. This is the result of a policy focus on ensuring the comparable treatment of male and female employees once they have entered the labour market, neglecting the inequalities of access and participation that many women experience if they continue or resume employment once they have dependent children.

Questions of issue emergence and construction

The question of how gender inequality in employment emerged in Canadian political debate and came to be addressed in the federal policy arena prompts some reflection on ideas about 'issue-raising' that were initially developed by theorists of community power. Their studies shed light on the way that 'the predominant values, rituals, beliefs and institutional procedures' in Canadian politics -- what Schattschneider once termed the 'bias' of any political community -- were mobilised to narrow down the demands voiced by second-wave feminists about the double-edged nature of gender inequality in employment.⁸⁰

During the 1950s and 1960s, when Canadian activists in human rights circles, labour organisations and, latterly, the feminist movement began articulating grievances about race and sex discrimination at work, an influential series of 'community power' studies were undertaken in the United States. These studies sought to explain why some issues fared better than others in the course of their transition from the political arena to the policy domain. Although these studies had been initiated, in the early 1950s, by sociologists who were concerned to identify the power elites that controlled the agendas of both national and local American politics, the debate intensified when Robert Dahl published his critique of the ruling elite model in 1958.⁸¹

Dahl argued that research into community power structures should be concerned not with identifying an elite, but with testing the openness of the policy making process by investigating who participated, gained and lost out at each stage of decision-making on a variety of key community issues.⁸² Indeed, this was a challenge that he and his colleagues took up in their studies of the politics of policy making in New Haven.⁸³ Their focus on actual decisions rather than presumed elites did seem to be a methodological advance over the previous elite studies. However, the pluralists were soon challenged by Peter Bachrach and Morton Baratz the 'neo-elite' theorists who argued that the pluralist focus on key community issues failed to take account of the way that elites could control policy agendas through a series of 'non-decisions' that encouraged the airing of relatively safe issues at the expense of more contentious ones.⁸⁴ Indeed, they argued that political analysts should be as concerned with the investigation of issues that fail to get onto the political agenda as with the fate of those that receive a hearing, a strategy that Matthew Crenson found particularly revealing when he compared the politics of environmental policy-making in two neighbouring communities.⁸⁵

As the community power debate evolved in the 1960s and early 1970s, scholars became increasingly divided over the appropriate methodology to use in identifying who gained and who lost out in the issue-raising and agenda-setting processes of the political communities under investigation. The result was a protracted and unresolved dispute about the most effective way of using these stages in policy development to identify power and powerlessness in local politics.⁸⁶ Fortunately, however, the publication of Steven Lukes's *Power: A Radical View* in 1974, enabled scholars to move beyond the behavioural paradigm in which their debates had become locked.⁸⁷

Lukes's critique extended the concept of power beyond the realm of identifiable grievances and observable actions to include the cultural and ideological forces at work in any society. These forces, he claimed, not only structure peoples' awareness of inequalities and their desire to challenge them, but also shape the conscious and unconscious responses of issue-raisers and policy makers. Thus he asserted that 'the bias of the system is not sustained by a series of individually chosen acts, but more importantly by the socially structured and culturally patterned behaviour of groups and the practices of institutions which may be manifest in individual actions.'⁸⁸ In short, Lukes claimed that it was essential to frame any analysis of the policy making process of a community in some understanding of how political culture shapes the construction of issues in both the political and policy arenas.

This study analyses how new policy questions, which women have raised during the second wave of feminism, were constructed by dominant political paradigms, social movements and the institutional framework of the Canadian federal state. It does not seek to analyse issue-raising and agenda-setting in the sociological manner of the community power studies. However, revisiting that debate reminds us how the emergence and construction of new policy issues is

shaped, not simply by the actions of activists who raise issues and the elites who make policy decisions, but by the political paradigms that are dominant at each stage of policy gestation. Indeed, recognising this helps us understand why some aspects of an issue get absorbed into the policy process while others are filtered out. Such insights seem particularly important, given the varying fortunes of the double-edged critique of gender inequality in employment that was advanced by women during the second wave of feminism. As I will demonstrate, one aspect of the critique (that which focused on eradicating sex discrimination in the public sphere), was absorbed into the policy process, while the other aspect (that which addressed the sexual division of labour in the domestic sphere), was deflected away from it. This, I argue, is most effectively understood not by identifying who was and was not able to control the policy agenda, but by understanding how the dominant political paradigms of worker-citizenship and equality of opportunity, as well as the institutional procedures of the Canadian federal state, shaped and narrowed policies concerned with women's employment opportunities. Indeed, it is to the very early stages of that process, which occurred well before the second wave of feminism took root, that I now turn.

ENDNOTES TO CHAPTER ONE

1. For an extensive analysis of Canadian women's treatment as a reserve army of labour during the Second World War see Pierson, 1977; 1983; 1986. For a more detailed discussion of the reserve army of labour thesis as applied to Canada see Connelly, 1978. For a discussion of the thesis and its relevance to questions of child care see Abbott and Young, 1989.

2. For a discussion of women's lobbying to improve women's employment opportunities within the federal public service and to create the Women's Bureau within the Department of Labour see Prentice et al., 1996:353. For analysis of the work of the Women's Bureau see Burt, 1993: 220. For a list of the policy changes made in this period see the Chronology in Appendix 1 and Morgan, 1988:9-10.

3. The term 'second wave' is used here to refer to the renaissance of organised feminism in the early 1960s, and to contrast this era of feminist organising with the 'first wave' in the late 19th and early 20th centuries. For a discussion of the contrast between these periods see Bashevkin, 1993:3-10, 16-31, Burt, 1994 and Prentice et al., 1996: 214-242, 414-438 and 455-436. The last citation is particularly useful in the way it points to the questions of diversity that have characterised the most recent stages of second-wave feminism.

4. See for example Adamson, Briskin and McPhail, 1988: 46-47; Fox, 1980; Morton, 1970; Luxton, 1982; Schultz, 1982.

5. For evidence of feminist arguments on the need to recognise women's responsibilities for child care see Hamilton who notes how 'essentially, children and work appear together in the feminist discourse of the past quarter century in two interrelated ways. First...feminists insisted that whatever else bearing and rearing children might be, in this society the activities constituted work. Second, they drew attention, as had never been done before, to the fundamental incompatibility between reproductive labour and child care, on the one hand, and paid work on the other, as well as to the profound consequences of this incompatibility' (Hamilton, 1996: 169-170). For an autobiographical account of this debate and the battles to achieve campus day care at the University of Toronto in the early 1970s see Conway, 1994:191-195, 217. For evidence of women having greater responsibility for child care than men see Phillips and Phillips, 1993:42.

6. For evidence of this link in British feminist arguments see Rowbotham, 1983:17-20; Rowbotham, 1989:182; Randall, 1996:485-486. For evidence of the link in American feminist arguments see Zaretsky, 1973; Schneir 1995:41-45; Friedan,

1983:385, 390, 392 and Firestone, 1970: 232-237, 269-274.

7. A poignant example of this distinction was evident in 1970. Ideological disputes within the British Women's Liberation Movement caused major rifts amongst activists present at its inaugural meeting in Oxford (Author's interview with Sheila Rowbotham, Brighton, England, February 1997). At almost the same point in time feminists in Canada were coalescing around ideological differences in order to respond to the Report of the Royal Commission on the Status of Women and pressure the federal government to bring about the policy changes it had recommended. For accounts of the ideological splits within the British Women's Liberation Movement see Rowbotham, 1990:64. For an account of the different ideological strands in second wave feminism in Canada see Adamson, Briskin, McPhail, 1988:61-88. For an analysis of the way Canadian feminists coalesced around ideological and regional differences see Bashevkin, 1993:23.

8. For an analysis of Canadian feminists willingness to engage with the state see Findlay, 1988a.

9. There is considerable evidence in the literature on the provincial focus of Québec feminists. One of the most poignant examples came early on in the movement when Québec feminists refused to join the trans-Canada Abortion Caravan because 'they denied the legitimacy of federal regulations' (Black, 1993:162). For an analysis that is more relevant to the questions addressed in this thesis see Bégin's analysis of Québec feminists role in the Royal Commission on the Status of Women. She notes that despite the links between the English Canadian and Québec wings of the women's movement in lobbying for the Commission, 'in Québec, women's associations were provincially oriented first' (Bégin,1992:24). In addition, in their analysis of the development of the National Action Committee on the Status of Women, Vickers, Rankin and Appelle note that most francophone feminists in Québec, whether federalist or sovereigntist, are committed to decentralisation of services. (Vickers, Rankin and Appelle, 1993:7). For a fuller discussion of English Canadian feminists' identification with the federal state see *ibid*:16.

10. The federal arena is also important, not only because the federal government has long been the single largest employer of women, but also because it has an interesting record of using employment policies either to contain social conflict or to acknowledge the symbolic importance of different groups of citizens in Canadian society. This was particularly true in the early stages of second wave feminism, emerging as it did at a time when the Royal Commission on Bilingualism and Biculturalism and the subsequent Official Languages Act had promoted the employment of francophones within the federal public service. For an analysis of this development see Waddell, 1986:88-92; McRoberts, 1997:79-84. For evidence of the federal government's significance as an employer of

women in Canada see Canada, 1970:105.

11. The only exceptions to this are (i) the 1942 Wartime Day Nurseries Act, which was introduced as an emergency measure to promote women's employment in the war industries and (ii) the 1995 Liberal government initiatives to subsidise child care for the working-poor. The Wartime Day Nurseries Act is discussed in Chapter Two, the recent Liberal government policy initiatives in Chapter Eight.

12. For analysis of the intellectual origins of the movement see Vickers,1992. For analyses of the social and political origins of the movement see Dumont,1992,1996; Black 1993; Bashevkin, 1993:19-31; Burt, 1994.

13. For an analysis of links between the human rights and labour movement in Ontario see Howe, 1991:790-793..

14. The term 'double ghetto' is taken from the title of Pat and Hugh Armstrong's book of that name and is used to depict how women not only get trapped in low paid jobs, but also have to work, unpaid, in the domestic sphere (Armstrong and Armstrong,1994). While the phrase helps us to understand how women's labour spans the public and domestic spheres it can mask the multiplicity of tasks that women usually perform in the home. These can include taking primary responsibility for housekeeping, child care, elder care and the organisation of family life.

15. Bourne, 1985; Prentice et al. 1996: 351-354. In Britain these connections were also being made by feminist historians. See, for example, Hall, 1982; Hall and Himmelweit, 1985.

16. They went on to note that 'most are agreed on the lengthy and complex nature of this historical development and on its connection, in the industrial period, with the removal of production from the household to the factory'(Light and Pierson, 1990: 209-210).

17. Armstrong and Armstrong, 1978, 1984, 1994; Phillips and Phillips 1983 and 1993; Wilson, 1982, 1986, 1991 and 1996. In the case of Wilson's monograph, the first two editions were entitled *Women, the Family and the Economy*. The title of the third and fourth editions was changed to *Women, Families and Work*.

18. In my own opinion this in part reflects the way that public policy analysis in Canada emerged as a subfield of political science: a discipline that, before the late 1980s, adopted a conventional notion of politics as an activity located in the public sphere. The pioneering work on women and politics in Canada was about their entry into mainstream political structures (Vickers and Brodie, 1981; Bashevkin, 1985; Brodie, 1985). Indeed, it took until the end of that decade for

Canadian women working in the field of public policy to broaden the focus of policy analysis in a way that incorporated questions traditionally associated with the private sphere (Phillips, 1989; Burt, 1990 ; Brodie, 1996a). For two recent critiques of the way that feminist approaches can enhance the study of public policy see Burt, 1995 and Phillips, S. 1996. Interestingly, in Britain research on the way that social policies shaped women's lives in the domestic and public spheres took root a little earlier (David, 1980; David and Land 1983; Pascall, 1986). In my opinion, this pattern is explained by the creation of distinct departments of social policy in British universities, the higher proportion of women faculty working in these departments than in those of political science, and the fact that these departments became a locus for feminist policy research in the mid-1970s.

19. The pioneering work in this field was carried out in the United States by Gelb and Palley, 1982. See also Diamond, 1983. For more recent and forthcoming publications showing how Canadian public policy structures both the public and domestic aspects of women's lives see Burt, 1997; Brodie, 1996; Phillips, S., 1996 and Boyd, 1997.

20. On the development of sex discrimination legislation see Cook and Eberts, 1976. On the development of equal employment opportunity and employment equity policies see Agocs, 1986; Burt, 1986b; Cohen, 1985; Jain, 1979, 1981; Jain and Sloane, 1981; Marsden, 1985; McDermott 1996; Timpson, 1994; Weiner 1993; Weinfield, 1981. On the development of child care policies see Bach and Phillips, 1997; Baker, 1990a, 1990b, 1994, 1995; Baker and Harder, 1990; Chénier and LaBarge, 1984; Eichler, 1983; Friendly, 1994; Hum, 1989; Krashinsky, 1977; Mahoney, 1984; Phillips, 1989; Powell, 1992; Prentice, 1997; Teghtsoonian, 1993; Friendly and Oloman, 1996.

21. Pierson, 1986:49-61; Friendly, 1994:129-139; Baker, 1995:196-203. Work on Ontario demonstrates the provincial emphasis in literature about child care prior to the mid-1980s. Sue Colley analysed the early attempts of child care activists to work through the Ontario Federation of Labour to ensure that questions about child care were placed on the provincial political agenda in the early 1980s (Colley, 1983). Susan Prentice analysed the Canadian Communist Party's involvement in the fight to keep day nurseries open in Toronto at the end of World War II (Prentice, 1992). Although Krashinsky's econometric analysis of day care policy in Ontario and Abbott and Young's article on the extent to which Ontario's child care policies reinforce the reserve army of labour thesis both address the link between women's employment and child care in Ontario, neither examined how questions about child care were built into national debates about women's opportunities for employment (Krashinsky, 1977; Abbott and Young, 1989). Further analysis of Ontario's child care policy in this period can be found in Lind and Prentice, 1992:96-97.

22. Phillips, 1989; Hum, 1989; Powell, 1992; Teghtsoonian, 1993 and Friendly, 1994:160-178.
23. Baker and Friendly do however describe the early stages of federal involvement in child care during the 1960s and 1970s. See Baker, 1995:196-202; Friendly, 1994:136-39.
24. Ruggie, 1984. Colwell reinforces Ruggie's argument, taking a slightly different perspective and noting how 'contrasted with [the] conception of the autonomous family is the notion of social solidarity, enacted in the Scandinavian countries as well as France and Germany. In this notion the family is the core of the community, contributing to and benefiting from the inclusive social service provisions' (Colwell, 1995:173).
25. In Britain see David, 1980; David and Land, 1983; Pascall, 1986; Beechey and Whitelegg, 1986; Maclean and Groves, 1991; Lewis, 1992b. In the United States see Diamond, 1983.
26. Ungerson, 1991; Lewis, 1992a.
27. Evidence of this claim can be found in the work of Buckley and Anderson, 1988; Clarke, 1994; Hunt, 1988; Meehan, 1985; Mephram, 1974; Ridell, 1985; Ruggie, 1984; Fudge and McDermott, 1991. The only exceptions I have located are Diamond, 1983; Cohen and Clarke, 1986; Franzway, Court and Connell, 1989.
28. In many industrial countries child care policies have been developed throughout the twentieth century as part of a broader welfare strategy to assist welfare dependent mothers (Chénier and LaBarge, 1984; Dominelli, 1991). By contrast employment equality policies have emerged as part of a recent set of social policies to eradicate workplace discrimination against identifiable target groups (Bacchi, 1996).
29. Bakker, 1988:19.
30. The term 'pin money' was a colloquial phrase, designed to insinuate that women's earnings were for the purchase of goods beyond those considered essential for the family's maintenance. By contrast, the term 'family wage' was a term coined in the period following the Second World War to describe the pay men needed to earn to maintain their whole family. For further discussion of the concept see Land, 1980.
31. Organisation for Economic and Cultural Development (OECD), 1979:3; OECD, 1985: 11.

32. Source for 1941 data: Prentice et al., 1996:422-423. Source for 1988 data: Canada, Labour Canada, 1990:11. Labour force participation rates are based on the number of people in the total labour force divided by the number in the working age population.

33. The decline in male labour force participation rates can be explained by a number of factors including longer periods spent in full-time education, an increase in occupational pensions, the introduction of early retirement schemes and the discouraged worker effect that occurs in periods when the labour market slackens (Blyton, 1990:370; OECD, 1980:21).

34. Hagen and Jenson, 1988:8. For a more general discussion of the post-war boom in the service sector see Gershuny and Miles, 1983:121-130.

35. OECD, 1985:19.

36. For discussion of this argument in relation to Scandinavian countries see Hernes, 1987:78-84; Borchorst and Siim, 1987:134-137.

37. Hagen and Jenson, 1988:8. Although it is the public sector that has become the most female intensive over time, even in countries where the level of state employment is relatively low women have been drawn into the human services (OECD, 1985:14). As Paukert notes 'in the United States in 1980 nearly 30 per cent of the 40 million women in the labour force worked in human services compared with only 10 per cent of the 53 million men...between 1940 and 1980 the social welfare industry created jobs for one out of every three women entering the labour force, but only one out of every seven men' (Paukert, 1984:49).

38. Andrew 1984:676.

39. Hagen and Jenson, 1988:8. For a discussion of women's increasing assumption of part-time work in the period between 1973 and 1981 see Bakker, 1988:20-22.

40. This pattern was repeated in many other OECD countries (OECD, 1985:1).

41. Canada, Labour Canada, 1983:46.

42. Hagen and Jenson, 1988:5. The 1983 CPTW showed that amongst part-time workers (i) the level of unionisation was half that of people working full-time (Canada: Labour Canada, 1983:73); (ii) the average hourly wages were consistently lower than those of full-time workers (ibid.:77).

43. Canada, 1984:62-71. Segregation is labelled 'horizontal' when women and men work in different occupations and 'vertical' when both sexes work in the same broad occupational category but each sex predominates at a different level (Meehan, 1985:11).

44. OECD, 1985:56.

45. On women's employment in the lower echelons of public sector organisations see Andrew, 1984:77. On the cumulative impact of women being concentrated in low paid and low status work see Bakker, 1988:31; Blyton, 1990: 375; Hagen and Jenson, 1988:9; OECD, 1985:17, 55-56; Rowbotham, 1973:87.

46. Canada, Royal Commission on Equality in Employment, 1984:63.

47. See Phillips and Phillips, 1993:50.

48. Abella, 1985:6.

49. Gunderson, 1986:12-14. See also Phillips and Phillips who show that 'by 1991 all traces of the reproduction function had disappeared with [female labour force] participation rates peaking in the major family-rearing age categories, 25-44' (Phillips and Phillips, 1993:35).

50. Palmer, 1992: 325.

51. Pierson, 1986:53.

52. The early data on women's employment patterns do not distinguish women who had children from women who did not. Instead they classify employed women as single or married, assuming in the latter case that they may well have children. In the first part of this section of the analysis it is necessary to use 'married women' as a blanket term for women with children. For a discussion of the Second World War as the beginning of an era in which women would become permanent members of the labour force see Armstrong and Armstrong, 1984: 21; OECD, 1985:24; Hagen and Jenson, 1988:3-4; Prentice et al., 1996:349.

53. Prentice et al., 1996:351..

54. Ibid.

55. Canada, Treasury Board, 1990:8. As Prentice and her colleagues demonstrate the proportion of married women in the labour force rose from 12.7 per cent in 1941 to 64.4 per cent by 1991 (Prentice et al., 1996:355).

56. Gunderson, 1986:12. For an analysis of the rise of this maternal ideology in the post-war in Britain period see Riley, 1993:150-196.
57. Canada, Labour Canada, 1983: 52.
58. Blyton 1990:371.
59. Canada, Labour Canada, 1983:53; Canada, Labour Canada, 1990:29. It should be noted that research about the relationship between men's and women's employment and care has recently been broadened to address the problems posed by the demands of caring for older, dependent relatives. For discussion of the way that women's and men's labour force participation in Canada has been affected by elder care see Lipovenko, 1994; Shahid, 1995 and Hoskins, 1996. Lipovenko notes that 'raising young children has largely fallen on the shoulders of working mothers, looking after the elderly is cutting across both sexes' (Lipovenko, 1994:A5). Moreover, Hoskins notes that 'the pincer effect of caring for two generations at the same time does not affect men as much as women, as it is very rare for men to carry the main responsibility for childcare' (ibid:32).
60. The fertility rate is defined by the number of children per woman. On the increased labour force participation of women with young children see Gunderson, 1986:14.
61. Ostry, 1968:19.
62. Phillips and Phillips, 1993:34-35.
63. Kristine Colwell notes that 'children in informal child care arrangements account for 80 per cent of all child care used by parents in Canada' (Colwell, 1995: 169).
64. Scott, 1988; Bacchi, 1990; Lister, 1993.
65. See for example Scott, 1988; Bacchi, 1990:108-179. The project is far from straightforward because the identities of women and men are shaped, not only by their sex, but also by the way this factor interacts with a whole range of intervening variables such as class, race, religion, family responsibilities, age, health, sexuality, mental and physical abilities and personal sense of efficacy.
66. Meehan and Sevenhuijsen, 1991:2. For an additional argument about 'the sexual contract' that underscores liberal democratic states see Pateman, 1988.
67. Pateman, 1989:186.

68. See Brodie 1996a:18-21, 1996c, 1997; Siim, 1991; Hernes 1987:78-84, 1988a, 1988b.

69. Lister, 1993:13.

70. Hall and Held refer to this as the 'irreconcilable tension' between the ideals of equality and universality embodied in the concept of citizenship (Hall and Held, 1989:17). For an analysis of the 'false universalism' that overlooks how the concept of citizenship is highly gendered see Williams, 1992:206. For an analysis of the way universalising concepts of multiculturalism can encourage the non-recognition or *misrecognition* of differences amongst members of a political community see Taylor: 1994.

71. Forbes, 1991:12. While radicals assert that the recognition of gender difference is necessary to ensure the equal freedom of both sexes, conservatives use arguments about difference as a basis for ensuring that natural, innate differences between the sexes (and the cultural construction of these differences) are encoded in public policy.

72. Gelb and Palley, 1982; Burt, 1986a:139-156, 1990:26; 1993.

73. See Okin, 1989: 110-133, 175-180.

74. Tronto, 1993:165-166. She goes on to note how 'it is from the work ethic that the distinctions of public and private worth begin to emerge, that autonomy is associated with worthiness, etc.. The moral boundaries that surround a world constituted by the work ethic cannot recognize the importance of care' (ibid.).

75. Orloff, 1993:308. In advancing this analysis, Orloff is particularly concerned to recast the three dimensions in Esping-Anderson's typology of welfare states so that a gendered dimension is built into each of them. She argues that the state-market dimension in his analysis should be expanded to become a state-market-family relations dimension so that 'the families' contributions to welfare and the political importance of the family-state division of welfare labor are taken into account'(ibid.:322). Orloff claims that the second dimension in Esping-Anderson's typology -- that of stratification -- is 'elastic enough to incorporate gender. However, she feels that the social citizenship/decommodification dimension needs to be gendered so that (i) some analysis is made of the extent to which social policy is sensitive to women's needs and (ii) the gendered nature of caring work is built into the analysis' (ibid). For full details of Esping-Anderson's typology see Esping Anderson, 1989:25-27, 1990:9-143 .

76. Scott, 1988:138.

77. Gelb and Palley, 1982:7-8.

78. Findlay, 1988:9.

79. Barnsley, 1988:18.

80. Schattschneider, 1960:71

81. For key examples of elite studies, focusing on local and national politics see Hunter, 1953; Mills, 1956. For Dahl's critique of this model see Dahl, 1958.

82. Indeed Dahl argued that the elite theorists had misrepresented the true nature of American politics because they assumed that partially covert and socially cohesive elites controlled the policy process at national and local levels. Moreover, he challenged the results of their studies, arguing that they had never tested the actual (rather than reputed or positional) power of their carefully identified elites by identifying who made and benefited from decisions on key community issues. Dahl put forward his case in the following way: 'I do not see how anyone can suppose that he has established the dominance of a specific group in a community without basing his analysis on a careful examination of a series of concrete decisions. And these decisions must either constitute the universe or a fair sample from the universe of key political decisions taken in the political system' (Dahl, 1958:466).

83. The pluralist side of this debate was maintained by Dahl and his colleagues in their extensive analyses of the politics of New Haven (Dahl, 1961; Polsby, 1963; Wolfinger, 1963, 1971a, 1971b; Merelman, 1968.) These studies sought to assess the openness of the policy-making process in New Haven by investigating who participated, gained and lost out at each stage of decision-making on a variety of key community issues in the spheres of education, party leadership and urban renewal, three policy areas that embraced the social, political and economic spheres of local politics (Dahl, 1961:332-337). The results showed that far from being dominated by a core elite, the policy process in New Haven involved and benefitted a range of actors. They also indicated how 'shifting coalitions of participants, drawn from all areas of community life, actually controlled local politics' (Merelman, 1968:451). Hence the researchers concluded that pluralism was alive and well in American cities because the policy process was open to the representation of a wide variety of interests and to those groups of citizens who chose to participate in local politics (Dahl, 1961:163-165; Polsby, 1963:122-138).

84. The neo-elitist critique was advanced, initially, by Peter Bachrach and Morton Baratz in two articles entitled 'The Two Faces of Power' and 'Decisions and Non-Decisions,' both of which challenged pluralist conclusions about the openness of the policy-making process (Bachrach and Baratz, 1962, 1963). In a subsequent study of poverty politics in Baltimore they challenged the pluralist assumption

that non-participation was rooted in apathy, arguing that it could be induced by political inefficacy or the fear of anticipated reactions (Bachrach and Baratz, 1970). The term 'neo-elite' was, in fact, coined by Richard Merelman in his article 'On the Neo-Elitist Critique of Community Power,' where he identified the three schools in the community power debate as being characterised by elite, pluralist and neo-elite critiques of power (Merelman, 1968). The neo-elite critique was one that Merelman described as 'reliant on the notion of non-decision making' which, to him, was an attempt to 'prop up the elitist Humpty Dumpty on a more substantial wall of theory than the one from which he had previously tumbled' (ibid.:451).

85. Crenson, 1971.

86. Scholars engaged in this debate well after the initial community power studies were conducted. In the United States this is evident in the work of Bachrach and Baratz, 1975 and Gaventa, 1980. In Canada it is evident in the critique of Young, 1978 and the work of Rayside, 1991. In Britain it is reflected in publications by Parry and Morriss, 1974; Bradshaw, 1976; Jordan, 1990; Smith, 1990; Dowding, Dunleavy, King and Margetts, 1995. While the debate has been continued, in Australia by Heady and Muller, 1996, in New Zealand it has influenced writing by Debnam, 1975a, 1975b and McLeay, 1990.

87. It is important to note here that although the debate between pluralist and neo-elite theorists of community power did become locked in this behavioural paradigm, the initial work by C. Wright Mills sought to identify the structures of power in American Society (Mills, 1956). While Lukes' analysis pushed the debate about power into a new theoretical domain, his graduate student, John Gaventa, took the analysis further by using it to frame his case study of *Quiescence and Rebellion in an Appalachian Valley* (Lukes, 1974; Gaventa, 1980).

88. Lukes, 1974: 22.

**GENDER, CITIZENSHIP AND EMPLOYMENT OPPORTUNITY IN
THE WARTIME AND WELFARE STATES
1940-1966**

Although considerable attention has been paid to the way that social and political developments in the late 1950s and early 1960s encouraged the emergence of second-wave feminism in Canada, there has been little discussion of the longer-term factors that influenced women's growing concerns about the gendered nature of employment.¹ In this chapter, therefore, I consider how women's initial demands to enjoy equal employment opportunities with men were shaped, not only by their recognition of the rapid fluctuations in their employment opportunities during, and immediately after, the Second World War, but also by the state regime and the new discourse on worker-citizenship that accompanied the construction of Canada's post-war welfare state.² While the first of these two factors encouraged women to voice their sense of employment discrimination, the second constrained the way in which they were able to do so.

This chapter is designed to provide a historical context in which to situate the demands voiced by women in the early stages of second-wave feminism. It shows how the human rights and labour movements, that were ascendant in the 1950s, shaped general perceptions of employment discrimination and inequality. In particular, it demonstrates how the campaigns of activists in these social movements to ensure that workplaces were free from racial discrimination shaped, and in many respects narrowed, the framework in which women's subsequent demands for workplaces to be free from sex discrimination came to be addressed in the early 1960s, and beyond. In so doing, the chapter not only

contributes to the literature on women's employment during the 1950s, but highlights the need for scholars concerned with debates about women's rights at work to look more closely at this period.³

This chapter demonstrates that although feminist activity around questions of employment inequality was relatively dormant in the era of post-war reconstruction, the social movements that were ascendant in the 1950s profoundly affected the framework in which questions about women's rights at work were subsequently argued out. I show how these social movements espoused a paradigm of worker-citizenship that saw the equal treatment of all male workers as a key objective. Moreover, I argue that the dominance of this view meant that it then proved very difficult for women who became active in the second wave of feminism to gain recognition of the way that innate or culturally constructed differences between men and women could shape their employment opportunities.

It is not surprising therefore that Gail Cook and Mary Eberts, two of the first people in Canada to write about the development of equal employment opportunity policies for women note that the 'enactment of equal opportunity legislation for women in Canada was accomplished by broadening the provisions of existing human rights legislation so that sex and, in some cases, marital status became "prohibited grounds of discrimination," along with the older grounds of race, religion (and) national origin.'⁴ They are accurate to draw attention to the fact that human rights and fair employment legislation provided a framework for developing measures to eradicate sex discrimination in employment. However, their claims that sex and marital status were simply added to existing legislative frameworks, designed to reduce racial discrimination, fails to explore how this process was contested by arguments amongst the human rights, labour and women's movement activists who competed to define both the nature of

employment discrimination and the way in which the problem should be solved.

From an early stage in political debate, the problem of women's restricted employment opportunities was addressed within a broader set of campaigns, which sought to ensure that workers were free from employment discrimination so that they could enjoy the full benefits of social citizenship. The concern with extending worker-citizenship through the eradication of workplace discrimination meant that the public dimensions of the problem were highlighted at the expense of addressing how the domestic dimension of many women's lives can constrain their opportunities for employment. Moreover, as questions about gender difference had already been addressed within the protectionist measures that unions secured for women in the early twentieth century, they were considered to have been dealt with and were overlooked in efforts to achieve universal employment rights.⁵ Very little attention was paid either to the question of whether men and women were differently situated with respect to employment or to whether policies that encouraged their equal treatment within the public sphere provided an effective means of addressing all facets of gender inequality in employment.

Outline of the Chapter

The chapter is divided into four main parts. The first reviews the existing evidence on women's contribution to the war effort and discusses the effect this had on women's sense of themselves as citizens. I argue that having fulfilled their duties as citizens, by participating in the military, civilian and volunteer work forces during the war it was contradictory for women not to be included (in an active form) in the post-war construction of worker-citizenship that underpinned the welfare state.⁶ The second part shows how this became increasingly problematic not because women were the passive recipients of state

welfare, but because the emergent Canadian welfare state increasingly relied on women to provide its services.⁷

The third part of the chapter examines how activists in the human rights and labour movements -- that were ascendant in the 1950s -- argued that men should be free from racial discrimination, in order to fulfil their duties as worker-citizens by earning a family wage and paying taxes to underwrite the welfare state. The final part of the chapter examines the arguments raised by women who became active in labour movement politics and in the political campaigns associated with the early stages of second wave feminism. It emphasises how their analysis of gender inequality in employment and the remedies for sex discrimination at work differed from the dominant ideas in the human rights and labour movements, because they argued that a recognition of some gender differences was essential to ensure that women could enter into the paradigm of worker-citizenship on equal terms with men. In particular, they argued that unless attention was paid to the provision of child care for working women, gender equality in the workplace would never be achieved.

Fluctuations in Women's Employment During and After the War

Rapid changes in female labour force participation during the war

The Second World War fundamentally disrupted the patterns of women's work. Although some women had worked for pay long before the war, their employment outside the home had typically been regarded as an activity that was undertaken either by young single women at 'a stage in the life cycle between two stages of dependency' or by spinsters, divorcées and married working-class women who had restricted means of financial support.⁸ However, with the onset of the war, female labour force participation rates began to escalate as more and more women, regardless of their class, race, religion or marital status, took up employment outside their homes.⁹ When hostilities broke out in 1939, just

under a quarter (24.4%) of Canadian women went out to work. Six years later, when the war ended in 1945, a third (33.2%) of adult women in Canada had joined the labour force. Indeed when women's wartime employment peaked in the autumn of 1944, one million women were working full time.¹⁰

Historical research on this period has revealed the extent to which women not only took up paid employment in both the military and civilian spheres, but engaged in extensive voluntary labour in urban and rural areas. Indeed it is well recognised that although women were constructed as a back up -- some would argue reserve -- army of labour, they conducted work that was critical to the war effort.¹¹ Moreover, because women made bombs, built ships, trained air crews, staffed the public service and met farm production schedules on time, they debunked the long established myth that such jobs could only be done by men.¹²

Although the war did not herald an era of debate about equal employment opportunities for men and women, it did create the conditions in which 'the socially structured and culturally patterned' behaviour of both men and women changed with respect to employment.¹³ Significant changes in the patterns of women's employment meant that the 'cult of true womanhood,' which had long correlated feminine fulfilment with domesticity, lost some of its ideological hold as the gendered demarcation between the public and private spheres broke down and women took on work which had, until then, typically been carried out by men.¹⁴ Indeed, as they did so in increasing numbers, the possibility that women could assume a status in the labour force that was equal to that of men began to emerge.

This climate of change intensified as women's participation in the labour force increased and the idea that they were only suited to the full-time care of their children was called into question. Although married women without

children were encouraged to join the civilian war effort during the early part of the war, it took longer for traditional assumptions about women with young children not working outside the home to change. However, as hostilities intensified, and the demand for female labour increased, the labour force participation of mothers with young children was officially sanctioned.

Official encouragement for women with young children to enter the labour force

The 1942 Wartime Day Nurseries Act remains the only piece of legislation that the federal government has ever implemented to promote the employment of mothers with young children. It was, essentially, a fiscal initiative whereby the federal government agreed to the joint federal-provincial subsidisation of child care facilities for women working in critical wartime industries.¹⁵ The federal and provincial governments split the operating costs of new child care units and ensured that 75 per cent of the newly funded child care spaces were allocated to women who were working in high priority industries. Designed to facilitate the employment of women with young children in the major war industries, the Act indicated how, in a period of global crisis, the civic responsibilities of mothers could be redefined beyond the domestic sphere.¹⁶

Even though the Wartime Day Nurseries Act proved to be a short-term measure, to ensure that the war industries were adequately staffed, I would argue that its very existence enabled women to question previous assumptions that their roles as full-time mothers and homemakers were 'natural and unchangeable.'¹⁷ Moreover, although the Act was a temporary measure it set important precedents that, as will become clear in Chapters Four, Five and Seven, influenced the shape of child care politics in the 1970s and 1980s. First, the Act legitimised federal government involvement in the provision of a service that constitutionally was deemed to be an area of provincial jurisdiction. Second, it created the idea that the federal government could use its spending

powers to work with the provinces to finance the provision of child care. Third, it temporarily disconnected the links between child care provision and welfare support and in the process set a clear precedent for federal involvement in the development of child care provision to facilitate women's entry into the paid labour force.¹⁸

Wartime Employment and Female Citizenship

Although the way in which the war became a major turning point in the history of women's work has been extensively analysed by historians, the impact of this process on women's sense of themselves as citizens has not been fully explored. This is surprising because there has been extensive analysis of the way that women's assumption of civic duties during the First World War led to their being awarded the federal franchise towards the end of it.¹⁹ Moreover, even though women undoubtedly had mixed motives for joining the armed, civilian and voluntary labour forces during the Second World War, the advertisements calling on them to do so clearly tried to appeal to their sense of civic responsibility.²⁰

The connection between women's participation in the war effort and their status as citizens was entirely in keeping with the dominant understandings of citizenship that were prevalent at the time. As Pateman has argued, until the end of the Second World War the dominant perception of civic duty was still framed in terms of a man being prepared to participate in armed conflict in order to defend his country.²¹ During the war women were absorbed into this paradigm. The mottoes of the women's divisions in the military, and the advertisements calling women to participate in war industries and voluntary programs, all signified women's service to their country through participation in the military.²² Even though women did not engage directly in armed combat, they were encouraged to assume the responsibilities of 'worker-citizens', and to

do so in a way that clearly linked their participation in the war effort with that of male 'fighter-citizens.'

Women's participation in the war effort meant that they fulfilled their duties as citizens in a way that transgressed well established gendered divisions and broke down the rigid demarcations between the public and domestic spheres. This was true with respect to the work that women undertook. It was also reflected in the fact that less than half way through the war governments encouraged mothers with young children to enter the paid labour force. Both these factors undermined long held assumptions that the primary duty of a married female citizen was to attend to her maternal responsibilities.²³ Indeed women effectively took on female and male roles as citizens, because they maintained their family responsibilities while assuming paid work that had previously been done by men. It is hardly surprising, therefore, that a latent contradiction was set in place when women were not able to enjoy the political, social and economic benefits of worker-citizenship in the same way as men once the war was over.

Female Citizenship and the Advisory Committee on Reconstruction

Women's active participation in the war effort was eventually acknowledged by the Advisory Committee on Reconstruction when, two years into its existence, it established a special subcommittee to examine the post-war problems of women. Set up in June 1943, the subcommittee was a product of women's organisations exerting pressure on the federal government to address the problem of redeploying those women who had worked in the war industries.²⁴ In fact, the subcommittee was given a broader mandate 'to examine the problems relating to the re-establishment of women after the war and to make recommendations to the Committee on Reconstruction as to the procedure to deal with the problems and other matters relating to the welfare of

women in the period of reconstruction.²⁵

The subcommittee's report -- entitled *Post-War Problems of Women* -- had two guiding principles, both of which were crucial at a point when the concept of worker-citizenship was about to supersede previously held notions about fighter-citizenship. The subcommittee held that women should be allowed to make a clear choice either to return to the domestic sphere or to continue in paid employment. While it assumed that 'marriage and a post-war baby boom would greatly reduce female unemployment' it also argued, on principle, that because 'in the work and sacrifice of the war years women have played their full part as responsible citizens (they) expect to be treated as such in the coming years.'²⁶ Indeed, the subcommittee concluded that 'women's war work entitled them to the same possibilities as men for post war training and employment and that each woman should have the right to choose her work and obtain the same remuneration, working conditions and opportunities for advancement as those of men.'²⁷ However, despite the clear enunciation of these principles, a series of 'non-decisions' meant that they were not reflected in the final Report of the Advisory Committee on Reconstruction in Canada.²⁸ This recommended that women should be encouraged to leave the industrial workforce and make room for men who were returning from active military service.²⁹

The subcommittee called for 'immediate preparations to increase employment opportunities for women.'³⁰ However, it also 'deferred to the contradictory principle of male economic primacy' by endorsing the recommendations of the 1943 Marsh Report on Social Security for Canada.³¹ This called, amongst other things, for the introduction of cash-based family allowances, made payable to the mothers of dependent children.³² As Pierson notes, Marsh argued that 'social security benefits for wives should be dependent on "recognition of the husbands as the chief wage-earner" and that a system of

children's allowances should be paid to mothers as a way of promoting motherhood and mothers' individual rights.'³³ In effect, this aspect of the subcommittee's recommendations seemed to revert to the maternalist agenda of early twentieth century welfare reformers who had valorised caring work and motherhood as the primary civic duties of women.³⁴ However, although it reflected a wider process of constructing women as dependent both on the male 'family wage' and the benefits that derive from a welfare state, the pattern did not hold for long, particularly once women were drawn back into the labour force in the 1950s to staff the burgeoning service industries and the welfare state.

Women's Employment Immediately After the War

Although I have argued that women's participation in the war effort proved to be an important turning point in the development of female citizenship, the evidence of this was not immediate in Canada. Though less dramatic than in some other industrial societies, the immediate post-war period witnessed a reduction in female labour force participation rates, as the women's divisions of the military were disbanded and the female labour force cut by 9 per cent.³⁵

While this dip resulted, in part, from the conscious choices of some women to (re)turn to the domestic sphere, it also reflected the way that women were laid off from the war industries, demobilised from the military and -- if they were married -- barred from certain areas of employment.³⁶ In the immediate post-war period 80,000 women were laid off from the war industries in order to open up jobs for men who were returning to the civilian labour market in search of work.³⁷ Although women leaving the military were offered further education and training, they typically failed to qualify for the veterans' preference scheme in the public service because, in most cases, they had not served overseas.³⁸ Moreover, married women who had been employed in the federal public service found it difficult to maintain their posts as marriage bars were reintroduced after

the war and not completely removed until 1955.³⁹

The decline in female labour force participation rates was linked to the post-war rise in marriage and birth rates, which reflected the fact that men and women were relieved to be able to re-establish a greater degree of personal and domestic stability once the war had ended.⁴⁰ However, this process also encouraged a resurgence of family-centred ideology, clearer demarcations between the domestic and public spheres, the reassertion of the links between femininity and domesticity, together with renewed assumptions that men were natural workers who needed jobs in order to earn a family wage.⁴¹

Women's centrality in the domestic sphere was reinforced by the reduction in state-subsidised child care. The Québec government discontinued its participation in the Wartime Day Nurseries Agreement in October 1945 and, despite protest, the federal government rescinded the legislation in June 1946.⁴² This decision not only terminated federal funding agreements with the governments of Ontario and Alberta, but also ended a brief legislative recognition of the link between child care and women's employment that has never been re-established.

The post-war reduction in women's opportunities for employment generated concern that women had been treated as a reserve army of labour to be lured into and then pushed out of the workforce as the need arose. Having crossed the threshold of the public workplace and been employed in occupations that had, until then, only been deemed suitable for men, significant contradictions arose when women were encouraged to return to their home fires in order to make room in the post-war labour force for men who had been away on active military service. Articles in *The Canadian Forum* and in *Maclean's* pointed to the double standards of hiring women for temporary war time work, only to replace them

with men once the fighting had ceased.⁴³ Critics also questioned the legitimacy of reinforcing a marriage bar for women in the public service once the war was over.⁴⁴

Concern about women's restricted employment opportunities and their experience of sex discrimination in the workplace was not pushed onto the political agenda solely by wartime and post-war fluctuations in women's work. Although these rapid changes certainly raised questions about whether women had been treated as a reserve army of labour, the reduction in female labour force participation rates also had significant implications for women's status as citizens. This was particularly true in an era when a new discourse on social citizenship, built around concepts of full employment, was taking root in Canada, and indeed in many other liberal democracies that were engaged in the creation of welfare states.

Post-War Reconstruction: Social Citizenship and the Welfare State

It is now well established that the duties and rights attached to citizenship changed fundamentally in many western democracies as the concept of social citizenship took root in an era of post-war reconstruction. At the core of this concept was the idea that the rights of citizenship should be extended beyond the legal and political domain, so that all members of a political community could enjoy an equal set of social and economic rights.⁴⁵ In Canada this change became manifest in the decision to construct a post-war welfare state that was designed to free citizens from the threat of poverty that had gripped the country during the Depression of the 1930s.

The creation of welfare states led to a fundamental change in both the duties and rights attached to citizenship. Indeed it was because the contributory principle formed the link between work and welfare that 'paid employment

became the key to citizenship in the democratic welfare state.⁴⁶ The status of the male citizen was therefore transformed from that of 'citizen-fighter' into that of the 'citizen-worker' who, on the grounds of participating in the labour force, was entitled to reap the benefits of social citizenship entrenched in the new welfare state. Indeed, the real hope that was embodied in the Keynesian vision that inspired the development of a welfare state in Canada was that full employment would be maintained so that citizens could ensure their own economic security, together with that of their dependents and, at the same time, create the wealth to underwrite the new universalist policies of the welfare state.⁴⁷ As David Wolfe has noted, 'the expansion of welfare services and the commitment to full employment became the basis of the postwar settlement between capital and labour.'⁴⁸ In short, this new model of citizenship assured citizens that in return for working to underwrite the provision of welfare services, they would be guaranteed a minimum income throughout their lives, which meant that both the duties and rights of citizens would now be defined in social and economic terms.

The Gendered Nature of Worker-Citizenship

Two contradictions emerged in the process of constructing a welfare state based on the principle of worker-citizenship. First, although the duties and entitlements of citizenship became strongly linked to an individual's participation in the labour force, the opportunities for women to work for pay actually went down as men returned from the battle-fields of Europe. Women found that although they had contributed to the war effort by working in military, civilian and voluntary capacities during the period of global hostility, they were not being built into the post-war equation of worker-citizenship in the same way as men. Instead, they found themselves locked into a construction of womanhood that had been developed in both the Marsh Report and the Report of the Advisory Committee on Reconstruction. This held that women should

return to their pre-war position of economic dependence either on the welfare benefits that would be paid to them as mothers or on the income from their husbands' family wage. I would argue therefore that the reason why questions about women's employment opportunities emerged on the post-war political agenda in Canada was because women found that, having fulfilled their duties as citizens and worked to support the war effort, they were then forced back into a state of domestic dependency once the war was over. As this process did not grant them the same social rights or economic power as men, it substantially undermined the legitimacy of the new model of social citizenship that was embedded in the Canadian welfare state.

This contradiction remained latent until the mid-1950s when a further paradox about women's position in the new welfare state began to emerge. Although women had been constructed in the post-war compromise as dependents, to be financed either by a man's family wage or benefits from the new welfare state, by the mid-1950s it became increasingly apparent that they were, in fact, staffing these new welfare institutions. The reason for this was not only that a significant number of new jobs were being created through rapid state expansion in the welfare field, but also that women were being encouraged back into the labour force to fill the jobs being created in the middle and lower echelons of these new welfare organisations.⁴⁹ Indeed, as Hagen and Jenson have argued, this encouragement reflected the fact that these new jobs often demanded the caring, educational and support skills that were associated with women's role in the domestic sphere.⁵⁰

One of the paradoxes that has resulted from the early construction of the Canadian welfare state is that, although established with the intention of reinforcing women's role as mothers and dependents, it became a nexus for women's employment in both federal and provincial spheres.⁵¹ Indeed, it is by

recognising that the welfare state not only became an important source for women's employment, but a key route to women's unionisation, that we can understand why public sector unions eventually became one of the principal sites where the masculinisation of worker-citizenship would begin to be challenged.⁵²

I shall return to this point later in the chapter, when I consider how the construction of welfare states encouraged the unionisation of women within public sector unions that were later to become key organisations in lobbying for equal opportunity policies in the sphere of employment. First, however, we need to consider the third force that shaped the way that questions about women's employment discrimination emerged in public debate -- namely, the campaigns of human rights and labour organisations in the 1940s and 1950s.

Worker-Citizenship, Anti-Discrimination and the Post-War Social Movements

The post-war campaigns of the Canadian human rights movement

It was because the concept of worker-citizenship was so central to the creation of the Canadian welfare state, that human rights and labour movement activists began to campaign for legislation to eradicate discrimination in the workplace. Their core concern was to bring an end to race discrimination so that all men would be able to earn a family wage and thereby ensure that they and their families enjoyed the full benefits of a welfare state.

The Canadian human rights movement, which had been catalysed into existence by the double standard of Canada's participation in the war against fascism at a time when blatant racial discrimination continued within its own borders, had two rather different wings. Despite their differences, both emphasised the importance of eradicating discrimination in public life by

encoding certain rights in law and public policy. The first wing arose primarily in response to the internment of the Japanese in Western Canada. As Howe notes, it was most frequently associated with the speeches of John Diefenbaker and the writings of both Arthur Lower and John Bracken.⁵³ Activists in this wing of the movement were concerned that the state should not restrict the liberties of an individual, particularly in the way it had done during the war, through conscription, deportation, detention and internment. However, their principal objective was to encourage the introduction of a bill of rights to protect individuals against any abuse of government power. Such an instrument, they felt, would stop short of promoting positive, developmental rights and freedoms, but ensure that individuals had recourse to the courts if they found themselves receiving unequal treatment before the law.⁵⁴ In addition they felt it could enhance national unity by recording the legal and political dimensions of Canadian citizenship.⁵⁵

For others on the left of the human rights movement, who were motivated to act because of the persistent (employment) discrimination against Jewish, black and Native Canadians, Diefenbaker's proposals did not go far enough.⁵⁶ The Depression of the 1930s, together with the egalitarian consciousness induced by the war, encouraged demands for an expansive welfare state and for the encoding of positive rights and freedoms in law and public policy. Advocates of this second solution stressed that the state should not only protect the rights and freedoms of citizens but also encourage equality of opportunity in public life, particularly in the sphere of employment where it was so crucial to the realisation of worker-citizenship.

There seem to be two important reasons why these calls for a more positive style of social citizenship emerged after the Second World War. First, the war itself, and the depression that preceded it, legitimised the need for a more

interventionist, egalitarian style of public policy. Second, the formation of the Co-operative Commonwealth Federation (CCF) in 1933 and the impact this party had on Mackenzie King's post-war Liberal government reinforced the influence of this perspective.⁵⁷ Indeed, ideas put forward by activists on the left not only had a clear impact on King, but brought into public debate the possibility of eradicating discrimination through positive state action.⁵⁸ In particular, these activists drew attention to the need for a comprehensive human rights policy, backed by a strong administrative structure to oversee and enforce its implementation.⁵⁹ Again it was argued that such a policy would not only promote national unity but also ensure that citizens could 'be protected against private conduct or governmental action that distinguishes people for different treatment according to their national origins, race, sex or other unjustifiable characteristic.'⁶⁰

The movement had some immediate impact in Canada, with the result that the concept of non-discrimination became encoded in Canadian political and legal discourse by the mid-1940s. In 1944 the Government of Ontario introduced the 'first piece of modern human rights legislation in Canada,' prohibiting the public display of discriminatory signs. A year later, the Ontario High Court in deciding on *Re Drummond Wren* outlawed restrictive covenants on land sales to 'Jews or persons of objectional nationality' on the grounds that 'discrimination was against public policy.'⁶¹

However, it was through the development of bills of rights that the question of employment discrimination came to be addressed.⁶² At the federal level the impact of the movement first became apparent in parliamentary debate and in Diefenbaker's early demands for a Canadian Bill of Rights.⁶³ It was also evident in the establishment of a Joint Committee of the Senate and House of Commons on Human Rights and Fundamental Freedoms (1947-48) and a Special Senate

Committee on Human Rights and Fundamental Freedoms (1950) which, as Howe has argued, 'put into doubt the notion that discrimination could only be dealt with by friendly persuasion rather than legislation.'⁶⁴

The movement also had some impact on federal employment legislation. The 1952 Fair Wages and Hours of Labour Regulations Act and the 1953 Fair Employment Practices Act outlawed employment discrimination on the grounds of race, national origin, colour or religion. Furthermore, the 1955 Unemployment Insurance Act extended these causes to prohibit discrimination on the grounds of national affiliation.⁶⁵ However, it was not until the introduction of the Canadian Bill of Rights in 1960 -- which ensured that individuals would be guaranteed equality before the law and equal protection of the law, regardless of race, national origin, colour, religion or sex -- that a more comprehensive approach to the question of discrimination developed.⁶⁶ Although discrimination persisted against native women, subsequent federal employment legislation began to acknowledge the importance of eradicating discrimination on the basis of sex in the federal workplace. Thus the 1967 Public Service Employment Act required that the Public Service Commission should 'not discriminate against any person by reason of sex, race, national origin, colour or religion' in setting its selection standards for appointment to the federal public service.

If we look back over this debate, and at the policies that were developed, we can see how the major contribution made by human rights activists in the era of post-war reconstruction was to ensure that the problem of discrimination was addressed within the context of developing a new principle of social citizenship. However, it is only by examining the links between the human rights and labour movements in this period that we can fully understand the significance that became attached to developing anti-discrimination measures in the sphere of

employment.

Links between human rights and labour organisations in the 1950s

In order to understand why the workplace came to be viewed as one of the key sites in which this more expansive concept of social citizenship should be realised, we need to understand why the left wing of the human rights lobby and key members in the labour movement joined forces to campaign for the eradication of discrimination in the sphere of paid employment. An analysis of this linkage is interesting because very little research has been carried out on the connection between the Canadian human rights and labour movements in the 1950s. Moreover, as Howe has argued, there was some considerable overlap in the issues raised and in the personnel who were active within them.⁶⁷ The analysis is also important because it helps us to establish how these joint endeavours to encode universal workers' rights in law and public policy moulded perceptions about employment discrimination in a way that upheld the eradication of different treatment amongst workers as a key objective. Indeed, as we shall see in Chapters Three and Four, it was the dominance of this critique as a way of interpreting the dynamics of employment discrimination, that made it difficult for women to get their arguments about the need for different treatment absorbed into the federal policy process.

At an informal level the links between the two movements were sustained by a mutual interest in the elimination of anti-Semitism in Canada.⁶⁸ Links between human rights and labour movement activists had been established shortly after the Second World War, when human rights committees were created within the Canadian Labour Congress (CLC) and when mutually supportive links were formed between Jewish community organisations and sections of the labour movement.⁶⁹ As Howe notes, the Jewish Labour Committee and the Labour Committee for Human Rights, both under the

leadership of Kalmen Kaplansky (1946-58), proved critical in mobilising popular support for human rights. Similarly both the Canadian Congress of Labour and the Trades and Labour Congress linked together to form a Committee Against Racial Intolerance, thereby formalising their commitment to the eradication of racial discrimination in the workplace.⁷⁰

The formal rationale for the focus of both these social movements on questions of employment discrimination was summed up by Kaplansky in a classic statement of support for social citizenship. He claimed that 'political and civil rights can only assume their full significance for men who are free from the crippling burden of poverty, from economic problems and from uncertainty about what the next day will hold for them and their families.'⁷¹ Indicative of the way that women were excluded from the direct enjoyment of worker-citizenship, this statement nonetheless indicates how human rights activists saw the achievement of measures to eradicate employment discrimination as a primary goal.

In pursuing their cause the Canadian human rights and labour movements did not operate in isolation. Their campaigns were strengthened by the institutionalisation of the international post-war movement for human rights which promoted the question of non-discrimination and equal opportunity on the political agendas of several western democracies and emphasised the importance of ensuring that the benefits of social citizenship were realised within the sphere of employment.⁷² As Kaplansky has noted, conventions passed in both the United Nations (UN) and the International Labour Organisation (ILO), not only provided benchmarks against which human rights activists could assess the incremental development of anti-discrimination legislation in Canada, but helped to 'translate the concepts of traditional basic freedoms and constitutional rights into the present-day language of our

industrial society by emphasizing a wide range of social and economic rights.⁷³

The Growing Awareness of Sex Discrimination in Employment

Two forces seem to have encouraged human rights and labour movement activists to broaden the focus of their campaigns to address questions of sex discrimination as well as those concerned with race. First, there was pressure from international human rights and labour organisations to get member countries to expand their nascent anti-discrimination policies to ensure that they addressed the problem of sex discrimination in their societies. Second, there was the growing organisation of women within the labour movement in Canada, whose demands were reinforced by the double-edged critique of employment inequality that emerged with the renaissance of organised feminism.

The influence of international organisations

It was in fact international, rather than national, human rights organisations that first pushed the question of sex discrimination onto the Canadian political agenda.⁷⁴ Internationally, the relationship between human rights and women's rights had been acknowledged in the 1946 establishment of the United Nations Commission on the Status of Women, which Canada joined in 1958. While the national movement had been concerned with combatting race discrimination, the international organisations extended this agenda to ensure a broad approach to the problem of discrimination. This was particularly true once Canada joined the UN Status of Women Commission, because it meant that established Canadian women's groups became more actively involved in the international debates concerning women's status, and were able to urge Canadian government compliance. Declarations by the UN and the ILO called both for the fuller protection of individuals against discrimination on various grounds and for the particular extension of these social rights into the field of employment.⁷⁵

The eradication of sex discrimination was declared as an objective of the 1948 Universal Declaration of Human Rights. Moreover, in 1958, the ILO adopted Convention 111 on Discrimination in Respect of Employment and Occupation. This called not only for the eradication of sex discrimination, but for 'effective equality of opportunity and treatment (and) for positive action to correct inequalities resulting from past discrimination.'⁷⁶

Although participating in the international human rights debate provided a symbolic route for the governments of Canada to deal with questions of sex discrimination, their record of ratification and subsequent compliance remains subject to criticism. There is quite considerable evidence of both federal and provincial governments declaring their support for international conventions to promote women's rights and end sex discrimination in the workplace, the most important in this context being the federal government's 1964 ratification of the ILO's 1958 Convention 111 on Discrimination in Respect of Employment and Occupation.⁷⁷ Nonetheless, as Silcoff noted in his research study for the Royal Commission on the Status of Women 'Canadian compliance with the Convention is less than adequate.'⁷⁸

Women in the labour movement

It was not until the late 1960s and early 1970s that questions about sex discrimination in employment began to have a higher profile on human rights and union agendas though, even then, articles about the work of human rights activists at national and international levels emphasised that the main purpose of these committees was to bring an end to racial discrimination. While part of the explanation for this may have been that involvement in campaigns to eliminate race discrimination gradually prompted an awareness about the double standards of sex as well as race discrimination, the most obvious explanation was that the newly formed public service unions, which served

strong female constituencies, raised the profile of sex discrimination within the Canadian labour movement.

With the increasing participation of women in the labour force during the 1950s and early 1960s questions about sex discrimination began to emerge as a logical corollary to those about racial discrimination in the workplace. If the rise of immigration after the war had pushed women's issues lower down on the union agenda during the 1940s and 1950s, women's increasing participation in the labour force during the 1950s and 1960s now forced them back onto it.⁷⁹

That said, activists raising sex discrimination issues had more impact on the symbolic politics of the labour movement than on its policies. In 1968, for example, the convention at which the CLC voted to include the objective of eradicating sex discrimination within its constitution also called for the establishment of full-time human rights commissions throughout the country, but argued that these institutions should be set up in order to combat race discrimination.⁸⁰ In other words the movement had still not, at this stage, transposed its apparent commitment to the elimination of race and sex discrimination into coherent policy proposals that would address both aspects of employment disadvantage. However, the growing presence of women in unions -- and particularly in the public service unions -- led, not only to new questions about sex discrimination being raised in union debates, but also to the formation of women's committees to ensure that their collective impact was felt.⁸¹

Some women in the movement were arguing that gender equality in employment could only come about if the particular obstacles that most women encountered in initiating and sustaining their careers were recognised in the design and development of new public policies. Although women supported the

human rights initiatives within the labour movement, the campaigns that were led by women within unions tended to emphasise issues of difference as well as those of discrimination. Writing in *Canadian Labour* in 1967, Thelma Cartwright insisted that 'the whole idea of women's equality is a myth when it is based on the premise that they are the same as men.'⁸² In pursuing her argument she put forward a comprehensive claim for the recognition of differences that men and women as worker-citizens faced in the sphere of employment:

Of course we need and are entitled to equal job opportunities with men. But we need more than that. We need to be recognised as different from men with different needs and special problems. We need adequate legislation to ensure maternity leave and benefits; we need income tax concessions to enable us to claim for the help that we might be able to find for our home; we need many creches and nurseries.⁸³

Nonetheless, as I have shown, the predominant view in both the human rights and labour movements during the 1950s and 1960s was that distinctions between workers should not be made because this encouraged discrimination rather than the promotion of equal employment opportunities.

Emergent Feminist Demands for the Recognition of Equality and Difference

It was against the background of human rights and labour movement activism that the feminist movement took root in the 1960s, 'to respond to the conditions of women's post-war lives' and 'reinvigorate the long-held goals of the Canadian women's movement.'⁸⁴ In an era when the dominant paradigm was one of worker-citizenship, the women's goal of achieving a civic status that was equal to that of men now focused on equal employment opportunities. Given, as Helga Hernes has argued, that 'the extension of citizens' entitlements and participation rights has largely occurred in relation to the individual's status in the labour market,' the achievement of workplaces free from sex discrimination was essential if women were to enjoy the full benefits of worker-citizenship.⁸⁵

The perspective that began to emerge in feminist circles in the early 1960s, both inside and outside the labour movement, was supportive of the human rights and labour movement campaigns to ensure that workplaces were free from discrimination. It did not, however, assume that, by itself, anti-discrimination legislation would promote equality of employment opportunity for all Canadian citizens. Feminists called not only for anti-discrimination legislation, but for a recognition of the particular barriers that different groups of citizens experienced in gaining employment and in developing their careers. In the case of women, it was argued that such barriers could only be dismantled if anti-discrimination legislation was accompanied by a more comprehensive set of policies, designed to address the way that so many women's careers were shaped by the biological demands of maternity and the social construction of motherhood.⁸⁶

This analysis emerged as a result of the linkage between two different feminist perspectives. While many of the older, established women's groups continued the fight for equal rights feminism, younger women who were coming out of the student movement and the new left began to pursue more radical critiques of women's position, analysing the links between production and reproduction and, in the case of socialist feminism, developing an important critique of reproductive and domestic labour.⁸⁷

The first perspective, which had been 'identified as feminist in an earlier era, related to the areas where women were basically the same as men but were treated in a different, disadvantageous manner.'⁸⁸ As one might expect, these grievances were in many respects similar to the demands being voiced by human rights activists who were seeking to bring about the implementation of adequate anti-discrimination legislation in Canada. Indeed, it is hardly surprising, given women's restricted opportunities in the sphere of employment, that many

feminists, who were active in the early stages of the contemporary women's movement, took up the cause of human rights and argued that its emphasis on outlawing race discrimination should be broadened to address the issue of sex discrimination in Canada.

In this respect the resurgent feminist movement reinforced the way in which the dominant discourse on human rights shaped early debates about gender equality in the workplace. Some women were willing to operate within the framework of the human rights debate in Canada. As will become clear in Chapter Three, this was particularly true of those women who formed the Committee for the Equality of Women in Canada (CEW) in 1966, to pressure the government to establish the Royal Commission on the Status of Women.⁸⁹

The second perspective, which emerged from the radical and socialist wings of the movement, was one that 'insisted on the primacy of gender as a basis for women's oppression' but also for their liberation.⁹⁰ While they did not completely denounce the reforms sought by their more liberal 'sisters' these women did focus on the need for society to recognise women's specific circumstances, particularly those relating to the areas of reproduction, maternity and child care, which they felt were overlooked in the pursuit of policy reforms based on equal rights. Those who took up this interpretation out of a concern with women's rights at work argued that gender equality in employment could only be secured if equal rights and anti-discrimination laws were accompanied by a more comprehensive set of policies that took account of the ways in which so many women's careers were affected by the biological demands of maternity and the social construction of motherhood.

Although activists in this wing of the women's movement saw themselves as radical feminists, advancing new arguments about women's

position, their claims had historical roots in early twentieth century campaigns for legislation to protect women at work on grounds of their maternity. However, while early twentieth century maternal feminists viewed protective legislation as a way of acknowledging the primacy of women's maternity, even when women had to go out to work, late twentieth century 'radical' feminists called for the recognition of the bio-cultural differences amongst men and women as an integral part of promoting gender equality in the workplace. In short, they argued that equality of employment opportunity could only be achieved through acknowledging that differences relating to maternity had to be built into policies that would promote equality of employment opportunity amongst men and women.

Interestingly, it was the questions of women's paid and unpaid labour that provided the basis for convergence amongst women's groups, because they shared a belief that an interest in the family and the household was central to feminist analysis. As Naomi Black has noted 'women's situation in relation to the combination of paid labour and domestic responsibilities crystallized the old and new demands: they were not compensated for their 'double shift' of paid and unpaid work, they were not protected against violence in and out of the home, and their socially valuable tasks of public and private nurturance were unrecognized.'⁹¹

These demands crystallised in 1966 in calls for a royal commission on the status of women to investigate what the federal government should do to promote equal opportunities for men and women in all aspects of Canadian society. Cerise Morris has already demonstrated how feminist demands for this Commission were framed as a human rights claim, to ensure the equal treatment of men and women in Canadian society.⁹² However, as the next chapter will reveal, the Commission became a vehicle through which women's

double-edged critique about the need to address questions about child care in the design of policies to promote the equality of male and female worker-citizens was fully articulated in the federal political arena.

ENDNOTES TO CHAPTER TWO

1. For analyses of the way that social and political developments in the late 1950s and early 1960s encouraged the development of second-wave feminism in Canada see Black, 1993: 151-154; Dumont, 1992: 79-89; Bashevkin, 1993: 16-19.
2. Although awareness about the unequal employment opportunities that women experience emerged in public debate in the wake of the Second World War, debates about unequal pay have a much longer history in Canada. Kealey and Palmer note how 'in a context of pervasive, unquestioned male supremacy and patriarchy, the Knights of Labour struck many blows against the oppression of women...At a London speech [in 1886] by the well-travelled and popular Knight, Richard Trevellick, members of the Order raised their hands to heaven and pledged themselves that wherever women were employed, they would demand equal pay for equal work, without regard to sex whatever'(Kealey and Palmer, 1982:320). It also appeared in the party manifestos of the Liberal Party in 1921 and the Cooperative Commonwealth Federation in 1935 (Carrigan, 1968).
3. For accounts of Canadian women's employment in this period see Prentice et al., 1996:349-354; Clio Collective, 1987:313. For a text documenting different aspects of women's paid and unpaid work in this period see Light and Pierson, 1990:209-312. For an analysis of women's campaigns to improve their working conditions in Peterborough, Ontario see Sangster, 1995: 166-220. For interesting accounts of the lives of three professional women in Canada, working in fields dominated by men, see Cameron and Dickin, 1997:227-290.
4. Cook and Eberts, 1976:178.
5. For an account of unions' involvement in campaigns for protective legislation for women in the early twentieth century see White, 1993: 29-32.
6. All references to 'the war' in this chapter refer to the Second World War. All references to 'the post-war period' refer to the era of reconstruction that followed it.
7. For discussions about the construction of women as recipients of state welfare see Andrew, 1984: 670, 676-677 (in relation to Canada) and Piven, 1984 (in relation to the United States).
8. Palmer, 1993:325.
9. Prentice et al.: 1996:343-349.
10. Pierson, 1983:9.

11. The war time industries recruitment slogan, which called on women to serve as a critical back-up to men in the field, was "*Women! Back Them Up - To Bring Them Back*" (Pierson, 1983:12). For references on women's role as a reserve army of labour during the Second World War see Chapter One: Endnote 1.

12. Interestingly this research seems to have been conducted in two distinct waves. The pioneers in this field based their research on textual analysis of official documentation, revealing the extent to which women's role in this back-up army was encouraged through official ideologies (Pierson, 1983 and 1986; Prentice et al.:1988:311). More recently, the growing interest in oral history and the 50th anniversary of the end of the Second World War have encouraged scholars and journalists to get women to recount their experiences of wartime employment. For examples of this work with respect to Canada see Timpson, 1997; Chatelaine, February 1994.

13. Lukes, 1974:22.

14. For discussion of 'the cult of true womanhood' see Welter, 1966, who explores this mid-nineteenth century notion of American womanhood through an analysis of women's magazines from 1820-1860. In the article she notes that 'the attributes of True Womanhood...could be divided into four categories -- piety, purity, submissiveness and domesticity. Put them together and they spelled mother, daughter, sister, wife -- woman' (Walter, 1966: 152). For discussion of the way that women took on work that had traditionally been carried out by men see Prentice et al., 1996:345-346; Pierson, 1983:4-14. For an invaluable visual and oral account of the way that American women's capacity to take on work that had previously been done by men was often linked to their domestic skills see *The Life and Times of Rosie the Riveter*. While it is useful to recognise how the gendered demarcations around work broke down, it is important not to exaggerate the effects of this process. As Pierson notes, 'while the war effort necessitated minor adjustments to sexual demarcation lines in the world of paid work, it did not offer a fundamental challenge to the male-dominated sex/gender system' (Pierson, 1986:216).

15. Although all the provinces were eligible to take part in the Agreement, only Ontario and Québec took advantage of it. In Ontario, at the end of the war, there were a total of 28 day nurseries (for preschool children) and 42 day care centres (for school age children) (Prentice, 1992:176). The majority of centres were opened in Toronto where 'the municipal government operated most programs for preschool children and school boards were responsible for child care for older children...[making this]...the first substantially operated child care program in Canada' (Friendly, 1994:129). In Québec only six centres opened, all in Montréal. Friendly notes that because the Catholic Church denounced child care centres,

these were primarily attended by Anglophone children (Friendly, 1994:130). Although Alberta signed the Agreement, it never acted on it. Other provinces chose not to sign the Agreement either (as in the case of Manitoba and British Columbia because they had already had established child care services or (as in the case of Saskatchewan) women with children were often engaged in farm work. Ironically, this was not considered to be priority work (Friendly, 1994:129).

16. On the Canadian experience see Pierson, 1986:48-61; Prentice et al. 1996: 344; Palmer, 1993:326. On the British experience see Riley, 1983:109-149; Walby, 1986:188-201.

17. Quotation: Lukes, 1974:24. The emphasis I make is on women's sense of themselves rather than on the official ideology, which still encouraged women with young children to give their domestic responsibilities priority. Friendly notes that 'even though Ontario began to establish wartime child care centres soon after the federal funding was made available, a strong belief that women with young children belonged at home prevailed and women with small children were often the last to be hired to work in the war industries' (Friendly, 1994:130).

18. Although not the focus of this thesis, the protests in Ontario when the wartime day nursery legislation was rescinded at the end of the war led to the introduction of the Day Nurseries Act in Ontario and the beginning of a more substantial -- albeit welfare oriented -- provincial child care policy (Prentice, S. 1992).

19. The 1917 Wartime Elections Act, which was passed in order to help re-elect a pro-conscription government, only enfranchised those women who were British subjects aged 21 and over, and had a close family member serving in the Canadian or British armed forces. Full suffrage legislation was not enacted until 1918 (Bashevkin, 1993:8-9). For a fuller discussion of the fight for suffrage in English Canada see Bacchi, 1983.

20. See for example Pierson, 1993: Cover, 15 and 1986:34. Bland notes that between 1941 and 1944 'ads directed to working women (particularly to war workers) applaud these women for their 'sacrifice' and contribution to the war effort' (Bland, 1983:82). Interestingly, she goes on to note that the way in which advertisements applaud women for their participation in the war effort 'serves to disguise the fact that their appeals make use of both feminine imagery and traditionally feminine aspirations. Ads directed to working women stress the idea that while women are doing "a man's job for [their] country's sake" it becomes doubly important for them to pursue the traditionally feminine quest for beauty and for 'catching a man' (ibid.).

21. Pateman, 1989:184.

22. The three divisions of the military each adopted mottoes that emphasised this role, claiming that 'We Serve That Men May Fly' or 'We Serve That Men May Fight' or 'We Are the Women Behind the Men Behind the Guns' (Pierson, 1983:5). Posters asking women to contribute to the household salvaging programme depicted women belonging to a household militia singing 'We're in the Army Now' (ibid: 15). For amusing anecdotes about the way women serving in the military rephrased these mottoes to reflect some of the realities of military work see Timpson, 1997.

23. For a discussion of these ideas amongst English Canadian suffragists see Bacchi, 1983.

24. Pierson notes how 'it took repeated lobbying from women's organizations, particularly the Canadian Federation of Business and Professional Women's Clubs and the Quebec-based League for Women's Rights/Ligue pour les droits de la femme before a sixth subcommittee was finally created in January 1943, the Subcommittee on the Post-War Problems of Women (Pierson, 1986:40).

25. Canada, Advisory Committee on Reconstruction, 1944:1.

26. Ibid.:7.

27. Ibid.

28. A non-decision, is a term derived by Bachrach and Baratz to reflect 'a decision that results in suppression or thwarting of a latent or manifest challenge to the values and interests of the decision maker' (Bachrach and Baratz, 1970:44).

29. The Advisory Committee on Reconstruction recommended that the restructuring of women's work after the war 'be achieved through the expansion of farm work and through the voluntary resignation of significant numbers of women who, it was assumed, would leave the workforce to marry, have children and raise their families.

30. Canada, Advisory Committee on Reconstruction, 1944: 24.

31. Pierson, 1986:79.

32. Evidence of the subcommittee endorsing the recommendations of the Marsh Report can be found in Appendix A of its final report (Canada, Advisory Committee on Reconstruction, 1944:27-34).

33. Pierson, 1983:20-21.
34. For further discussion of the way these ideas affected first wave feminist debates see Bacchi, 1983 and Roberts, 1979.
35. The fact that the post-war dip in women's employment was not larger reflects the way that many older, married women, who had completed their families decided to keep their foothold in the labour force because they needed the money that wartime employment had brought them and wanted to work for pay. For discussion of these patterns in Canada see Prentice et al., 1996:351-352. For discussion of these patterns in the United Kingdom and the United States see Walby, 1986:188; Meehan, 1985:10. In fact the labour force participation rate of married women rose to 11 per cent by 1951 - which was twice the level it had been in the early years of the war (Canada, Royal Commission on the Status of Women in Canada, 1970:55).
36. Pierson, 1983:22-25; Prentice et al., 1996:350.
37. Prentice, 1996:350.
38. Pierson, 1983:22-23.
39. Prentice et al., 1996:350; Morgan, 1988:9.
40. Clio Collective 1987:357-9.
41. For evidence of how links between femininity and domesticity industrial societies were reasserted in women's magazines see, for Canada: Bland, 1983:70, On the emergence of assumptions about men needing to earn a 'family wage' see Hagen and Jenson, 1988:3; Land, 1980.
42. Pierson, 1986:55-56, 60.
43. See, for example, Stoddard, 1946; Whitton, 1947.
44. Macphail, 1949.
45. Marshall, 1950:88.
46. Pateman, 1989:184.
47. Brodie, 1996c: 128-130.
48. Wolfe, 1981:89.

49. Andrew, 1984: 677.
50. Hagen and Jenson, 1988:8.
51. For analyses of women's increasing employment in the federal public service see Archibald, 1970; Simard, 1983.
52. Bakker comments on the more general impact of women's increasing unionisation by noting that 'the increasing visibility of women's formal economic participation and their varying mobilization across countries has placed increased pressure on the institutions of the state and the labour movement to remove existing inequalities' (Bakker, 1988: 33).
53. Diefenbaker's speeches (Hansard, 1945: 2455-61, 1946: 513, 1947:3149 ff., 1948:2486) and both Lower and Bracken's writing (Lower,1947; Bracken,1944;) are all cited by Howe, 1988: 66, 375.
54. For a discussion of the term 'negative liberty' that underlies this approach see Berlin, 1969:118-172. It is also important to note that to some, steeped as they were in the long history of social laissez-faire in Canada, even the proposals of Diefenbaker and his colleagues seemed too radical. The business community and indeed some sections of the national press continued to argue that discrimination was a matter of private morality rather than public policy and that any such measures might in fact reinforce resentment against minority groups. Editorials in the *Toronto Telegram* (June 25, 1947), the *Financial Post* (May 1,1948) and the *Globe and Mail* (June 14, 1948) all emphasised the importance of voluntarism and education on questions of discrimination rather than intervention through the development of anti-discrimination policies. All newspaper references cited in Howe, 1988:80;378.
55. Evidence of this view can be found in Sandwell, 1947 Diefenbaker's speeches (Hansard, 1945: 2455-61 and 1946:513) and Lower, 1947. All references cited in Howe, 1988: 80, 375.
56. Howe, 1991: 789.
57. Horowitz, 1966:167-170.
58. Lewis and Scott, 1943: 195; Scott, 1949: 513-534, all cited by Howe, 1988: 89, 91, 380.
59. Howe, 1988:90.

60. Manzer, 1985:145.

61. It should be noted that the signs bill was later amended so that free speech was not restricted. Moreover, as Howe notes, the decision against racial covenants was reversed by *Noble v. Wolf and Alley* (1948) only to be upheld again by the Supreme Court of Canada in 1951 (Howe, 1991:788).

62. Bills of rights were initially developed at the provincial rather than federal level. In 1947, the Government of Saskatchewan passed legislation to create the Saskatchewan Bill of Rights, making it the first government to address discrimination in employment, government services and housing (Howe, 1988:68). However, it took until 1964, when the Government of Québec introduced its Employment Discrimination Act (Bill C-142) for sex discrimination in employment to be prohibited at the provincial level (Cook, 1976).

63. Hansard, 1945: 2455-61.

64. Howe, 1988:76.

65. Silcoff, 1970: 145-146.

66. It is important to note that, despite its title, the Bill of Rights was a legislative rather than constitutional instrument that could only be used as an instrument to outlaw discrimination within the federal sphere. As Burt notes 'the Canadian Bill of Rights...guaranteed women and men equal treatment before the law, in cases where they were in equal situations. [However,] litigation based on the Bill of Rights demonstrated quickly how few instances there might be in which such equal situations could be judged to exist' (Burt, 1993:221).

67. Howe, 1988:123.

68. Canadian Labour Congress, 1967b; Howe, 1991: 787-793.

69. Canadian Labour Congress, 1967b.

70. Howe, 1988:118. Herbert Sohn has argued that the increasing participation of ethnic minority groups in the labour force after the War forced the labour movement to address the problem of race discrimination (Sohn, 1962, 1975:10-11, 102). However, active union involvement in human rights campaigns proved complex, because immigrants' willingness to work for low wages rather than unionise in protest against them had generated some racism within the labour movement. Nonetheless the support of union activists proved crucial in mobilising support around questions of discrimination, not least in Ontario

where there was rapid industrialisation and unionisation during the 1950s. By the end of the decade 37 per cent of the labour force - that is 550,000 employees - were unionised (Howe, 1988:63).

71. Kaplansky, 1967:7.

72. Manzer, 1985:145; Watson 1990:107; Meehan, 1985:38.

73. Kaplansky, 1967:7.

74. It should be noted that this was despite the resistance on the part of some ILO officials to including the prohibition of discrimination on the grounds in legislation designed to combat race discrimination (Silcoff, 1970:166).

75. Canada, Secretary of State: 1974: 10-11.

76. Kaplansky, 1967:27.

77. Silcoff, 1970:164.

78. Ibid.:166.

79. Bakker, 1988: 33-36.

80. Canadian Labour Congress, 1968a, 1968b.

81. White, 1993: 45-59, 123-127.

82. Cartwright, 1967.

83. Ibid.

84. Black, 1993:153.

85. Hernes,1987:76.

86. See Chapter One, endnotes 4 and 5.

87. Black, 1993: 152-153. For a fuller discussion of socialist feminism in Canada see Adamson, Briskin and McPhail, 1988:97-135. For discussion of socialist feminist arguments about the link between production and reproduction see Fox, 1980.

88. Black, 1993:152.

89. Morris, 1980: 11-12; Black, 1993:153.

90. Black, 1993:153.

91. Black, 1993:153.

92. Morris, 1980:11-13.

THE ROYAL COMMISSION ON THE STATUS OF WOMEN***The Institutionalisation of Women's Demands for Equal Employment Opportunities and Child Care***

The Royal Commission on the Status of Women (RCSW) was a watershed in Canadian women's history.¹ Its establishment marked 'the first publicly recognised success' of second-wave feminism in Canada, and its hearings transposed a growing awareness amongst women about the inequalities and discrimination they experienced into a body of oral and written testimony about the changes they sought.² Furthermore, the Report of the Royal Commission provided the nascent women's movement 'with a bible around which to organise' and generated a policy agenda for femocrats in Ottawa by channelling 167 recommendations into the federal policy arena.³

It is surprising, given the landmark nature of this commission, that a book analysing the workings and impact of the RCSW has not yet been published.⁴ There is, however, a significant literature of both a scholarly and journalistic nature which critiques various aspects of the Commission's work, its impact on the Canadian women's movement, and the extent to which the 167 recommendations in its Report were taken up by the federal government.⁵ The very existence of this literature indicates the clear impact that both the Commission and its Report had on the development of contemporary feminism in Canada. However, despite the centrality of questions about women's employment -- and particularly married women's employment -- in the Commission's terms of reference, no one has yet examined how the RCSW linked questions about equal employment opportunities for men and women with those of child care provision.⁶ This chapter begins to fill that lacuna by

examining how arguments about these two issues were raised by women in briefs submitted to the Commission and addressed by the Commissioners in the recommendations of their report.

An analysis of this kind is important because, as Jenson has argued, royal commissions often serve as 'locales for some of the major shifts in the ways that Canadians debate representations of themselves, their present and their futures.'⁷ In my opinion, this is exactly what happened with the RCSW, not only in the hearings, where those debates took place quite publicly, but in the discussions that took place in local communities, and in both regional and national organisations, while the briefs were being prepared.⁸

My own analysis of the briefs that paid most attention to questions of women's employment opportunities and child care reveals clear evidence of these kinds of discussion amongst groups of women throughout the country. Most briefs submitted by established organisations outlined the collaboration involved in their creation and the internal consultation that preceded their ratification.⁹ However, as the following quotation from a brief submitted by a group of women in Ottawa indicates, this process was also at times informal:

The enclosed brief is submitted in the hope that you may be interested in the views of the average housewife. Our definition of average is non-professional, non-working, suburban housewives, ranging from 35-55 with pre-teen and then teen age children...Over coffee on several occasions this group, all living within several blocks of each other, discussed what we felt to be some of the main problems in the fields of marriage and working women.¹⁰

One of the fascinating aspects of the briefs submitted to the RCSW is that they provide some indication of the way that both organised women and individual women felt about the issues raised in the terms of reference. This evidence is rich because the commissioners cast their consultative net as widely as possible: a

reflection no doubt of the fact that they were participatory democrats who decided early on in the process that they wanted to hear from as wide a range of women as possible.¹¹ As Florence Bird has noted:

Unlike the other commissions, we prepared a folder which contained our terms of reference (so that women would know the kind of things we wanted them to tell us about), as well as a description of the way to prepare a brief, where to send it, and the final date for delivery. We distributed the folders in supermarkets and libraries, and sent them to women's associations. We hoped in that way not only to help women prepare briefs and write us letters of opinion but also to stimulate men and women to think seriously about the status of women in Canada. We believed in participatory democracy and were determined to hear the opinions of people in all income groups and with all levels of education, not just those of large organizations that had the resources to prepare well-researched submissions.¹²

This process was effective, as were the Commissioners' extensive efforts to publicise the Commission in the press.¹³ A total of 469 briefs were submitted to the Commission, from established organisations, individual citizens and informal groups of women meeting together to formulate their concerns.¹⁴

By publicising the RCSW in this way, and making the consultations as broad as their budget would allow, the Commissioners provided women across the country with a forum in which to talk about the discrimination they experienced in many different spheres of their lives. What is most interesting about this process is that by asking women to reflect on 'the present and potential role of women in the Canadian Labour force, including the special problems of married women in employment' the RCSW opened up a space in which women not only talked about their desire for equal employment opportunities and their need for support with child care, but also began to articulate the double impetus in these concerns.¹⁵ Furthermore, by formally recognising how women's demands for gender equality in the sphere of employment were intrinsically linked to their demands for recognition of the differential responsibilities that

men and women had for child care, the RCSW broadened the federal policy agenda in a way that had not been fully anticipated when the Commission was established.¹⁶

In order to understand the full impact of this *épanouissement* it is useful to examine the politics of establishing the RCSW and its terms of reference. These demonstrate that even though the RCSW was established within a human rights paradigm that required the Commissioners to consider what steps the federal government might take to ensure that women enjoyed 'equal opportunities with men in all aspects of Canadian society,' the Commissioners' consultations with Canadian women led them to write a report that had policy implications which reached well beyond the framework of equal treatment that the terms of reference had sought to impose.¹⁷

The Politics of Establishing the RCSW

It is perhaps because the politics of lobbying for the Royal Commission have been discussed so extensively in the literature that relatively little attention has been paid to the way that the women who called for the RCSW framed their demands within the dominant human rights paradigm.¹⁸ Yet it is clear that the idea of a royal commission was conceived as a mechanism, not only to get the federal government to address the discrimination that women experienced, but also to ensure that women were able to enjoy equal civic rights with men. When Laura Sabia, president of the Canadian Federation of University Women (CFUW), called women from thirty-two key women's organisations 'together again' it was to an 'exploratory meeting on human rights and a commission on the status of women.'¹⁹ Indeed, it is symbolic of the tradition in which these women were working -- to equalise the status of men and women as citizens -- that they formed the Committee for the *Equality of Women* in Canada (CEW) to push for a royal commission that would investigate ways of improving the

status of women in Canadian society.²⁰

The human rights framework ensured that questions about women's status and rights were seen as credible political issues.²¹ It also provided an ideological framework in which women, from a range of business, professional, church and labour organisations, could operate together to formulate demands. While the women who attended that meeting were not used to working *ensemble*, the common denominator running through the resolutions they produced was that Canada should mark both its centenary (1967) and International Human Rights Year (1968) by establishing a royal commission on the status of women.²² They immediately created a nine-member steering committee, chaired by Sabia. On May 27, 1966 it decided that CEW should approach the federal government and demand a royal commission on the status of women.²³

The brief that CEW presented to the federal government on November 19, that year, demonstrated just how important the human rights framework proved to be in justifying their demands.²⁴ Their specific request was for 'the appointment of a royal commission on the status of women in Canada today, to inquire into, to report on and to make recommendations which will enable women to achieve such excellence in public and private life as meets the standards set by the Universal Declaration of Human Rights.'²⁵ It is worth noting that in an era when concepts of worker-citizenship were dominant, two of the seven areas identified by CEW for consideration by the Commission focused on questions of women's access to employment.²⁶ One more focused on a review of the ILO conventions that had not yet been ratified by the federal government.²⁷

Although these liberal feminists adopted the language of human rights to articulate their demands, it is clear from their reference to 'public and private

life' that they sought to expand the conventional notion of human rights as a set of objectives to be realised in the public domain. In particular, they wanted to ensure that the RCSW would be a forum in which women could articulate concerns about the discrimination they experienced in both the public and domestic spheres of their lives. Reflecting on the process some years later, Margaret Hyndman, a past-president of the Canadian Federation of Business and Professional Women's Clubs (CFBPW) explained why a royal commission on the status of women had seemed preferable to a human rights commission: 'a human rights commission would be appointed by the government, and the head would be a man. What we wanted was a way of giving the majority of women a forum to make their needs and wants known.'²⁸ The CEW did realise this objective. The RCSW was the first royal commission in Canada to be chaired by a woman. Moreover, although individual women had been appointed to royal commissions on previous occasions, the fact that five of the seven commissioners were women was novel in the history of Canadian royal commissions.²⁹

The Federal Government's Rationale for Establishing the RCSW

It is part of feminist folklore in Canada that while the government's decision to establish the RCSW was the result of exhaustive cabinet lobbying by Judy La Marsh, the final announcement was triggered by Laura Sabia's headline grabbing remark that she would march three million women onto Parliament Hill -- Duchess of York style -- if a commission was not established.³⁰ Academic accounts, however, suggest that a number of other factors encouraged Prime Minister Pearson to agree to the Commission's establishment. First, he needed to placate the New Democratic Party (NDP) in order to keep his minority Liberal government in power.³¹ Second, he recognised that because the participation of women in federal elections had become almost as high as that of men, the female electorate had to be placated.³² Third, he had a sense that although a

royal commission would receive representations from radical feminists, it might contain their demands and keep the feminist agenda for policy change within a human rights framework.³³

Pearson's decision is understandable if we consider both the national and international pressures he was under to promote equality of opportunity amongst Canadian men and women. At the national level, it was difficult for him to back away from demands for a royal commission to equalise the status of men and women in Canada when his own government had promoted the equality of francophones and anglophones through the establishment of the Royal Commission on Bilingualism and Biculturalism.³⁴ He was also under some indirect international pressure to act, not only because similar commissions had been established in other liberal democracies, but also because Canada had ratified ILO Convention 111 on Discrimination (Employment and Occupation) in 1964, thereby committing the federal government to 'promoting equality of opportunity and treatment for all employees with a view to eliminating employment discrimination.'³⁵

At the same time, it is clear that Pearson's decision to establish the RCSW was not motivated by human rights issues alone. Rather, in a pattern that recurs in the subsequent establishment of the Royal Commission on Equality in Employment, discussed in Chapter Six, concerns about promoting equal employment opportunities amongst men and women and improving the country's economy dovetailed together in the government's decision to establish the RCSW. After all, the economic implications of underutilising the employment potential of half the adult population were being aired in the press and brought to the government's attention by senior bureaucrats in Ottawa.

When Doris Anderson launched her public appeal for a royal commission on the status of women in *Chatelaine* she argued that 'although Canada ranks near the top in the number of women with higher education, we rank near the bottom of all western nations in the percentage of women in the professions or in managerial jobs.'³⁶ Similar arguments were being made by femocrats employed within the federal government. In 1969, Sylva Gelber, then Director of the Women's Bureau, articulated her concern about women's restricted employment opportunities by noting that 'the failure to utilise our human resources to their full capacity denies the nation the productivity essential for the maintenance of a high standard of living.'³⁷ As Black has noted, 'from the perspective of the government, women's lesser rewards and lesser opportunities to participate in the expanding economy translated into a lesser contribution to national growth.'³⁸

The RCSW and its Mandate

While the RCSW's terms of reference were framed quite directly in relation to the pulls of equity and efficiency which lie at the heart of Canadian liberalism, they also demonstrated that the Commission had been established to consider how women could be more effectively included within the paradigm of worker-citizenship.³⁹ While the Commissioners were instructed to 'inquire into and report upon the status of women in Canada, and to recommend what steps may be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society,' four of the nine areas that were singled out for particular attention focused on women's employment.⁴⁰

First, as I have already noted, the Commissioners were required to inquire into and report on 'the present and potential role of women in the Canadian Labour force, including the special problems of married women in employment and measures that might be taken under federal jurisdiction to help in meeting

them.⁴¹ Second, they were asked to investigate how women's human capital might be put to better use, by considering what measures 'might be taken by the federal government to permit the better use of the skills and education of women, including the special re-training requirements of married women who wish to re-enter professional or skilled employment.'⁴² Third, the Commissioners were asked to review 'federal labour laws and regulations in their application to women.'⁴³ Finally they were directed to consider the development of employment opportunities within the government's own bureaucracy by examining 'laws, practices and policies concerning the employment and promotion of women in the Federal Public Service, by Federal Crown Corporations and by Federal Agencies.'⁴⁴

The remaining terms of reference required the RCSW to investigate 'laws and practices under federal jurisdiction concerning the political rights of women,' 'federal taxation pertaining to women,' 'marriage and divorce,' 'the position of women in criminal law,' 'immigration and citizenship laws, policies and practices with respect to women' and 'such other matters in relation to the status of women in Canada as may appear to the Commissioners to be relevant.'⁴⁵ Indeed, as my analysis of the briefs submitted to the RCSW demonstrates, this residual -- mop up -- clause served to bring a broad range of issues out into discussion, including that of women's primary responsibility for the care of their children.⁴⁶

Briefs Submitted to the RCSW

Although the RCSW's terms of reference did not, specifically, require the Commissioners to examine the link between employment opportunity and child care, the instruction that they examine the 'special problems of married women in employment' opened up a space for women across the country to demonstrate the connection between these issues.⁴⁷ Indeed, the briefs provide a rich body of

evidence that shows how women used the Commission, not only to raise their concerns about each of these issues, but also to link them together.

A content analysis of the Index of Briefs submitted to the Royal Commission reveals how concerns about employment and child care were two of the most frequently cited issues raised in these submissions (Table 3.1 and Appendix A).⁴⁸ Moreover, an analysis of twenty-eight key briefs submitted by established organisations with a predominantly female membership, and by informal groups of women writing together as members of a local community, church or workplace, reveals the double impetus in these concerns. These briefs were selected for analysis, first, because they represented the spectrum of women's groups and organisations presenting written testimony to the RCSW and, second, because within each type of women's organisation identified, they were the submissions that made the most frequent references to issues of women's employment opportunities or child care (Table 3.2 and Appendix B).⁴⁹

My analysis of the submissions is divided into two principal sections. The first examines how women framed their concerns about the gendered aspects of employment inequality and considers the specific proposals they made to remedy this situation. The second part considers women's specific concerns and policy proposals in relation to questions of child care.

Table 3.1

**Content Analysis of the Index of Briefs Submitted to the RCSW Showing
Number and Percentage of Times Each Issue Identified⁵⁰**

	Number of mentions	%
1. Marriage	228	6.7
2. Divorce, Separation and Desertion	214	6.3
3a. Child Care	332	9.8
3b. Household Help	53	1.6
4. Abortion and Birth Control	187	5.5
5. Welfare	133	3.9
6a. Legislation - General: Economic Rights	18	0.5
6b. Legislation - General	56	1.7
7. Labour Force	548	16.1
8a. Education: Training and Retraining	172	5.1
8b. Education: General	369	10.8
9. Taxation (including 74 briefs relating to child care)	308	9.1
10. Mass Media	37	1.1
11. Political Activity	67	2.0
12. Volunteer Work	72	2.1
13. Citizenship and Immigration	37	1.1
14. Public Attitudes	57	1.8
15. Specific Groups	432	12.7
16. Information Services	62	1.8
17. Ombudsman	8	0.3
18. Standing Committee on Women	13	0.4

Table 3.2
Briefs submitted to the RCSW by Women's Organisations and Groups of Women with the Most Frequent References to Employment Opportunity or Child Care

Name of organisation submitting briefs with most frequent references to employment opportunity or child care	Number of times references indexed to Employment Opportunity	Child Care
University Women's Clubs (14)		
CFJW New Brunswick	5	-
L'Association des Femmes diplômées des Universités, Montreal	-	7
Business and Professional Women's Clubs (8)		
Business and Professional Women's Club, Ottawa	7	-
Business and Professional Women's Club, BC and the Yukon	-	1
Local Non-Affiliated Groups of Women (13)		
Group of Women, Ottawa	-	6
Group of Women, Montreal	4	-
Religious Groups (23)		
Driver United Church Women, Driver, Saskatchewan	2	-
Women's Section of the Canadian Religious Conference	-	10
Professional and Trade Associations (25)		
Canadian Dietetic Association	5	-
Women's Ad Hoc Committee of Saskatchewan Federation of Labour	-	4
Women's Institutes and Home Economics Associations (19)		
Home Economics Association, Edmonton	-	4
Federated Women's Institutes of Canada	3	-
Family Planning and Family Service Associations (17)		
La Fédération des Service sociaux à la Famille du Québec	9	16
Day Care Organisations (5)		
Victoria Day Care Services, Toronto	1	-
Committee of Day Care Section of Citizens' Committee on Children	-	11
National and Provincial Women's Organisations (18)		
Pioneer Women's Organization of Canada	-	10
Manitoba Volunteer Committee on the Status of Women	4	-
Voluntary Community Groups (10)		
Alberta Jayettes	3	6
Young Women's Associations (11)		
The Delta Kappa Gamma Society, Toronto	1	-
Young Men's and Young Women's Hebrew Association, Montreal	-	9
International Organisations (5)		
Canadian Clubs of Zonta International	1	-
Women's International League for Peace and Freedom	-	12
Political Parties (6)		
NDP Provincial Women's Committee, Saskatchewan	1	-
Women's Group of London & Middlesex NDP Riding Associations	-	6
Alta Vista Women's Progressive Conservative Association	-	6
Voice of Women (7)		
Voice of Women, Montreal	1	2
Farm Women's Unions (4)		
Farm Women's Union of Alberta, Edmonton	2	-
Cercle des Fermières, Alma	-	4

Women's concerns about the gendered aspects of employment inequality

Women framed their concerns about the gendered aspects of employment inequality in three specific ways. First, they identified the problem as one that was contrary to international codes of human rights. Second, they situated their concerns within broader debates about the need to promote women's employment in order to encourage Canada's economic development. Finally, they used the opportunity of submitting briefs to the RCSW to undermine assumptions that women's increasing labour force participation was a temporary phenomenon. While the first two of these approaches addressed the dual concerns about equity and efficiency that were embedded in the Commission's terms of reference, the third raised issues that linked very directly to women's demands for child care provision.

Appeals grounded in claims about international human rights

Many of the briefs justified their claims by appealing to international codes of human rights. The Manitoba Volunteer Committee on the Status of Women recommended that 'Canada should sign and attempt to adhere to the international conventions and declarations on the economic rights of women.'⁵¹ The Voice of Women in Montréal, was more concerned that the RCSW should ensure that the federal government adhere to its existing international obligations in the area of human rights:

Canada voted for the United Nations Declaration on the Elimination of Discrimination Against Women, adopted unanimously by the General Assembly on November 7, 1967. There could be no goal higher for this Royal Commission on the Status of Women than the implementation of this Declaration, which asks for changes not only in the laws but also in customs and practices, for as the preamble says: "The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields."⁵²

The CFUW of New Brunswick grounded its claims in Canada's existing international obligations to the ILO rather than the UN:

In ratifying the International Labour Organisation Convention 111 (The Discrimination in Employment and Occupation Law), Canada undertakes to promote equality of employment opportunity. The Convention specifically includes "sex" as an area requiring protection against discrimination. None the less neither the Canada Fair Employment Practices Act nor the Federal Civil Service Act includes "sex" in its anti-discrimination provisions.⁵³

Claims grounded in arguments about economic efficiency and progress

Women also framed their claims for equal employment opportunities by emphasising how such a development would improve the Canadian economy and not waste the educational training that many women had already received. The Manitoba Volunteer Committee on the Status of Women recommended that 'this Commission study the cost to the Canadian economy of our massive inefficient use of woman-power resources.'⁵⁴ Similarly, the Canadian Dietetic Association called on the federal government to 'take more positive steps to educate Canadian employers on the potential source of productive personnel represented by the competent, trained female allowed to use her abilities and training to the fullest, not stifled by practices and attitudes that amount to discrimination.'⁵⁵ Interestingly, the Association justified this claim, not only in broad economic terms, but in relation to the harm such restrictions inflicted on women themselves:

We must recognise that by limiting opportunities for females to move freely into and around all areas of business, social and political life, serious harm is done to the women of the country. In addition, and quite separate in consideration is the harm done to the economic stability of the country. Any country that allows one-half of its most valuable resources (human resources) to be arbitrarily restricted from performing at an optimum level of productivity puts unnecessary and artificial limitations on its own economic growth by limiting the supply of trained, competent, productive individuals available to Canadian employers and Canadian development.⁵⁶

There was a strong theme running through the briefs that the inequalities of employment opportunity that women experienced were not only wasteful of their increasing education but indicative of a lack of progress. In making these claims the CFUW of New Brunswick almost reiterated the argument that Doris Anderson had made when she called for the establishment of the RCSW in her 1966 editorial in *Chatelaine*:

The underutilisation of women workers in relation to their educational achievements is a matter of serious concern. It is a disgrace to Canada as a nation and a sad sign of her lack of progress that she should be so neglectful of the great loss in the potential of her women. The failure to grant women an equal or more creditable status with men is a glaring example of this neglect.⁵⁷

Similar points were made by the Delta Chapter of the Delta Kappa Gamma Society, a female sorority in Toronto, which noted how 'Herbert Spencer (1820-1903) said it is a commonly observed fact that the enslavement of women is invariably associated with a low form of social life, and that, conversely her elevation towards equality with man uniformly accompanies progress.'⁵⁸ It went on to emphasise how marriage need not block women's employment:

Women today are, as a rule, better educated before marriage; many have college degrees and training in the professions. With this background of education women are better prepared to cope with a second career, and it becomes even more essential for the country to make use of their potential.⁵⁹

Using the briefs to undermine false assumptions about women and employment

While women drew on established methods of advancing equal opportunity claims to emphasise their concerns about equal opportunities and economic progress, they also used the briefs to attack some of the myths that constrained women's employment opportunities. As the Canadian Dietetic Association noted in its brief:

There continues to exist at all levels of Canadian society an acceptance of a core of practices and attitudes towards the female half of the society which are based on entirely false and illogical assumptions...We feel it is the responsibility of all intelligent and thinking Canadians to seriously question these myths and misconceptions which act as barriers to women achieving equality with her male counterpart simply because she is female.⁶⁰

Women used their submissions to challenge assumptions about them being temporary members of the labour force, who would leave paid employment at the birth of their first child. As the brief from the CFJW of New Brunswick noted, 'more women are entering the labour force with little intention of leaving it for more than a short period of child bearing and with every intention of returning as quickly as possible.'⁶¹

The Day Care Section of the Ottawa-based Citizens Committee on Children challenged the myth further by stressing the child care implications of women's increasing participation in the labour market:

Society can no longer afford to ignore the trend of women's increasing participation in the work world. Women have been going out of the home in increasing numbers and now make up close to 1/3 of the labour force. About half of these women are married. The number of pre-schoolers and school age children requiring varying types of Day Care is growing proportionately. Society professes to value the contribution made to the Canadian economy by these women. Society must now accept its share in the responsibility of creating satisfactory supportive services to guarantee the continued participation of these women as well as the healthy development of their children.⁶²

Women's specific proposals to eradicate sex discrimination and enhance gender equality in the sphere of employment

The women submitting briefs to the RCSW argued that legislative and attitudinal changes were necessary to ensure the development of equal employment opportunities for women. The NDP Provincial Women's Committee of Saskatchewan argued that 'new legislation must be accompanied

by significant changes in social attitudes.'⁶³ The Canadian Dietetic Association expressed the problem this way:

We recognize that the continued existence of these practices and attitudes is based on the fact that they are an accepted part of our mores and cultural patterns and to change this will require more than exposure of their falseness, more than concerted effort and endeavour and good intentions on the part of individuals convinced of their falseness. It will require education, legal support and a complete change of attitude. This will not happen overnight, nor will it be the result of any one single action but will be brought about by both men and women realising that sexual differences do not imply status differences, that an individual should be evaluated with another purely on their ability to perform, to fulfil certain requirements, to meet certain demands and standards.⁶⁴

There was a clear concern in all the briefs that *sex discrimination* should be completely outlawed by all governments in Canada and that the federal government should take a lead in developing the mechanisms for ensuring that such laws were put into practice. Women argued that the government should ensure that women had the same opportunities as men for promotion to all levels of the federal public service and create the appropriate agencies to monitor employment practices and root out discrimination.⁶⁵ The CFUW in New Brunswick pointed out how such provision would encourage women to assume their roles as worker-citizens:

The Federal Government should take the lead and eliminate discrimination on the grounds of "sex" in its own hiring and promotion practices and pass legislation to this effect. Once such legislation becomes law and giving access to equal opportunity becomes government policy, private business will follow. Only then will women be motivated to make their national contribution to the economy and national welfare of Canada. ⁶⁶

In pointing out that Québec alone had included measures to outlaw sex discrimination in its anti-discrimination legislation, the brief from the CFBPW in Ottawa urged the other governments of Canada to adopt 'the principles in the Declaration of Human Rights of the United Nations Organisation and the ILO

Convention 111 by the inclusion in every anti-discrimination act and declaration provisions providing that there shall be no discrimination on the basis of sex' and to ensure that 'effective measures are built into the legislation to allow a realistic enforcement of the anti-discrimination principles.'⁶⁷

The CFBPW in Ottawa also made a clear call for a federal human rights agency 'in order to shift complaints away from the individual.'⁶⁸ The Women's Group of the NDP London and Middlesex Ridings Association argued that the office of 'ombuds dame' should be established, headed by a woman, to investigate allegations of sex discrimination in both the federal and provincial spheres:

Since important legislation which affects women is difficult to enforce, we recommend that the federal and provincial governments create the position of "ombuds dame". This office should be held by a woman whose function will be to investigate complaints from women about (a) alleged injustices perpetrated by the state and (b) alleged injustices by others where no legal case exists and hence the complainant cannot have recourse to the courts. The ombuds dame would also be able to recompense the complainant for injustices suffered and to give advice to the government concerned where the law is clearly being circumvented, when it requires clarification or when it should be changed.⁶⁹

Women were concerned that the 'practices restricting the access of women to professional fields should be explored' and also that the 'predominance of men in senior posts in the fields of social service and teaching, particularly at university level' should be addressed.⁷⁰ The Canadian Dietetics Association argued that the 'subtle or overt practices which inhibit the opportunities of women to enter or practice in certain so-called male fields of endeavour be stopped, if need be, by regulations.'⁷¹ Some of the briefs recommended that the voluntary work which women had undertaken outside the labour force should be recognised as part of their experience when they were applying for jobs to return to work.

The specific claims that women advanced about ways in which their opportunities for employment could be equalised with those of men were notably imbued with an understanding that the achievement of full equality of opportunity could only be realised through the recognition of gender differences. While many of the briefs called for increased opportunities for training and re-training in order to bring women up to a level playing field with men, they also argued that issues relating to gender difference should be built into government policies to develop equality of opportunity.⁷²

Many of the briefs called for the implementation of fully paid maternity leave, without loss of seniority, so that women could continue their careers despite the necessary breaks for childbirth. The CFBPW began by asserting that 'all jobs should be open to men and women' to apply for on the basis of their qualifications, and concluded by recommending that the federal government should sign the 1952 ILO Convention 103 and fully recognise 'the need for protection of the woman in her capacity as worker during the period of maternity.'⁷³ Similarly, while the Delta Chapter of the Delta Kappa Gamma Society in Toronto focused its brief on the need for an end to discrimination in promotions within the teaching profession, it concluded by saying that it felt the 'penalties attached to maternity leave' needed greater investigation.⁷⁴

While some of the briefs focused on issues of maternity leave, others considered how the inequalities of employment opportunity were related to the inadequate provision of child care. The Women's International League for Peace and Freedom called on the government to correct 'the deplorable lack of women in high positions in diplomatic, political, legal, economic, educational and other fields of national and provincial life' by ensuring 'that highly qualified women be given opportunities to serve in such offices.'⁷⁵ It is noticeable, however, that the League prefaced this claim by calling on the RCSW to recommend 'a full

enquiry into present facilities of nursery schools and kindergartens attached or adjacent to industrial centres where numbers of women are employed, with a view to introducing provisions for these essential conveniences [in] large business firms for the benefit of their female employees.⁷⁶

Women's concerns about child care

Although the RCSW's terms of reference did instruct its Commissioners to inquire into 'the special problems of married women in employment,' citizens were not specifically asked to address questions of child care in the briefs they submitted to the Commission. The analysis in this section reveals, not only how important this issue was to women seeking equality of employment opportunity with men, but also how women interpreted the terms of reference in a way that broadened its equal opportunity framework to reflect their specific concerns.

Economic arguments: women need to work

Claims about the need for child care were repeatedly presented in terms of the economic necessity of women having to work. As the brief submitted by the CFBPW of British Columbia and the Yukon noted:

Many women need to work, thus creating a desperate need for Day Care Centres. There are the unmarried mothers, the husbandless wives, the wives who help supplement their family budget, etc. but whatever their reasons are, they have a right to work if they so wish...Many are concerned that an increase in Day Care services only serves to encourage women to abandon their parental responsibilities and seek employment just to purchase unnecessary frills and extras such as a second car or a colour television for the rumpus room. This is largely a myth. Department of Labour reports indicate that most mothers work out of economic necessity.⁷⁷

Even the members of the Edmonton Home Economics Association, though reluctant to support the idea of equal pay for equal work or the introduction of legislation for maternity leave were quite sanguine about the need for child care for economic reasons.⁷⁸ They expressed the problem this way:

It is really uneconomical for women to work when they have to pay for the care of children in the home. The exception would be the highly skilled or professional person who would command a high salary. The irony of the situation is that the woman who is the sole supporter of the family or who is forced to make arrangements for the care of their children with neighbours, aged relatives, or none at all for the slightly older child -- at best a rather unsatisfactory situation. We, therefore, strongly support day care centres supported by the government, staffed with professional and trained auxiliary staff adequately qualified to give more than just a baby-sitting service -- a total child care program.⁷⁹

The Saskatchewan Federation of Labour reinforced this argument, by linking the provision of child care to the reduction of family poverty. They pointed out that:

women leave the labour force because they cannot make suitable arrangements for care of their children during hours of work, although retirement from the labour force creates hardship unnecessarily on the family unit because of reduced income. A recent survey reported that 70% of the married women now working in Canada were doing so because their husbands earned less than \$3,000 a year. Loss of supplementary income by the female worker for this enormous percentage puts these family units into the class of economically deprived people.⁸⁰

Economic Benefits of Encouraging Women's Participation in the Labour Force

Some of the briefs developed a case for institutional child care by arguing that it would enhance the Canadian economy. The Saskatchewan Federation of Labour noted how the provision of adequate child care would encourage women with needed skills back into the labour force.⁸¹ The Women of the London and Middlesex NDP Riding Association argued that child care provision would mean that 'women who want to continue their education while their children are small would be able to do so' and that the process would encourage women 'to enter fields of study that required constant commitment.'⁸² Indeed, they pointed out that 'employers would have more confidence in training programs which would include women because they would know it was possible for these women to continue to work and make use of the training.'⁸³ A brief submitted

by an informal group of women in Ottawa argued further that the 'costs of day care centres would be offset by additional income tax revenue from women who would now be able to join the labour force.'⁸³ They also suggested that the 'additional purchasing power of these women and the removal of many families from welfare lists' would be brought about as a result.⁸⁴

Arguments about Maternal Responsibility and Self-Fulfilment

The urgency with which many of the briefs were imbued was directly related, not only to the economic reality of many women's lives, but to the fact that questions about child care were clearly contested. Almost all the briefs I examined assumed that women were entirely responsible for the care of their children. Even some of the briefs which supported the idea of institutional child care indicated that the aim of child care was 'to provide a close replica of the mother's warm responsive nature during the day time hours and to ensure that the natural mother gives as much warmth as possible to the child in the time she spends with him.'⁸⁵ Another indicated that child care centres must provide 'tender loving care in a home like atmosphere with proper supervision.'⁸⁶

Only two of the briefs I read argued that child care was a social rather than a maternal responsibility. La Voix des femmes in Montréal argued that 'la maternité est une fonction sociale qui doit être assumé par tous les citoyens et qu'il est lâche de laisser à la mère le soin de résoudre tant bien que mal.'⁸⁷ Moreover, in an argument that emphasised social responsibility for both women and children, the Day Care Section of the Citizens' Committee on Children in Ottawa wrote that 'society must now accept its share in the responsibility of creating satisfactory supportive services to guarantee the continued (labour force) participation of women as well as the health of their children.'⁸⁸

However, there were significant divisions of opinion about the extent to which the welfare of children would be served by the development of child care for working women. Some organisations were clearly opposed to the development of institutional child care outside the home. The brief submitted by the Catholic-based Association féminine d'Éducation de d'Action sociale claimed that 'presque la totalité des mères de famille qui ont des jeunes enfants estiment elles-mêmes que leur place est au foyer pour voir à l'éducation de leurs enfants.'⁹⁰ By contrast a brief submitted by another Catholic organisation, the Women's Section of the Canadian Religious Conference, claimed that institutional child care would not only supplement rather than replace the family, but also enhance women's well-being and self-fulfilment:

The increasing number of women working out of the home may signify that family experiences are not rewarding to a large enough degree. If that is true, our changing society can no longer give to women self-fulfilment within the limits of domestic life...A woman needs more than just a reassuring relationship with her husband and children. She needs a concept of self-worth. If a woman cannot achieve this concept in the home, she must look elsewhere.⁹¹

The brief submitted by the Montreal Association des femmes diplômées des universités was particularly interesting because it encapsulated the way child care was contested in the briefs submitted to the RCSW. Although written by committed feminists who supported the idea of institutional child care, it included the results of a survey they had conducted in 1966 amongst women in Montreal. Although 41 per cent of the women surveyed were working mothers with young children, many of the respondents showed a resistance to the idea of increasing child care facilities for women to work outside the home. The resistance they uncovered was of a religious, practical and emotional nature. A possible sense of religious duty was reflected in the comments of one respondent who remarked 'je ne suis pas du tout de l'avis de Betty Friedan. Le premier devoir est la famille.'⁹² A practical evaluation characterised another respondent

who did not support the idea of mothers with young children working outside the home: 'La femme mariée sans enfants peut facilement travailler à l'extérieur. C'est même à recommander. Avec des jeunes enfants, cela devient presque impossible.'⁹³ Finally, an emotional appeal was made by a third respondent, who asked about the effects of child care on children, by asking 'mais l'enfant, lui a-t-on demandé son avis? Cet enfant de la maternelle qui dessine une maison vide quand on lui demande de dessiner son chez-soi me fait réfléchir.'⁹⁴

Despite this resistance, the women who wrote the brief were clear about their own position: for them children were a real obstacle to women's entry into the world of employment:

L'enfant n'est pas un prétexte, une "bonne raison" pour rester au foyer mais un obstacle réel au travail à l'extérieur. La société commence à faire pression sur la femme mariée pour qu'elle accomplisse deux rôles au même moment ici il y a incompatibilité.⁹⁵

There was an urgency in many of the briefs, stressing the need for government to address the shortage of child care spaces. As the Women's Section of the Canadian Religious Conference noted in its brief, 'although there is a growing awareness of the urgent need for day-care service for the children of mothers who require or desire this service, we believe that no government has focused on this problem the attention it deserves.'⁹⁶ This position was reiterated in briefs from groups in Ottawa, Toronto and Winnipeg, all of whom stressed the shortage of child care spaces in relation to the demand.⁹⁷

Women's specific policy recommendations on questions of child care

Financing

Interestingly, and in contrast to the subsequent demands for free universal child care that would be voiced by child care activists in the 1970s and 1980s, the briefs I examined consistently called for subsidised child care. However, in arguing that the mother should contribute to the cost according to her income, these briefs all reinforced the notion of maternal responsibility for child care. To take one example:

It is only reasonable that the working mother should contribute to the cost of the day care in relation to her economic potential...those who benefit directly should be required to contribute to the cost while society, which benefits indirectly from happy, well cared-for children, should be prepared to contribute to the cost.⁹⁸

Availability of child care

There were repeated calls on the federal government to investigate the shortage of child care spaces in both urban and rural areas and to redirect some of the resources in the Canadian Mortgage and Housing Corporation (CMHC) to establish child care centres in housing units where need was intense.⁹⁹ Despite the fact that radical feminists were, at that time, calling for round-the clock child care, I only uncovered one brief citing the need for a 24-hour nursery system.¹⁰⁰ There was some division of opinion about whether crèches should be located in the workplace or in the community.¹⁰¹ However, there was much greater consensus, reflected in the following quotation, on who should have access to subsidised child care:

It is our contention that day care centres are needed not just by the mother who must work to support her family - although she should have priority - but by all women with small children.¹⁰²

Some recognition of the need to span provincial and federal jurisdictions

Despite the fact that questions pertaining to the provision of child care span federal and provincial jurisdictions, there was relatively little recognition of this fact in the briefs submitted to the RCSW. Only three of the briefs I examined recognised the shared jurisdiction on questions of child care. As the Day Care Section of the Ottawa Citizens' Committee on Children noted, 'day care for young children is primarily a matter pertaining to provincial jurisdiction and therefore of questionable relevance within the framework of reference of a Federal Royal Commission.'¹⁰³ However, it went on to argue that 'as with many other areas of development, we feel strongly that the division of powers set out in the British North America Act should not be allowed to inhibit serious consideration of our problem and effective progress towards our goals.'¹⁰⁴ The Committee was in fact sanguine about the need to address child care at federal, provincial and municipal levels of government. However, amongst activists appearing before the RCSW this level of awareness was unusual: a pattern -- as will become clear in Chapters Five and Seven -- that changed quite dramatically when a national child care movement was established in the early 1980s.

Overview of the Briefs

Considered together the briefs reveal how women framed their demands for equal employment opportunities with men, first, in relation to Canada's obligation to uphold international codes of human rights and, second, by emphasising the economic benefits that Canada would accrue from increasing the opportunities for women to participate in the labour force. In these respects the briefs were situated within the parameters of developmental and economic liberalism that had clearly influenced the design of the Commission's terms of reference.

While women's demands to be included within the parameters of worker-citizenship on equal terms with men responded directly to the Commission's terms of reference, their concerns about child care went well beyond them. This was evident, not only in the contents of the submissions, but in the tone in which they were written. While the briefs concerned with questions of employment opportunity relied very heavily on terminology associated with broader debates about human rights or economic progress, the submissions concerned with questions of child care drew directly on women's own experiences. Indeed, the submissions not only emphasised the urgency behind women's claims for child care, but enabled women to articulate how they required child care support because they needed to work for pay.

The submissions did reflect women's assumptions that they, rather than the fathers of their children, were primarily responsible for child care. Moreover, to some extent they revealed how the idea of women relinquishing their role as mother-citizens, in order to assume the privileges and responsibilities of worker-citizenship, was contested. The briefs I examined indicated that women saw child care as a maternal rather than societal responsibility. As a result women emphasised that they could not assume the responsibilities of worker-citizenship without some form of state support in this area. Moreover, as the RCSW had been established, in part, to encourage women's full inclusion within the paradigm of worker-citizenship, it became imperative that the Commissioners address policy questions about child care as fully as those concerned with promoting equality of employment opportunities amongst men and women.

How the Commissioners Reset the RCSW's Agenda

The Report of the RCSW opened with a classic statement of social citizenship, emphasising that since 'everyone is entitled to the rights and freedoms proclaimed in the Universal Declaration of Human Rights,' the Commissioners had examined the 'status of women to learn whether or not they really have these positive rights and freedoms both in principle and in practice.'¹⁰⁵ However, even in the introduction to the Report, the Commissioners indicated that it would not be a document that operated simply within this paradigm. Indeed the four principles that underscored their interpretation recognised the double-edged nature of women's demands, by emphasising how the gendered context of men's and women's lives had to be acknowledged in the pursuit of employment equality.

Principles underscoring the Report

The four key principles that the Commissioners developed to guide their writing of the Report reflected their recognition of the way that child-bearing meant that in general women were differently situated from men with respect to enjoying the positive rights and freedoms attached to social citizenship. The first principle -- 'women should be free to choose whether or not to take employment outside their homes' -- gave those women who were able to make such a choice the right to do so. The second principle -- 'the care of children is to be a responsibility shared by the mother, the father and society' -- was a radical move on the Commissioners' part, not only because it went beyond the maternalist assumptions in many of the briefs, but also because it signalled, early on in the Report, that they would address the issues of child care that women had raised. Their third foundational principle was that differences between men and women should be recognised as 'society has a responsibility for women because of pregnancy and child-birth and special treatment related to maternity will always be necessary.' The fourth principle -- 'in certain areas women will for an

interim period require special treatment to overcome the adverse effects of discriminatory practices' -- was one that initiated a much longer process of developing affirmative action and employment equity policies in Canada.¹⁰⁶

Equality of Employment Opportunity

The Commissioners addressed the issue of equality of employment opportunity directly in the chapter on 'Women in the Canadian Economy.' They did so in a way that met the requirements of the terms of reference and addressed the concerns that women had voiced in the briefs. The Commissioners noted that women experienced inequalities of employment opportunity on entering the workforce, first, because they found themselves blocked from jobs that had traditionally been held by men and, second, because they then found it difficult to advance through to senior management levels in their chosen field.¹⁰⁷ They also noted how 'opportunity is limited by occupational segregation. The traditionally female occupations seldom lead to the upper echelons of management. Nor do they often provide the kind of challenge that can earmark an employee as a prospective occupant of the executive suite.'¹⁰⁸ However, the Commissioners emphasised that while employment discrimination against women was often conspicuous and should therefore be corrected through public policies, traditional practices and assumptions which tended to keep women in low-paying, ghettoised jobs also needed to be addressed. Indeed, they noted that 'the most serious obstacle to women's advancement is probably the fact that many employers think senior positions are for men. Consciously or unconsciously, these employers attribute to women as a group characteristics that result in their elimination from consideration.'¹⁰⁹

The objective of the Commissioners in their proposals for change was to ensure that worker-citizenship was a viable option for women. Their principal concern was to 'eliminate immediate and specific injustices' while keeping 'an

ultimate objective in mind, [that] our recommendations should also lead to a future in which women and men will be recognized as contributing to the economy on an equal footing.¹⁰⁹ In order to achieve this they emphasised how the federal government should ensure that its own employment laws, policies and practices reflect its declared commitment to the principles of equal opportunity and non-discrimination. Indeed the Commissioners argued that the federal public service was a key site in which to develop women's employment opportunities, not only because the federal government was the major employer of women in the country, but also because it should make its own adherence to principles conspicuous to other employers.¹¹⁰

The Report recommended that 'a Women's Programme Secretariat be established in the Privy Council Office for promoting a programme for equality of opportunity for women in the federal Government service.'¹¹¹ It also called for the federal government to make greater efforts to ensure that 'women candidates get full consideration' for posts throughout the federal public service and that women's experiences of working in the domestic and voluntary sectors should be recognised as part of the work experience they bring with them when entering the labour market.¹¹² In addition, it argued that 'the federal Public Service Commission and federal government departments should have as an objective the elimination of the imbalance in the proportion of women and men in senior positions.'¹¹³ Indeed the Commissioner's called for more general attention to be paid to the way in which women experience inequality of opportunity with men, not only at the point of recruitment but also in the subsequent stages of employment: 'inequality of opportunity does not disappear when women enter the labour force.'¹¹⁴

Child Care

Although Susan Phillips has noted that the RCSW 'first gave child care saliency on the agenda of social issues,' academic analyses of the Commission have not paid detailed attention to the way in which the issue was addressed in its Report.¹¹⁵ Yet the RCSW proved to be a crucial opportunity, not only for women to articulate the link between child care provision and their labour force participation, but also to place this policy issue clearly on the federal policy agenda.

While the Commissioners sought, in addressing the question of child care, to ensure the equality of women in both the domestic and public spheres, they also responded to some of the more conservative claims in the briefs that upheld the family as the natural and fundamental unit of society whose primacy in the area of parenting should not be undermined. Although the Commissioners seemed keen to ensure that marriage was a union of equal partners rather than an institution facilitating women's economic dependence on men, they stressed that none of their recommendations 'is intended to change the role of women who are satisfied to remain in the home.'¹¹⁶

At the same time, however, they declared that 'change is needed in the most central function of the family - the care of children,' particularly given the primacy accorded to maternal care of children.¹¹⁷ Indeed, they argued that 'the care of children should be a responsibility shared by the mother, the father and the society,' because until such time 'women cannot be accorded true equality.'¹¹⁸ Moreover, the Report stressed the urgency of addressing the question of child care in order to promote women's employment: 'the time is past when society can refuse to provide community child care services in the hope of dissuading mothers from leaving their children and going out to work. We are faced with a situation that demands immediate action.'¹¹⁹

Although not a major preoccupation of the groups whose submissions I analysed, the Report attempted to shift child care out of the welfare realm and into the sphere of infant education.¹²¹ Its proposals to oust child care from the welfare trap were put forward in three ways. First, it argued that 'for the federal government to fail to proceed with a specific child care programme, removed from welfare legislation of a more general nature, would be to deny the claim that Canadian women have made for concrete assistance in the burden of responsibility which they have been compelled to carry.'¹²² Second, it called for a National Childcare Act to define clearly the duties of the federal, provincial and municipal governments in the building and running of child care centres. Specifically, the Commissioners recommended that the federal government should 'immediately take steps to enter into an agreement with the provinces leading to the adoption of a national Day-Care Act under which federal funds would be made available on a cost sharing basis for the building and running of day-care centres meeting specified national standards.'¹²³ Finally, by acknowledging that child care was not simply an issue of concern to parents with pre-school children but an issue affecting working parents with child dependents, it linked the question of school-age child care with educational provision.¹²⁴

The Commissioners were clearly concerned to keep questions of child care provision separate from those of tax allowances for children. They not only addressed these issues in separate chapters of their report, but also argued strongly in favour of a child tax credit rather than a tax exemption for child care expenses. Indeed, the Commissioners argued that 'tax credits [were] preferable to tax exemptions [because they were] independent of the size of income and do not benefit the rich...more than the poor.'¹²⁵ They therefore recommended that 'a federal annual taxable cash allowance in the order of \$500 be provided for each

child under 16 to be paid in instalments to the mother under the present Family Allowance system.'¹²⁶

The use of tax allowances, together with a system of sliding scale fees, was seen as the method to 'lift day-care out of the context of poverty' by ensuring that 'clients are drawn from all levels of society.'¹²⁷ At the same time, the Commissioner's recognised that the payment of child care allowances to mothers would serve to decrease government subsidies for day care centres. Indeed, this aspect of the Commissioner's proposals ensured that state subsidies of an expensive service would be kept within fiscal limits. As we shall see in Chapters Four, Seven and Eight, it is this concern more than the provision of a national system of child care that has continually characterised federal policy development in the field of child care.

Conclusion

The Report of the Royal Commission on the Status of Women (RCSW) placed the concept of equal employment opportunity for men and women squarely on the federal policy agenda.¹²⁸ It called on the federal government to back up the declarations of social citizenship encoded in the Commission's terms of reference by ensuring that women were free from employment discrimination on the grounds of their sex or marital status. Indeed, the Commissioners responded to the government's request for information about 'the present and potential role of women in the Canadian Labour force' by arguing, first, that 'the full use of human resources [was] in the national interest' and, second, that women and men should have 'equality of opportunity to share the responsibilities of society as well as its privileges and prerogatives.'¹²⁹

While the Commissioners responded to their terms of reference in this way they also moved beyond them in writing their report. Indeed they used the

evidence and arguments that women had presented in the briefs and hearings of the Commission to challenge the dominant understanding that equal employment opportunity for men and women could be achieved by treating them in an identical fashion. Although the Commissioners rooted their recommendations for the development of equal employment opportunity policies in well-established arguments about the promotion of human rights, equality of economic opportunity and the encouragement of economic growth, they also emphasised that policies to promote gender equality in employment would only be effective if they linked the principle of equal opportunity with a recognition of the different ways in which parenthood tended to shape men's and women's employment careers.

As Jenson has argued, royal commissions 'have become institutions in which contending interpretations and visions can be and are debated...In exploring alternatives, such commissions establish and often frame debates, not only for themselves, but for governments and the public.'¹³⁰ I have demonstrated in this chapter how the RCSW enabled women to articulate 'contending interpretations and visions' of their role in the domestic and public spheres and conceptualise the link between the provision of child care and their opportunities for employment. In so doing it placed a broader conception of equal employment opportunities on the federal policy agenda than had been envisaged in the Commission's terms of reference. In Chapter Four, therefore, I turn and consider how the Trudeau government, which received the Report of the RCSW, responded to the challenge it posed.

ENDNOTES TO CHAPTER THREE

1. For further discussion of this point see Bird, 1974:316; Black, 1993:159-160, Timpson, 1987, Burt 1993:222; Clark, 1997:3-4; Paltiel, 1997:27.
2. Prentice et al. 1988:352.
3. Quotation from author's interview with Chaviva Hosek, past president of the National Action Committee on the Status of Women, Toronto, August 1986. For a critical analysis of the way this 'bible' became seen as a highly racialised 'truth' about women see Williams,1990. The term 'femocrat' is Australian in origin (Watson, 1990:5). In this context it is used to describe federal bureaucrats employed to develop and promote state-funded initiatives to improve the position of women.
4. The only full length study of the RCSW that I have found is Cerise Morris' unpublished doctoral dissertation on the establishment and organisation of the Commission (Morris, 1982). A recent edited collection, compiled as a result of a conference to mark the twentieth anniversary of the RCSW does provide a number of reflections on the work of the Commission and on the more recent development of public policies it originally recommended (Andrew and Rodgers, 1997). However, the link between the RCSW's recommendations on equal employment opportunities and child care is not covered in this volume.
5. The literature on the Commission itself includes analyses of (i) the politics that surrounded its creation: Craig, 1967; Paltiel, 1967; La Marsh, 1969; Morris, 1980; (ii) the background of the Commissioners: Canadian Labour Congress, 1967a; Edmonds,1968.; (iii) the internal workings of the Commission: Bird, 1974, 1997; Morris, 1982; Arscott, 1995; (iv) its hearings: Newman, 1969; Bird, 1974; Spiers, 1969; (v) their construction in the English Canadian press: Newman, 1969; Bird, 1974: 297-302; Freeman,1995; (vi) the biases of the Commissioners, the way they structured their enquiries and the questions they failed to address: Larkin, 1970; Newman, 1971; Arscott, 1995; (vii) the Report: Campbell, 1970, 1971; Morton, 1971; Marcotte, 1971; Sauvé, 1971; Marchak, 1972; Williams, 1990; (viii) the significance of the RCSW in the evolution of royal commissions: Jenson 1994. Interestingly, the construction of the RCSW in the Québec press has not been analysed in detail. This is a significant lacuna in the literature given that newspaper coverage of the Commission's hearings in Montreal was more focused than coverage in the English Canadian press of hearings in other Canadian cities. In contrast to the coverage in the English Canadian press, which more often than not was relegated to the women's pages, both *Le Devoir* and *La Presse* devoted special sections of the newspaper to the Commission's hearings (*Le Devoir* June 11, 1968:3,9; June 13, 1968:11; June 14, 1968: 15; June 15, 1968:18

and *La Presse* June 12, 1968: 58-59). As Newman notes 'apart from the CBC, which treated [the RCSW] with care and imagination, *Chatelaine* magazine (which could be called a special pleader anyway), and the French-language press in Quebec, the news media gave the Commission only casual attention' (Newman, 1971: 23). For discussions of the impact of the Commission on Canadian feminism see Timpson, 1987; Burt, 1994; Vickers et al., 1993; Black, 1993; Bashevkin, 1993:24-25. For discussion of the federal government's response to the RCSW's recommendations see Paltiel, 1995; Advisory Council on the Status of Women, 1974; Canadian Advisory Council on the Status of Women, 1979; Bird, 1974; Bégin, 1997; O'Neil and Sutherland, 1997:203-212.

6. Both issues are addressed in articles about (i) the RCSW's Report and (ii) the federal government's subsequent take up of the Commission's recommendations, though the connection between them is not pursued. For examples of (i) see Kowaluk, 1974; for examples of (ii) see Morgado, 1991; Advisory Commission on the Status of Women, 1974; Canadian Advisory Commission on the Status of Women, 1979.

7. Jenson, 1994: 40.

8. As the Women's Group of the London and Middlesex Ridings Association of the NDP noted in its brief: 'if the Royal Commission does nothing else, we believe it has already justified its formation. The very fact of its existence has caused people -- both men and women -- to examine their attitudes about the roles of women in modern society' (The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party (1967) Submission to the Royal Commission on the Status of Women Brief No 176:A).

9. There are numerous examples of this process in the briefs themselves. The introductory comments of the brief presented by the NDP Provincial Women's Committee, Saskatchewan noted how their submission 'was prepared by a group in Regina, from the material gathered at a Women's Day on January 21, 1968, attended by forty-eight women from five Regina constituencies and five surrounding rural constituencies. The writing committee included Pemrose Whelan, Anne Blakeney, Myrtle Surjik and Beth Hone' (New Democratic Party Provincial Women's Committee, Saskatchewan Section (1967) Submission to the Royal Commission on the Status of Women Brief No. 133:1). Similarly the introduction to the brief from *La voix de femmes*, Montréal noted that 'the outline of the brief was approved as the National Brief of the Voice of Women at the Council Meeting in Toronto (Voice of Women, Montreal (1968) Submission to the Royal Commission on the Status of Women Brief No. 348:1). Significantly, the comments of the RCSW's own analyst written in response to the brief submitted by the Women's Section of the Canadian Religious Conference remarked that: 'Considering the amount of time spent, and the number of

people involved in its preparation, considering the method used which makes it highly representative of a large and informed section of the population, this brief is of great importance' (Women's Section of the Canadian Religious Conference (1968) Submission to the Royal Commission on the Status of Women Brief No 313:1).

10. Group of Women in Ottawa (1968) Submission to the Royal Commission on the Status of Women No 247:1 (Ottawa: Public Archives of Canada)

11. Ideas about participatory democracy were in vogue at the time. They were one of the hallmarks of the first Trudeau administration. Moreover, ideas about the connection between political participation and political efficacy were being discussed, more broadly, in academic circles (Pateman, 1970).

12. Bird, 1974:269.

13. It is interesting that the NDP Provincial Women's Committee of Saskatchewan stated that 'the remarks of Mrs. John Bird in Regina, as quoted in the Leader-Post of December 7, 1967, were very helpful in showing what we might deal with in the brief.' (New Democratic Party Provincial Women's Committee, Saskatchewan Section Submission to the Royal Commission on the Status of Women Brief No 133:1).

14. Of the 469 briefs submitted to the Commission, 199 were submitted by individual women and twelve were submitted by small groups of women who were not writing as members of an established women's organisation. Submissions from organised women's groups and small groups of women, writing together, have been included in this analysis.

15. Canada, Royal Commission on the Status of Women in Canada, 1970:vii.

16. I use the word 'fully' here on purpose as the Commission's terms of reference did instruct the Commissioners to examine 'the special problems of married women in employment' (ibid). Even though the Commissioners were not asked to investigate the issue of child care, the inclusion of this phrase in the terms of reference did open up a space that enabled women to talk about the problems faced by the mothers of young children who worked outside the home.

17. Ibid.

18. Some attention has been paid to this question by Morris, 1980:11-13.

19. June Menzies, a member of CFUW, wrote a letter in the Association's March 1966 Newsletter, asking what women should do to improve their status in

Canada. This letter, and a follow-up communication from the president of Voice of Women (VOW), led Helen Tucker, and the president of CFUW, Laura Sabia to 'call the women together again' and create the CEW. Fifty women from these organisations met together with members of the Press, at the CFUW Club House in Toronto on May 3, 1966 and passed resolutions about ways in which the status of women could be improved in Canada (Morris, 1980:9-10).

20. My emphasis.

21. Morris, 1980:11.

22. The implicit parallels between establishing a commission to review the status of Canada's 'two founding nations' and Canada's 'two founding sexes' also enabled the activists on the CEW to see their work as promoting national unity amongst Canadian women. It is interesting to note that through Sabia's own contacts representatives of the *Fédération des femmes du Québec (FFQ)* and the Québec labour movement were drawn into the lobbying process (author's interview with Laura Sabia, chair of CEW, Toronto, August 1986).

23. This decision was confirmed by CEW on June 28, 1966 just after the July issue of the women's magazine, *Chatelaine*, published Anderson's editorial calling for a royal commission on the status of women (Anderson, 1966). The brief to be submitted to the federal government was ratified by CEW on September 15, 1966. An interesting aspect of the work of CEW, that has not been clarified in the literature to date, but on which Sabia has commented, is that the Ontario Federation of Women Teachers Associations (which later housed the National Action Committee on the Status of Women (NAC) and many other groups at 1260 Bay Street) played a very active part in its development. The Federation provided free office space in which the CEW headquarters could be based and offered significant financial support to develop the campaign for the RCSW (interview with Laura Sabia). Nonetheless, the fact that women in the CEW paid their own travel and accommodation bills to join the Ottawa lobby indicates that this kind of political action was only open to women with the financial resources available to engage in it.

24. Despite its human rights focus, the initial reaction of the cabinet representatives who were present at the meeting was 'to laugh at it' by claiming 'we love women, what's this all about' to which Sabia responded 'love us less and give us more' (interview with Laura Sabia).

25. Morris, 1980:13. The brief was presented to Minister of Justice, Lucien Cardin, by Laura Sabia, Margaret Hyndman, Emile Colas, Julia Schultz and Margaret MacLellan in the presence of sixty observers, including a delegation from the FFQ (ibid.). Indeed, as Sabia has noted, the inclusion of the FFQ representatives

was not simply to give a show of national unity but to ensure that the CEW delegates had some direct influence on the francophone Minister of Justice (interview with Laura Sabia).

26. The seven areas were: female workers under federal jurisdiction, family law, taxation, education and retraining, immigration, International Labour Organisation conventions that had not yet been ratified and the global status of women in a changing society (Morris, 1980:10)

27. *Supra.* endnote 26.

28. Indeed, she argued that the CEW felt that a royal commission was the only appropriate vehicle to achieve this because it would demand public attention and be made up, primarily of women (Morris, 1980:10).

29. Henderson, 1967.

30. For an autobiographical account of Judy La Marsh's internal cabinet wranglings to get the RCSW established -- 'one of the hardest things I ever accomplished' -- see La Marsh, 1969:301-302. For an account of Laura Sabia's remarks see *Globe and Mail*, January 5, 1967. The importance of this remark is reinforced by Bégin's account of the politics that surrounded the creation of the Commission, in which she argues that the federal government was keen to avoid confrontation (Bégin, 1992:27).

31. For an analysis of the NDP influence on Pearson see Morris, 1980:5, 20 and Black, who notes that 'in parliament, the New Democratic Party, urged on by their only woman MP, Grace MacInnis, used the issue of a women's commission as yet another handy weapon against a government that lacked an absolute majority' (Black, 1993:159).

32. *Ibid.*

33. Black alludes to the fact that the Royal Commission was an ideal instrument for 'appeasing and possibly diffusing any feminist activism' but does not explain why (Black, 1993:159). John English has suggested that Pearson felt the existence of a royal commission would channel second-wave feminist activity (and his daughters' interest) away from the peace movement (author's discussion with Hon. John English, MP, Canadian High Commission, London, March 1995). Dumont has argued that by agreeing to a royal commission the federal government hoped it could contain feminist debate within the sphere of human rights (Dumont, 1986:17).

34. I have made this point in an earlier article see Timpson, 1987. Black notes

how 'this was a period of numerous royal commissions in Canada, most conspicuously the Royal Commission on Bilingualism and Biculturalism'(Black, 1993:159). It is also important to recognise that this was 'the golden age' of royal commissions (Wilson, 1971). For a recent discussion of the work of the Royal Commission on Bilingualism and Biculturalism see McRoberts, 1997. The Royal Commission on Bilingualism and Biculturalism was established in 1963 and reported in 1967.

35. In addition to the President's Commission on the Status of Women in the United States (1961-63), similar commissions on the status of women had been established in France (1966), West Germany (1962), Denmark (1965), United Kingdom (1966), Finland (1966), the Netherlands (1966), Austria (1966), Belgium (1966) and Norway (1966) (Canada, Royal Commission on the Status of Women in Canada, 1970:1). For discussion of Canada's ratification of ILO Convention 111 see Jain, 1981:21.

36. Anderson, 1966.

37. Canada, Department of Labour, 1969.

38. Black, 1993:159.

39. For a fuller discussion of this tension in Canadian liberalism see Manzer, 1985:9-19.

40. Canada, 1970:vii.

41. Canada, 1970:vii.

42. Ibid.

43. Ibid.

44. Ibid:vii-viii.

45. Ibid.

46. Three other issues that came to the fore in the briefs and hearings that were not specifically identified in the terms of reference were (i) the degree of poverty that women experienced; (ii) the issue of abortion and (iii) the particular problems encountered by aboriginal women in Canada.

47. Although the phrase 'day care' was consistently employed throughout the RCSW I will, for the sake of consistency, continue to use the term child care in

my own text, unless quoting directly from a brief or section of the RCSW's Report.

48. The other principal concern was in the area of education. As Table 3.1 indicates some of these submissions concerned women's potential employment because they raised issues about training and re-training women entering and re-entering the labour force. A more detailed breakdown of the Index to Briefs can be found in Appendix A.

49. Using the list of *Submissions* (on pp. 456-467 of the Report) I identified all of these organisations/groups and then sub-divided them into categories that reflected the focus of their organisational interest (Table 3.2 and Appendix B). I then used the Commission's *Index to the Briefs* to identify the briefs in each sub-group that had addressed issues of employment opportunity and child care. The twenty-eight briefs on which my analysis focuses were chosen because they raised concerns about employment opportunity or child care more frequently than any of the other organisations in the sub-group. The groups chosen are identified in Table 3.2 and asterisked in Appendix B. In cases where an organisation addressed both issues more frequently than any other organisation it was chosen as the sole brief in the organisational sub-group. In the case of farm women's organisations, where only two organisations commented on employment opportunity and did so the same number of times, I chose the anglophone organisation in contrast to the francophone one selected on the issue of child care. In the case of political parties, where NDP and Conservative women's organisations had raised questions about child care a similar number of times, briefs from riding associations of each party were analysed. All briefs listed in Appendix B have been identified by the number allocated to them in the Report of the RCSW.

50. A more detailed breakdown of the index is located in Appendix A.

51. Manitoba Volunteer Committee on the Status of Women (1968) Submission to the Royal Commission on the Status of Women No 318:270.

52. Voice of Women, Montreal (1968) Submission to the Royal Commission on the Status of Women Brief No. 348:5. This was the only brief I came across, with different sections written in French and English. The quotation in English is not a translation from French.

53. Canadian Federation of University Women, New Brunswick Section (1967) Submission to the Royal Commission on the Status of Women Brief No. 141:5.

54. Manitoba Volunteer Committee on the Status of Women (1968) Submission to the Royal Commission on the Status of Women Brief No. 318: **

55. Canadian Dietetic Association (1968) Submission to the Royal Commission on the Status of Women, January 19, Brief No 239:4. At the time of writing the brief the Canadian Dietetic Association was an 'incorporated association of 1587 Dieticians 3 of whom are men' (Ibid.: 239:1).

56. Ibid.:11.

57. Canadian Federation of University Women, New Brunswick Section (1967) Submission to the Royal Commission on the Status of Women Brief No.141:4.

58. Delta Kappa Gamma Society (1968) Submission to the Royal Commission on the Status of Women Brief No. 232:1.

59. Brief 232:2

60. Canadian Dietetic Association (1968) Submission to the Royal Commission on the Status of Women Brief No. 239:3. A similar point was made by the Women of the Middlesex and London NDP Riding Associations who noted that 'when more and more women are drawn into the professions and the labour force, many unnecessary hurdles, mainly the result of outdated attitudes, are still left in their paths. If these hurdles can be removed by the report of this commission it will be a great help to Canadian women' (The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party (1967) Submission to the Royal Commission on the Status of Women Brief No. 176:A).

61. Canadian Federation of University Women, New Brunswick Section (1967) Submission to the Royal Commission on the Status of Women Brief No. 141:6. A similar argument was advanced by The Canadian Federation of Business and Professional Women's Clubs (1967) Submission to the Royal Commission on the Status of Women Brief No. 147:10.

62. Committee of the Day Care Section of the Citizens' Committee on Children (1968) Submission to the Royal Commission on the Status of Women Brief No. 324:3. The Ottawa Citizens Committee on Children was established in November 1967 because of 'a growing concern and frustration with the lack of adequate Day Care Services for young children in the City of Ottawa' (ibid.:1).

63. New Democratic Party Provincial Women's Committee, Saskatchewan Section(1968) Submission to the Royal Commission on the Status of Women Brief No. 133:5.

64. Ibid:4.

65. Canadian Federation of Business and Professional Women, Ottawa (1967) Submission to the Royal Commission on the Status of Women Brief No. 147:10.
66. Canadian Federation of University Women, New Brunswick Section (1967) Submission to the Royal Commission on the Status of Women Brief No. 141:6.
67. Canadian Federation of Business and Professional Women, Ottawa (1967) Submission to the Royal Commission on the Status of Women Brief No. 147:10.
68. Ibid.:10.
69. The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party (1967) Submission to the Royal Commission on the Status of Women Brief No. 176: B.
70. Canadian Clubs of Zonta International, Toronto (1967) Submission to the Royal Commission on the Status of Women Brief No. 97: 2.
71. Canadian Dietetic Association (1968) Submission to the Royal Commission on the Status of Women Brief No. 239:4.
72. See for example New Democratic Party Provincial Women's Committee, Saskatchewan Section (1968) Submission to the Royal Commission on the Status of Women Brief No. 133:16, and Manitoba Volunteer Committee on the Status of Women (1968) Submission to the Royal Commission on the Status of Women Brief No. 318:311. These briefs called on governments both to achieve greater balance between the retraining programs for rural and urban women and to address issues of difference relating to maternity and child care.
73. Canadian Federation of Business and Professional Women, Ottawa (1967) Submission to the Royal Commission on the Status of Women Brief No. 147:11, 23. It is interesting to note that although the CFBPW, Ottawa found it straightforward to link questions of equality and questions of difference, the RCSW analyst who assessed the brief clearly alerted the Commissioners to the question of whether 'you can insist on (the) premise that there is no difference between men and women and also demand legislation to provide maternity protection and day care?' (ibid: analyst's notes).
74. Delta Kappa Gamma Society (1968) Submission to the Royal Commission on the Status of Women Brief No. 232:11.
75. The Women's International League for Peace and Freedom (1968) Submission to the Royal Commission on the Status of Women Brief No. 238:12.

The Women's International League for Peace and Freedom has 'since inception in 1915 stood for equality between men and women'(ibid.:1).

76. Ibid.

77. Ibid.:2-3.

78. Their reluctance to support equal pay was expressed in the following way: 'We support equal pay for equal work, but we recognize that because of family responsibilities, the short term involvement or the physical aspects of some work, a woman can not contribute as much to some jobs as a man and in fairness should not expect the same remuneration. This factor must not detract from the position of a committed career woman who makes a contribution fully equal to a man (Home Economics Association, Edmonton (1967) Submission to the Royal Commission on the Status of Women Brief No. 190:3). Their concern about maternity leave provision was expressed as follows: 'Legislation in the area of maternity leave would seem difficult to enforce and is not realistic in our production oriented society, especially if definite length of leave and job security were legislated. This decision is really a personal one and where a woman is valuable to her employer, arrangements will be made for their mutual benefit'(ibid:4). Interestingly, both these facets of their submission were questioned by RCSW analyst. At the time of writing the Home Economics Association of Canada existed 'to promote the welfare of the Canadian home and to serve the community life of Canada' (ibid.: 1).

79. Ibid:4.

80. Women's Ad Hoc Committee of the Saskatchewan Federation of Labour, CLC (1968) Submission to the Royal Commission on the Status of Women Brief No. 296: 4.

81. Ibid.:4.

82. The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party (1967) Submission to the Royal Commission on the Status of Women Brief No. 176:B.

83. Ibid.

84. Group of Women in Ottawa (1968) Submission to the Royal Commission on the Status of Women Brief No. 247:3.

85. Ibid.

86. Canadian Federation of Business and Professional Women of British Columbia and the Yukon (1968) Submission to the Royal Commission on the Status of Women Brief No. 261:5.
87. Alta Vista Women's Progressive Conservative Association (1968) Submission to the Royal Commission on the Status of Women Brief No. 288:1.
88. Voice of Women, Montreal (1968) Submission to the Royal Commission on the Status of Women Brief No. 348:4. This brief was written in English and French. The origins of the organisation were described in the brief in the following way: 'La voix des femmes était fondée en 1960 'd'exprimer leurs positions contre la guerre ou tout menace de guerre' (ibid.:1).
89. Committee of the Day Care Section of the Citizens' Committee on Children (1968) Submission to the Royal Commission on the Status of Women Brief No. 324:3.
90. Association féminine d'Éducation et d'Action sociale (1968) Submission to the Royal Commission on the Status of Women Brief No. 303:**At the time the Association had 30,000 French Canadian members, who were mainly mothers (ibid.: 1).
91. Women's Section of the Canadian Religious Conference (1968) Submission to the Royal Commission on the Status of Women Brief No. 313:17, 18.
92. Association des Femmes diplômées des Universités (1968) 'La femme mariée face aux études et au travail' Submission to the Royal Commission on the Status of Women Brief No. 349.
93. Ibid.
94. Ibid.
95. Association des Femmes diplômées des Universités (1968) 'La Femme Mariée Face Aux Études et au Travail' Submission to the Royal Commission on the Status of Women Brief No.349:**
96. Women's Section of the Canadian Religious Conference (1968) Submission to the Royal Commission on the Status of Women Brief No. 313:6.
97. Committee of the Day Care Section of the Citizens' Committee on Children (1968) Submission to the Royal Commission on the Status of Women Brief No. 324. Manitoba Volunteer Committee on the Status of Women (1968) Submission to the royal Commission on the Status of Women Brief No. 318. Victoria Day

Services, Toronto Submission to the Royal Commission on the Status of Women Brief No.168.

98. Canadian Federation of Business and Professional Women, Ottawa (1967) Submission to the Royal Commission on the Status of Women Brief No. 147:23.

99. See for example Parents Without Partners (1968) Submission to the Royal Commission on the Status of Women Brief No.319:2.

100. Fédération des Services sociaux à la Famille du Québec (1968) Submission to the Royal Commission on the Status of Women Brief No. 256:6.

101. For an argument in favour of workplace child care see Alberta Jaycettes (1967) Submission to the Royal Commission on the Status of Women Brief No. 54:8. This argued that 'day care centres are needed, perhaps government-sponsored, and most desired is a nursery on the premises where the mother works or trains' (ibid.).

102. The Women's Group of the London and Middlesex Ridings Association of the New Democratic Party (1967) Submission to the Royal Commission on the Status of Women Brief No. 176:B.

103. Committee of the Day Care Section of the Citizens' Committee on Children (1968) Submission to the Royal Commission on the Status of Women Brief No. 324:1.

104. Ibid.

105. Canada, 1970:xi. The influence of concepts of citizenship was apparent in the Commissioners' recognition that 'there should be equality of opportunity to share the responsibilities of society as well as its privileges and prerogatives' (ibid).

106. Ibid. With the exception of John Humphrey, who wrote a minority report, all the commissioners agreed on these principles (Bird, 1974:287).

107. Canada, Royal Commission on the Status of Women, 1970.

108. Ibid: 92.

109. Canada, 1970:93.

110. Ibid.: 20.

111. Ibid.:105.

112. Ibid.: 403.

113. Canada, Royal Commission on the Status of Women in Canada, 1970:400.

Indeed the Commissioners went on to argue 'the relationship of their unpaid housework to the economy should be clarified. Perhaps it would help if a way could be found to include their unpaid production of goods and services in the Gross National Product' (Ibid.:37).

114. Canada, Royal Commission on the Status of Women in Canada, 1970:400.

115. Ibid.: 91.

116. Phillips, 1989:166.

117. Canada, Royal Commission on the Status of Women, 1970:228.

118. The Commissioners felt that assumptions about maternal care of children needed to be evaluated in historical perspective, particularly as in precapitalist societies the care of children was not only carried out by the extended female family but was just one of a wide range of tasks women had to complete within the family (ibid:228).

119. Ibid.: xii.

120. Ibid.:266.

121. This was a significant step given that the Report was prepared shortly after the federal government's introduction of the Canada Assistance Plan (CAP): a system that rooted child care provision firmly in the sphere of welfare, and remained in place until the Canada Health and Social Transfer was introduced in 1995.

122. Ibid.: 2.

123. Ibid.:270-271. It is important to note that although the federal government had removed itself from the child care field when it rescinded the Dominion-Provincial Wartime Day Nurseries Agreement in 1946, it had become directly involved in child care provision when it introduced the Canada Assistance Plan (CAP) in 1966. This was a welfare measure, *par excellence*, which remained one of the principal components of federal child care policy until the 1995 budget, when CAP was replaced by the Canada Health and Social Transfer (CHST).

Under CAP the federal government split the costs of child care (and other support services) with the provinces and territories when services were provided to 'persons in need or those who are likely to become persons in need' if such services were not already provided. Child care was included in CAP because it was designed to 'provide services that lessen, remove or prevent the causes and effects of poverty, child neglect or dependence on public assistance' (Canada, Statutes 1966-67: c.45, s.2). The child care component of CAP was designed not only to subsidise the child care costs of low-income families but also to ensure that the children of these parents were kept in publicly regulated child care centres. Implicitly it was also designed as a workfare measure to keep parents of low-income families in the labour force rather than dependent on welfare. In terms of its fiscal technicalities CAP proved to have three major disadvantages. It depended on provincial initiatives for the 50-50 cost share, it failed to provide an equitable support service across the country and only a fraction of the families who could be eligible for support under the federal guidelines actually received help.

124. Ibid.: 271.

125. Canada, Royal Commission on the Status of Women in Canada, 1970:302.

126. Ibid.:303.

127. Ibid.: 268.

128. Paragraph 369 of the Report of the RCSW noted that 'the position of women employees in the Government of Canada deserves close examination, not only because the government employs a large number of women in a great variety of occupations, but because the government's employment practices should demonstrate its principles. Since Canada has officially subscribed to principles recognizing women's right to equality of opportunity, the Canadian government must ensure that its employment laws, policies and practices reflect and implement these principles. The government should also make its own adherence to principles conspicuous to other employers' (ibid.:105).

129. Ibid.: xii.

130. Jenson, 1994:40.

**THE FEDERAL POLICY RESPONSE TO THE ROYAL
COMMISSION ON THE STATUS OF WOMEN**

**The Development of Equal Employment Opportunity and Child Care
Policies in the 1970s**

This chapter examines the federal government's response to the Report of the Royal Commission on the Status of Women (RCSW) and considers how it addressed question of employment opportunity and child care in the 1970s. The first three sections of the chapter demonstrate how federal government policies to encourage equal employment opportunities for women were designed with the dual objectives of treating women in the same way as men and encouraging them to enter critical sections of the labour force. They examine how the federal government established a bureaucracy to support the development of policies concerned with the status of women, encouraged the hiring and promotion of qualified women within the federal public service (FPS), funded retraining programs to enhance the skills and qualifications of women wishing to enter the labour force and outlawed sex discrimination in the federal workplace by passing the Canadian Human Rights Act (CHRA) and establishing the Canadian Human Rights Commission (CHRC) to oversee its implementation.

The last two sections of the chapter show that although the federal government took clear steps to promote women's employment opportunities and eradicate sex discrimination in the federal workplace, its response to the RCSW's recommendations on child care were minimal and completely separate from the equal employment opportunity measures it developed. The analysis shows how the Trudeau government established a method of addressing child care that relied heavily on tax relief to individual parents. While it introduced a

Child Care Expense Deduction (CCED) for working parents in 1971, and a Child Tax Credit in 1978, it made no attempts to expand its subsidies for child care beyond those made to the provinces through the Canada Assistance Plan (CAP). Moreover, these policy developments set a pattern for federal involvement in the field of child care that has never been reversed, despite activists' subsequent calls for a universal child care service.

The Federal Government's Strategy to Promote Equal Employment Opportunities for Men and Women.

The Federal Government's Immediate Response to the RCSW

The federal government's immediate response to the Report of the RCSW was organisational and followed closely the first of the recommendations contained within the Report's Plan of Action.¹ Shortly after the Report was published, an Interdepartmental Committee (IDC) on the Status of Women was established within the Privy Council Office to 'coordinate and expedite the implementation of the recommendations made by the RCSW.'² Its chair, Freda Paltiel, described the process of the IDC's creation and her decision to accept the post of chair in the following way:

I was summoned to the Privy Council Office and handed the newly tabled report by the RCSW. I took the historic document home for the weekend and realized the values it contained were far ahead of prevailing views in Canadian society and that implementation would result in a transformed Canada. I also realized that timely implementation would require a pragmatic approach to policy development rather than a full-scale debate on principles. Subsequently, one of my conditions for undertaking the role of Canada's first coordinator, Status of Women was that not only public servants but also citizens be invited and remunerated for sitting on working groups.³

Paltiel's insistence that citizens and bureaucrats be involved in designing the federal government's response to the RCSW was a radical interpretation of the Commission's recommendation on this issue.⁴ Her strategy undoubtedly forged

links between the federal government and the nascent institutionalised women's movement. In addition, her insistence that departments appoint representatives who were strongly committed to the implementation of the Report meant the IDC became a locus for federal femocrats.⁵ However, her decision to have separate subcommittees deal with different aspects of the Report, including its specific recommendations on employment and child care, initiated a distinction between these two issues at an early stage in the process of federal policy development that has never been reversed.⁶

Equal Employment Opportunity Programs for Women in the Federal Public Service

The federal government began to address the issue of gendered employment inequality by putting its own house in order and promoting women's employment opportunities within the FPS. It is worth noting that this response meshed well with the prevailing ethos of an expanding federal bureaucracy in the early 1970s. It was a time of growing interest in the idea of representative bureaucracies and a point when the merit system, though designed to eliminate patronage appointments, had come under scrutiny for reinforcing the employment opportunities of certain groups of citizens at the expense of others.⁷ In particular, it was an era in which the first Trudeau government had decided to use the FPS as a key site in which to 'transform the linguistic face of Canada,' and, as a result, declared its commitment to the principle of creating a federal bureaucracy that reflected the population it served.⁸

Although the Trudeau government's decision to improve the employment and promotion opportunities of francophones within the FPS was a direct response to the growth of state-centred nationalism in Québec, the 1969 Official Languages Act set an important precedent. It did so by using federal employment initiatives both to redress historic discrimination against disaffected citizens and to adjust the symbolic order of Canadian society.⁹ Though hardly recognised in

the literature on this subject, the francophone initiative had a clear impact on debates about feminising the FPS.¹⁰ However, the process that was set in train by the introduction of the Official Languages Act differed fundamentally from the policies that were subsequently introduced to improve women's employment opportunities within the FPS. The Official Languages Act not only legitimised the use of French and English in the federal workplace, but linked this process to the creation of jobs for francophones at all levels of the FPS.¹¹ While recognition of language difference was intrinsic to the promotion of employment opportunities for francophones within the FPS, a similar level of respect for gender differences did not characterise the development of federal policies to promote women's employment opportunities within its own bureaucracy.

The federal government's initial response to the question of promoting women's employment opportunities within the FPS was clarified in the 1971 Report of the Public Service Commission (PSC), which declared that 'the merit system, though originally designed to eliminate patronage, had failed to meet changing values and conditions' not least because 'women's presence in the higher ranks of the public service was virtually non-existent.'¹² Although the RCSW had called for temporary special programs to compensate women for historic employment discrimination and promote their employment opportunities, the PSC's Report simply advocated the creation of an Office of Equal Opportunity within the PSC to promote equal employment opportunities within the federal bureaucracy. This office was established in 1971. However, because its mandate was to encourage rather than implement an equal opportunities program within the FPS, measures to address the extent of women's under-representation proved slow to develop.

An attempt to speed up the process occurred in April 1972 when Cabinet Directive Forty-Four was issued to all deputy ministers encouraging them 'to

take steps to assign and advance more women into middle and upper echelon positions' within their organisations.¹³ However, like the Office of Equal Opportunity, the Directive carried no instructions for compliance. Inevitably therefore, it was inconsistently implemented across agencies and departments. The result, as Nicole Morgan has noted, was 'a remarkable demonstration of the grip of bureaucratic culture and ideology...islands of enthusiasm adrift in a sea of indifference, inertia and resistance.'¹⁴

It was not until October 1975, during International Women's Year (IWY), that Jean Chrétien, then President of Treasury Board, announced the Equal Opportunities for Women (EOW) program, which became the backbone of the federal government's employment opportunity strategy during the second half of 1970s. Although this announcement indicated that the federal government was developing a more systematic approach to the issue of equal employment opportunities within the federal bureaucracy, it was a policy rooted in employment norms that had been established by employing men. Even though the policy sought 'to ensure that women were accorded equal access to employment and career opportunities in the public service of Canada' by removing employment practices that 'militated against the participation of women in all levels of any occupational group,' such practices were deemed to be rooted in the discriminatory attitudes of employers rather than in systemic factors within the institutions that might restrict women's employment opportunities.¹⁵ The concept of equal opportunity that was embedded in the program was one that emphasised the need to recruit, promote and accelerate *qualified* women within the FPS, by encouraging managers to overcome their prejudices and recognise that these women were just as capable as similarly qualified men.¹⁶

It is hardly surprising, given its emphasis on the need to promote and accelerate the careers of *qualified* applicants of both sexes, that the program was criticised by women's organisations for its failure to address the patriarchal assumptions underlying the merit system and deal with the 'legacy of discrimination' that women faced.¹⁷ Only slight adjustments were made to hiring and promotion criteria when the EOW program was introduced, and these proved insufficient to legitimise the experience that women could bring to public service employment.¹⁸ Moreover, these failed to respond to the RCSW's recommendation that employers should recognise the skills that women had developed outside the labour force.¹⁹

While the program reflected how ideas about representative bureaucracy were in vogue in the mid-1970s it did not, as in the case of the francophone initiative, restructure employment practices in a way that fully acknowledged the particular circumstances in which many women took up employment. Although it declared that 'within a reasonable period of time, the representation of male and female employees within the public service should approximate the proportion of qualified and interested persons of both sexes, available by department, occupational group and level,' bureaus were encouraged to conduct a general review of departmental regulations and practices rather than think through how the organisation of the workplace failed to recognise the specific issues that women workers faced.²⁰ Instead, and in keeping with the rational style of government for which Trudeau's government was so well known, it implemented a review of departmental regulations and practices.²¹ It also established a five-year plan of action 'based on measurable objectives and annual numerical targets' that did not challenge the established merit system on which public service employment was based.²²

Although the EOW program encouraged the hiring of women within the federal bureaucracy it made little impact on the *proportion* of male and female bureaucrats employed within the FPS. Between 1974 and 1979 there was a significant increase (21,443) in the number of women appointed to the FPS. However, as this was an era of public sector expansion the overall proportion of women employed in the FPS increased by only 3.1 per cent to account for 34.6 per cent of the total public service staff.²³ Moreover, the increased feminisation of the federal work force did little to break the pattern of women's under-representation in senior management and their concentration in traditional female-dominated occupational groups.²⁴

Employment Training and Job Creation Schemes

As I indicated in the introduction to this chapter, questions of equity and efficiency were intricately linked in the federal government's decision to promote women's employment opportunities. Indeed, the government recognised that attempts to promote the concept of equal employment opportunity for men and women would fail if there was an inadequate supply of skilled female labour to fill positions. It assumed that if retraining programs and equal opportunity initiatives were introduced in tandem there would be no reason for those who had previously been excluded from employment to remain outside the workforce. Thus, while Treasury Board was engaged in the symbolic politics of managing the EOW program within the FPS, the Canadian Employment and Immigration Commission (CEIC) focused on broader questions about the supply of skilled female labour.

CEIC began to formulate a policy to 'actively promote the development of labour market conditions in which the economic potential of the female labour force [would be] fully tapped' and 'to support women workers in their pursuit of economically viable and self-fulfilling employment.'²⁵ It established a Women's

Employment Division, staffed by a small coterie of advisors in Ottawa and twelve co-ordinators in the regions, to develop its employment initiatives.²⁶ In addition it created annual plans of action to improve women's participation in existing federal training programs, which had been set up under the 1967 Adult Occupational Training Act.²⁷

There were, however, three significant problems with these initiatives. First, women were encouraged to engage in repeated periods of low-level and segregated job experience training, which did little to improve their employment opportunities in the longer term.²⁸ Second, the programs placed too great an emphasis on institutional and classroom training and engaged women only minimally in industrial training and apprenticeships. Third, failure to link women's retraining with the specific nature of market demand meant that CEIC's ability to engage women in these programs never matched the female unemployment rate.²⁹

A joint evaluation of the Canada Manpower Training Program, undertaken by CEIC and the Treasury Board Secretariat in 1976, reinforced these points.³⁰ It noted that occupational skill training was over-concentrated in a small number of low-skilled occupations. It also found that trainees who were subsequently employed had little opportunity to use their newly acquired skills because training had been directed towards occupations for which there had been little or no excess demand over the preceding four-year period.³¹ Indeed a quarter of the skilled female trainees who did find jobs were still working in clerical and related occupations.³² Additional attempts to train women in areas where there was a shortage of workers with particular critical skills were made in the 1978 Critical Trades Skills Shortages Training Program, by providing industry with support for high-cost training in trades where there was a clear shortage of potential employees. However, the initial \$5.9 million allocated for this program

in 1978-79 and the increased allocation of \$19.5 million in 1980-81 was still low in comparison to the \$553 million allocated for all other federal training programs at that time.³³

Statistics on the participation of women in federal training programs during the 1970s revealed how poorly women were represented in programs other than those of the most basic or language-related nature. While statistics for the mid- to late-1970s reveal that female participation in language courses, basic training for skill development and basic job readiness training was well over 50 per cent, women's participation in specific skills training, work adjustment training or industrial apprenticeships was lower, hovering around the 30 to 40 per cent mark and consistently plummeting to 3 per cent on the apprenticeship scheme.³⁴

Very few women received training in non-traditional occupations. Although women's participation in the 'skills training program' increased from 37 per cent in 1975 to 42 per cent by the end of the decade, women were still concentrated in training programs for sex-typed occupations.³⁵ In 1978 over 50 per cent of women were trained in skills for stenographic/typing occupations or clerical and related occupations, despite the fact that only 14 per cent of female trainees cited these as their usual occupations. Although the distribution of women across occupational groups was a little broader in the industrial training scheme, sex typing was by no means eradicated: 97 per cent of all stenographic/typing trainees were women as were 71 per cent of all clerical and clerical-related trainees.³⁶

The emphasis on full-time training courses and male career/job models exacerbated the problem of women's under-recruitment.³⁷ Problems of access were addressed to a very limited extent when a dependents' allowance of \$10 per week, for each dependent, up to a weekly maximum of \$40, was introduced in August 1979 under the federal government's Plan of Action on the Status of

Women.³⁸ However, despite the acknowledgement of the difficulty that many women faced in coping with dependents while seeking the necessary training to enter or re-enter the labour force, this allowance was at best a token because it could not begin to cover the costs of child or dependent care in the late 1970s. Moreover, as the introduction of this allowance was preceded by a reduction in training allowances from \$45 to \$10 per week for those living with a parent or working spouse it is clear that they were targeted at single mothers or women with an unemployed husband rather than at women in general. In addition, even though part-time courses were available in some areas, all federal training allowances were only made available to full-time trainees.³⁹

Government involvement in the direct creation of jobs, typically on a temporary basis, was one other way in which the federal government sought to improve the employment opportunities of disadvantaged groups, including women. Policies such as Canada Works, the Local Initiatives Program, Young Canada Works and the Summer Job Corps, all proved integral to federal employment policy during the 1970s. The goals of these public works initiatives were, first, to provide unemployed people with bridging employment that would lead to permanent employment in the private sector and, second, to encourage community development in certain areas of the country.⁴⁰ However, although women accounted for around 45 per cent of those unemployed during the 1970s, their recruitment into such programmes tended, with the exception of programs aimed at young people, to account for only about 30 per cent of the places offered.⁴¹ Their lower participation was both a reflection of the sex-typing of jobs and the type of projects that were supported, which tended to be in areas such as construction, forestry, parks and land maintenance rather than jobs in the service sector that are, as we have already seen, more likely to draw female applicants.⁴²

Although the primary emphasis of federal government policies during the 1970s was on training and job creation, the brief tenure of Clark's 1979 Conservative government led to a greater emphasis on stimulating such programs in the private sector. Indeed the ill-fated Conservative budget of 1979, which brought down Clark's government, would almost entirely have replaced federal job creation programs with wage subsidies to the private sector.⁴³

It is clear that although attempts were made to create training and employment opportunities for women in both the public and private sectors during the 1970s, these programs did not keep pace with the female unemployment rate. In addition, they left older women in a more precarious position than younger ones, did very little to address the problems that women with dependents faced in seeking training, and more often than not trained women for low-paid, sex-typed occupations that tended to lead to short-term rather than more permanent absorption of women into the labour force.

Ironically, while job creation programs were needed in some areas, other jobs could not be filled, suggesting an 'increasing mismatch between the skills and expectations of job seekers and the kind of jobs offered.'⁴⁴ One of the paradoxes of the 1970s was that the creation of new job openings was no longer reducing unemployment, because an increasing proportion of new jobs remained unfilled. Nonetheless, the absence of demand for workers who had been trained or had engaged in a job creation project remained. It is interesting to note that while this was viewed as a weakness of both the job creation and training strategies that had been developed, the federal government also began to see the problem as one perpetuated by the discriminatory attitudes of employers. Indeed, it was the latter perspective that encouraged the development of more stringent legislation to outlaw sex discrimination in federally regulated workplaces.

Anti-Discrimination Legislation and the Development of a Federal Human Rights Policy

The third facet of the federal government's employment opportunity strategy focused on eradicating the sex discrimination that women experienced in the workplace. The RCSW had called on the federal government to uphold its international human rights commitments by addressing the problem of employment discrimination against women. In addition, the Commission's Report reminded the federal government that since it had embraced the principle of equality of opportunity for men and women in its 1960 Bill of Rights, it should 'ensure that its employment laws, policies and practices reflect and implement these principles.'⁴⁵

The RCSW recommended that the federal government strengthen its fair employment legislation and amend its Female Employment Practices Act so that it applied throughout the federal sphere and include both 'sex' and 'marital status' as prohibited grounds for discrimination.⁴⁶ Between 1970 and 1972, amendments outlawing discrimination on the grounds of sex and marital status were added to the Unemployment Insurance Act, the Fair Wages and Hours of Labour Act, and the Public Service Employment Act.⁴⁷

While these legislative adjustments were significant, they did not address the deeper concern amongst feminists about the inability of the Canadian Bill of Rights to secure equality of opportunity for Canadian women.⁴⁸ The RCSW's recommendation that the federal government follow the initiatives of some provincial governments and develop a comprehensive human rights policy, was part of a much longer process, discussed in part in Chapter Two, of trying to get adequate anti-discrimination encoded in Canadian law and fully implemented in practice.⁴⁹

The culmination of this pressure saw the introduction of the Canadian Human Rights Act (CHRA) in 1977 and the establishment of the Canadian Human Rights Commission (CHRC) in 1978 to oversee its implementation. The introduction of the CHRA marked the culmination of a lengthy battle to get adequate anti-discrimination legislation introduced in the federal sphere.⁵⁰ Although the immediate objectives of the Act were to outlaw any identifiable act of discrimination -- on grounds of race and ethnicity, religion, age, sex, marital and family status, disability and pardoned conviction -- that occurred in the provision of federal government services or in the hiring, training, promotion and remuneration of federal employees, the CHRA also contained the seeds of a more systemic approach to the problem of workplace discrimination.⁵¹

The creation of the CHRC in 1978 significantly reinforced the institutional response to the problem of employment discrimination, by giving the Commission mandatory powers to oversee the implementation of the Act. Moreover, the Act provided the CHRC with powers to demand both the implementation of 'special programs to prevent future disadvantage' (Section 15) and contract compliance (Section 19) as methods for promoting women's employment opportunities.⁵² Indeed it was the pro-active emphasis of these two clauses that heralded the next phase in federal employment equality policies, which will be discussed in Chapter Five.

The Policy Strands Compared

While the goal of the three strands in this phase of federal policy development was the equalisation of men's and women's employment opportunities, they varied in the degree to which they began to realise this objective. The EOW program ensured that women were included within broader attempts to improve the representativeness of federal bureaucracies. However, it failed to have any significant impact on the overall proportion of male and

female employees within the FPS, the under-representation of women in its higher echelons or the disproportionate concentration of women in the clerical and service sectors at the bottom end of the public service hierarchy.⁵³ The explanation for this may lie in the fact that, despite the RCSW's pleas for the recognition of differences in men's and women's career paths, the program incorrectly assumed that women would slot into a career pattern that was identical to that of men. Moreover, these assumptions may well have been reinforced by the fact that the EOW directives were generally issued to male managers who would not have experienced the same complexities as women in developing their careers, and would therefore have been less aware of the institutional dimensions of employment discrimination.⁵⁴

The training programs for women, though designed to encourage the development of a pool of skilled female labour that could then be channelled into the labour market, were unsuccessful. They failed to break down the sex-typing in occupational training and to assess the nature of employment demand.⁵⁵ While both these problems have long characterised Canadian training programs, their perpetuation in this case did nothing to reinforce the link between equity and efficiency that the RCSW had emphasised.

The element within this policy phase that had the most sustained impact on the development of policies to promote women's employment was that of addressing employment discrimination through the introduction of the CHRA and the establishment of the CHRC. While both these developments institutionalised a mandatory strategy to tackle employment discrimination within the federal sphere, the approach to the problem that was adopted assumed that such discrimination was overt and identifiable and could therefore only be addressed when it occurred.

It was only at the end of the 1970s, as the CHRC became established and a group of professionals committed to the development of effective anti-discrimination strategies evolved, that the idea of developing a pro-active approach to eradicating the less obvious but more ingrained causes of workplace discrimination began to emerge in Canada. I will examine this development in Chapter Five, when I consider the evolution of a more systemic and interventionist approach to the problems of employment inequality and discrimination. Once again, it will show how this process was driven, not only by the pursuit of equal opportunity, but also by the federal government's desire to promote women's employment opportunities in order to enhance economic growth.

It is clear that the three strands of federal policy, discussed in the first part of this chapter, were linked by the federal government's desire to create policies that would link the development of equal employment opportunities for worker-citizens with the goal of enhancing Canada's economic productivity. As I turn now to consider how the federal government responded to the RCSW's recommendations on child care, it is worth noting how these responses were completely split off from those concerned with improving women's employment opportunities and eradicating sex discrimination in the public sphere. There are, of course, institutional explanations for this separation which arise, first, because of the departmental organisation of the federal government and, second, because of the problematic nature of federal-provincial relations in the field of child care. However, as we shall see in the next part of this chapter and, again, in Chapter Seven, ministers and public servants exploited these institutional complexities to the full. Indeed they did so in order to justify the federal government's failure to respond to clear evidence about the link between women's employment opportunities and child care in both the RCSW and (as we shall see in Chapter Six) the Royal Commission on Equality in Employment.

The Federal Government's Strategy on Child Care

As we saw in Chapter Three, women's concerns about the limited provision of child care were brought to the fore in the briefs and Report of the RCSW. Although the RCSW Commissioners had not been instructed, specifically, to investigate the question of child care, they used the fact that they had been asked to examine 'the special problems of married women in employment and measures that might be taken under federal jurisdiction to help in meeting them' to report on women's concerns about the inadequate provision of child care and make a number of recommendations on this issue.⁵⁶

As I demonstrated in Chapter Three, the Report of the RCSW called on the federal government to move child care beyond its existing welfare mould by introducing a national Day-Care Act that would make new federal funds available to the provinces to share the costs of building and running day-care centres, in line with specified national standards.⁵⁷ The Report also argued strongly in favour of the federal government introducing tax credits rather than tax exemptions to assist parents with the costs of child care. Indeed, it recommended that 'a federal annual taxable cash allowance in the order of \$500 be provided for each child under 16 to be paid in instalments to the mother under the present Family Allowance system.'⁵⁸

Despite the RCSW's recommendations, no new national child care legislation was developed and the federal-provincial cost sharing of welfare-related child care remained in place through the Canada Assistance Plan (CAP). Indeed the only policies that the federal government developed in response to the RCSW's recommendations on child care were, first, in 1973, when the National Housing Act was amended to permit the construction of child care centres in federally financed housing developments and, secondly, in 1978, when a Child Care Tax Credit was introduced in compensation for a diminished family allowance.

Moreover, despite the RCSW's recommendations to the contrary, the federal government did introduce a Child Care Expense Deduction (CCED) in 1971.

The Child Care Expense Deduction

The CCED was introduced in 1971 as a provision of the Income Tax Act. Section 63 of the Act permitted single parents and the lower income-earning parent in a dual parent household to deduct up to \$1000 from taxable income for child care expenses that were incurred because they were working, undergoing training or conducting research.⁵⁹ Although the CCED accounted for almost half of all federal spending on child care, it proved to be discriminatory in class terms because it benefitted those at the higher end of the income scale. Moreover, the requirement that those claiming the deduction produce receipts failed to tackle parents' continued dependence on informal child care and the reality that child care services were often provided by women with low incomes who accepted cash payments without issuing receipts. Clearly, the subsidy was not only designed to encourage parental choice of child care but to off-load the supply side of these services onto the commercial and non-profit sectors.

The Failure to Reform CAP

The introduction of the CCED and the continuation of CAP reinforced a pattern of provision that directed subsidies for child care primarily towards parents in the highest and lowest income groups. In the case of CAP this took the form of a displaced welfare payment which not only ensured that children of low-income families were placed in public child care but also that their parents sought employment. CAP was slightly amended in November 1972, so that although the federal government still did not share the capital costs of child care centres with the provinces, it did begin to share their total operating costs including the costs of repairing depreciating facilities.⁶⁰ However, the emphasis on federal-provincial cost-sharing of a *welfare* service remained.

The Child Tax Credit

The RCSW had recommended that a 'guaranteed annual income be provided by the federal government to the heads of all one-parent families with dependent children' and that 'a federal annual taxable cash allowance in the order of \$500 be provided for each child under 16 to be paid in monthly instalments to the mother as under the present Family Allowance system.'⁶¹ As Rodney Haddow notes, Monique Bégin's significant influence in the writing of the RCSW Report meant that these particular recommendations came to have an important influence on federal policy making when she became Minister of National Health and Welfare in 1978.⁶² Interestingly, as he explains, the child tax credit was a political paradox because it was introduced 'in conjunction with a severe spending restraint exercise launched by Trudeau.'⁶³ Indeed the tax credit, which targeted those families with children whose income was below the national average, was introduced to divert public attention away from the significant cuts being made in family allowances and other social programs. The maximum annual tax credit of \$200 per child was made available to families with annual incomes under \$18,000. It was financed from the \$690 million annual saving made by cutting monthly family allowances from \$25.68 to \$20.⁶⁴

Interpreting the Federal Response to the Recommendations on Child Care in the RCSW

Why did the federal government limit its response to the RCSW in the way described? The question is significant, not only for the light it throws on federal-provincial relations in the 1970s, but also because it has not been explored in the literature on child care politics during that period. Although the IDC and the PSC both addressed questions about developing child care within the FPS, the climate of federal-provincial relations in the early 1970s meant that the federal government was reluctant to re-enter negotiations with the provinces about funding a national child care program.⁶⁵ What is fascinating about this period is

that at a time when national health and welfare programs had become the norm in Canada, the federal government backed away from assuming similar financial responsibility for the development of a national child care service. Martha Hynna, who had represented the Department of Finance on the IDC (before replacing Frieda Paltiel as its co-ordinator in 1973), explained the politics of that process in the following way:

the government had just been through a period where there had been quite a few new federal-provincial programs -- in the area of post-secondary education and with the introduction of CAP. They'd had a lot of trouble because the provinces resented the interference of the federal government, so they had announced in effect that there weren't going to be any more for a while. Then we get these recommendations from the Royal Commission Report and from women's groups, to the extent that they existed then, which said that the federal government must set up a day care program. And even back then, working in federal-provincial relations in Finance, I said I don't think this is the way to approach this thing because the federal government has said we're not going to do a new day care program, why aren't you pushing the provinces more, because it is a provincial responsibility and you've got this reluctance to get involved in something new. We looked at what we could do through the Canada Assistance Plan to at least get something, because that was an existing program...but I knew we were not going to get a new program. Well here we are twenty years later, and we're still having trouble getting a new program.⁶⁶

Despite the federal government's attempt to shift the burden of responsibility for child care provision onto the provinces, the newly created National Action Committee on the Status of Women (NAC) continued to put pressure on the federal government to address the issue. The first edition of the NAC's own publication, *Status of Women News*, recommended that 'a federal-provincial conference on child care be held as soon as it can be thoroughly prepared.'⁶⁷ However, as the following quotation from the Liberal government's throne speech of October 1976 reveals, although NAC tried to keep the link between women's employment and child care on the federal government's agenda throughout the 1970s the federal government continued to lay responsibility on the provinces to provide child care and on individual parents to meet the costs

of these services:

In response to the need for good day-care services everywhere in Canada, the Government will help to provide more and better day-care services by encouraging the provincial governments to adopt a new system of fees related to incomes. A great many more Canadian mothers who seek employment outside the home will thereby be free to do so, because partially subsidized day-care will be more widely available.⁶⁸

Conclusion

This chapter has shown that although the federal government sought to encourage economic growth in the 1970s by including women within the redrawn boundaries of worker-citizenship, it defined the problem of employment inequality as one to be resolved by treating women in the same way as men once they had entered the labour market. Concern about developing equal opportunity policies that promoted employment equality in the public sphere took precedence over the development of policies that attempted to reconcile the concerns about equality and difference that women had stressed in their submissions to the RCSW. Although child care emerged on the federal policy agenda as an issue that needed to be addressed if women were to enjoy equal employment opportunities with men, the federal government chose not to respond to it in this way. Instead it chose to define the issue, first, as a matter of welfare for which the provinces had primary responsibility and, second, as one for individual parents to pursue if they wished to pay for the service.

There were three principal reasons why federal policies failed to respond to the very real connections between equal employment opportunity and child care that had been articulated in the briefs submitted to the RCSW and in its Report. First, linking the two issues did not fit within the dominant concept of equal opportunity which focused on treating male and female workers in the same way, rather than recognising the different context in which they assumed employment. Second, the concept of equal employment opportunity that

underscored the emergent federal strategy focused on maintaining the link between equity and efficiency. As a result questions about promoting women's employment opportunities in order to encourage economic growth took precedence over the more expensive project of enhancing women's employment opportunities through the increased provision of child care. Third, the federal policy response was contained within a narrow definition of federal responsibility, even though the RCSW had argued that equal employment opportunities for men and women could only be brought about through increased federal-provincial co-operation with regard to the provision of child care. In short, although the 1970s witnessed significant improvements in the development of policies to promote women's employment opportunities and reduce employment discrimination against them, the issue of how women were supposed to enjoy these opportunities while maintaining primary responsibility for the care of their children was deflected away from the federal arena at this initial stage in policy development.

ENDNOTES TO CHAPTER FOUR

1. The other two recommendations were, first, to create advisory councils on the status of women at federal provincial and territorial levels and, secondly, to set up human rights commissions in each of these jurisdictions (Canada, Royal Commission on the Status of Women in Canada, 1970:387-393). The Advisory Council on the Status of Women, later named the Canadian Advisory Council on the Status of Women (CACSW), was established on May 31, 1973 with a mandate 'to bring before the government, and the public, matters of interest and concern to women and to advise the Minister Responsible for the Status of Women on such matters as the Minister may refer to Council for its consideration or as Council may deem appropriate.'(Canadian Advisory Council on the Status of Women, 1983:5). The Canadian Human Rights Commission was established in 1978, following the passing of the Canadian Human Rights Act in 1977.
2. This was in keeping with the RCSW's recommendation that 'the federal government, the provinces and the territories and municipalities, each establish an implementation committee, composed of a number of its senior administrators, to (a) plan for, co-ordinate and expedite the implementation of the Royal Commission on the Status of Women to that jurisdiction; and (b) report from time to time to its government on the progress it is making' (Canada, Royal Commission on the Status of Women in Canada, 1970:388).
3. Paltiel, 1995:117.
4. *Supra.*, endnote 3.
5. Author's interview with Martha Hynna, Department of Finance representative on the Interdepartmental Committee on the Status of Women, 1973, Hull, PQ, December 1988.
6. The IDC set up five different subcommittees to examine: (i) the economic participation of women; (ii) women in public life and the judicial process; (iii) education and training of Canadian women; (iv) family life and community services; and (v) disadvantaged women.
7. For further discussion of these arguments see Kernaghan, 1978.
8. Gibbins, 1994:69.
9. For a fuller discussion of how federal employment programs have been used to adjust the symbolic order of Canadian society see Breton, 1986:29.

10. Author's interview with Lorna Marsden, former president of the National Action Committee on the Status of Women, Toronto, August 1986.
11. The francophone initiative not only legitimised the use of French within the federal bureaucracy, but also actively encouraged francophone employment in proportion to the francophone composition of the population in Canada. This target was reached by 1977, when francophones accounted for 27 per cent of the total public service staff. They also accounted for 21 per cent of those employed in the senior executive category (Kernaghan, 1977:500). For an interesting discussion of 'making Ottawa bilingual' see McRoberts, 1997:79-84.
12. Canada, Public Service Commission, 1971:14.
13. Morgan, 1988:24.
14. Ibid.
15. Author's interview with Hanne Jensen, Director, Pay and Employment Equity Unit, Canadian Human Rights Commission, Ottawa, December 1988.
16. My emphasis. Canada, Treasury Board, 1979:39.
17. Canadian Advisory Council, 1980:30.
18. Ibid.
19. Canada, Royal Commission on the Status of Women in Canada, 1970.
20. Canada, Treasury Board, 1979:1.
21. On Trudeau's rational style of governing see Aucoin, 1986:17.
22. Canada, Treasury Board 1979:1.
23. Morgan, 1988.
24. Canadian Advisory Council on the Status of Women 1980:1.
25. Canada, Canadian Employment and Immigration Commission, 1978:8.
26. Dale, 1980:42.
27. The 1967 Adult Occupational Training Act provided a new legislative

framework for training programs. As Cameron explains 'the federal government undertook to cover the full cost of occupational training for adult members of the labour force, leaving the provinces the responsibility for education and training for the non-adult members of the population' (Cameron, 1996:57).

28. Weinfield, 1981:24.

29. Dale, 1980:48; Canada, Employment and Immigration, 1981:91. Thus for example, even though women constituted 45 per cent of the unemployed in Canada in 1978, female representation in most federal labour market programs was, with the exception of Student and Youth schemes, never higher than 40 per cent (Dale, 1980: 43, Table III).

30. The Canada Manpower Training Program had institutional and industrial components. The Institutional Program, governed by federal-provincial training agreements, took six different forms: (a) Occupational Skill Training to train people in specific occupational skills; (b) Basic Training for Skill Development to enable participants to acquire basic academic skills and the prerequisites necessary for entry to an Occupational Skill Training Course; (c) Apprenticeship Training, which paid the cost of classroom training of registered apprentices; (d) Language Training in English or French for immigrants or Canadian migrants whose inability to communicate in either language prevented them from using their employment skills; (e) Basic Job Readiness Training to help the chronically unemployed and disadvantaged workers to develop some of the skills and behaviour required to function in the workplace, and (f) Work Adjustment Training Program, which offered short term assistance to workers to facilitate adjustment to particular work habits and workplace attitudes. While referral for entry to the apprenticeship program was carried out by provincial government officers, selection and referral of adults to the other five programs was done by federal government counsellors in Canadian Employment Centres. The Industrial Training Program allowed CEIC to reimburse employers for a portion of the training costs and wages of trainees who were taken on by private companies to acquire skills that had been identified as priorities in particular geographical areas and could be transferred to other employment once training was complete (Dale, 1980: 47, Appendix 1).

31. Canada, Canadian Employment and Immigration Commission, 1977:129.

32. The CEIC-TBS evaluation found that there was very little change between 1974 and 1978 in the occupational distribution of full-time skilled trainees, with a quarter of them being concentrated in low skilled, clerical and related training programs (CEIC, 1977:116; CEIC, 1979:64). It also found that a third of the training in 1975 was in occupations for which there was little or no excess demand over

the period 1971-75 (CEIC, 1977:133), (Dale, 1980:49).

33. Ibid.

34. The discrepancy on the Apprenticeship Scheme was particularly noticeable given that 32 per cent of all new trainees admitted to programs in 1978 were placed in the apprenticeship scheme (Ibid.:52, Table 12).

35. Ibid.:53.

36. Ibid.:15.

37. Ibid.:55.

38. Canada, Status of Women, 1979:17.

39. Dale: 56. Indeed these difficulties are fully reflected in the fact that 80 per cent of the female (and 78 per cent of the male) trainees did not have dependents (ibid.:59).

40. The Canada Works Program was created in 1977 but phased out in 1980. It was designed to create new short-term jobs in areas of high unemployment through projects that met local and regional needs and provided worthwhile services to the community on a non-profit basis. Although any organisation, partnership or corporation could submit projects for consideration under this program, the services it planned to create in its community could not duplicate or compete with any existing service. Furthermore, the projects were only eligible if they created a minimum number of jobs that did not generate a long-term dependency on federal support. Funds for Canada Works projects were allocated to constituencies on the basis of their estimated unemployment rate. The eligibility of projects was initially determined by CEIC, prior to review by local, provincial and federal consultative bodies and by Members of Parliament (ibid.:5, appendix 1). The Young Canada Works Program (1977-1980) was similar to the Canada Works Project. It was, however, specifically designed to reduce student summer unemployment in areas of highest youth unemployment by providing students with work experience related to their career interests. Sponsors had to satisfy similar requirements to those of the Canada Works Program (ibid.: 5, appendix 1).

41. Ibid.:71. It is worth noting that the Local Initiatives Project (LIP) encouraged the development of some community-based child care centres. Indeed as Friendly notes 'in Québec about 70 child care centres were established through LIP (and Perspectives Jeunesse) and when federal funding was withdrawn, public protests eventually forced the Québec government to develop its first child care

policy, Plan Bacon, in 1974' (Friendly, 1994:137). Similarly 'in Ontario, the Day Care Organizing Committee was funded as a Local Initiatives Project in 1970...which eventually helped establish the Day Care Reform Action Alliance' (ibid.:146).

42. These problems were reinforced by the fact that CEIC could only support projects with a clear end and not those which encouraged continued community dependence. Applicants had to prove that they had other financial support to ensure the continuation of their projects beyond the job creation period.

43. Private sector wage subsidies take two principal forms. The government can provide industries with income or with a tax credit for hiring or retaining employees, particularly those from disadvantaged groups. Included in the 1979 Conservative budget was a Private Employment Incentives Program to improve the employment opportunities of groups who were experiencing difficulties in entering the labour market. This provided tax credits to employers who hired young people (under the age of twenty-six) in newly created jobs, individuals who had been experiencing long-term unemployment, and members of four groups that were disadvantaged in the labour market, namely, aboriginals, disabled, those over fifty-five and women returning to the labour force after a considerable period of absence. Had the program been implemented it could have increased the employment opportunities for older women. However, even though it was killed off by the Conservative budget defeat, this proposal is interesting because it marks the beginning of a new policy phase, discussed more fully in Chapter Seven, in which generic employment opportunity programs, aimed at a wide range of target groups, were developed (Dale, 1980).

44. Dale, 1980:29.

45. Canada, Royal Commission on the Status of Women in Canada, 1970:105.

46. Ibid.: 98.

47. Section 140(2)(b) of the Unemployment Insurance Act (1972) required the Minister of Manpower to ensure that 'in referring a worker seeking employment there is no discrimination because of race, national origin, colour, religion, sex, marital status, age or political affiliation' on the part of the national employment services. Section 12(2) of the Public Service Employment Act (1970) stipulated that the Public Service Commission in prescribing selection standards for public servants shall not discriminate against any person by reasons of, *inter alia*, sex.

48. Feminists' demands for an adequate human rights policy in the federal sphere were reinforced by the 1973 Supreme Court rulings against the Indian women, Lavell and Bedard. These rulings denied the appellants the right to

maintain their Indian status on marriage to non-Indian men (Prentice et al., 1996:429-30).

49. For the RCSW's discussion of this point see Canada, Royal Commission on the Status of Women in Canada, 1970: 388-389. For a fuller discussion of the development of human rights policies in Canada see Manzer, 1985:145-175. For discussion of the establishment of the Ontario Human Rights Commission see Howe, 1988:53-147; Howe, 1991.

50. For a discussion of this process see Manzer, 1985:169-170.

51. Although not the focus of this study, the CHRA also enmeshed the concept of equal pay for work of equal value in federal law. In many respects this created an environment in which the systemic nature of employment discrimination would more easily be addressed in the 1980s.

52. Interestingly, Findlay notes that 'the CHRC was actively discouraged from developing the guidelines necessary to use [Section 19] by the resistance of the department with the major responsibility for the negotiation of contracts with the private sector - the Department of Supply and Services' (Findlay, 1985:32).

53. Morgan, 1986.

54. For further discussion of the resistance of male managers to the idea of women achieving equal employment opportunities with men see Morgan, 1988:23-48.

55. On the more general failure of Canadian training programs to assess the nature of employment demand see Klassen, 1996.

56. Canada, Royal Commission on the Status of Women in Canada, 1970: vii.

57. Ibid.:270-271. It is important to note that although the federal government had removed itself from the child care field when it rescinded the Dominion-Provincial Wartime Day Nurseries Agreement in 1946, it had become directly involved in child care provision when it introduced the Canada Assistance Plan (CAP) in 1966. This was a welfare measure, *par excellence*, which remained one of the principal components of federal child care policy until the 1995 budget, when CAP was replaced by the Canada Health and Social Transfer (CHST). Under CAP the federal government split the costs of child care (and other support services) with the provinces and territories when services were provided to 'persons in need or those who are likely to become persons in need' if such services were not already provided. Child care was included in CAP because it was designed to 'provide services that lessen, remove or prevent the causes and

effects of poverty, child neglect or dependence on public assistance' (Canada, Statutes 1966-67: c.45, s.2). The child care component of CAP was designed not only to subsidise the child care costs of low-income families but also to ensure that the children of these parents were kept in publicly regulated child care centres. Implicitly it was also designed as a workfare measure to keep parents of low-income families in the labour force rather than dependent on welfare. In terms of its fiscal technicalities CAP proved to have three major disadvantages. It depended on provincial initiatives for the 50-50 cost share, it failed to provide an equitable support service across the country and only a fraction of the families who could be eligible for support under the federal guidelines actually received help.

58. Ibid:303.

59. Friendly, 1994:76. These amounts were increased to \$2000 in 1983, \$4000 in 1987 and \$5,000 per child in 1993 (ibid.: 197).

60. Canadian Advisory Council on the Status of Women, 1979: 22.

61. Canada, Royal Commission on the Status of Women in Canada, 1970: 325, 303.

62. Haddow claims that the RCSW's Report was 'largely written by Monique Bégin, the Commission's executive secretary' (Haddow, 1993:89). This point was confirmed for me by Jane Arscott (Personal communication, April 1997). Bégin's influence on the Report is interesting, particularly given that later in her career (as Minister of National Health and Welfare) she managed to secure the Child Tax Credit as 'the only concrete bi-product' of the 1978 Social Security Review (Haddow, 1993:152).

63. Ibid.:151.

64. Ibid.:152.

65. It is important to note that although the provincial governments have direct jurisdiction over child care, because the service falls under education and welfare, the federal government can become directly involved in funding child care programs through the application of the federal spending powers. As Friendly argues the federal government could have directly shaped a national child care policy in the same way that it created national health and welfare policies (Friendly, 1994:62).

66. Interview with Martha Hynna.

67. It also called for free 24-hour child care in Quebec and Saskatchewan (National Action Committee on the Status of Women, 1973:2, 5).

68. Canada, House of Commons (1976) *Debates* October 12 (Speech from the Throne). A sliding scale of fees related to income had been a recommendation 115 of the RCSW (Canada, Royal Commission on the Status of Women, 1970:411).

**REACTIVATING and REDEFINING THE ISSUES in the Early 1980s
The Recognition of Systemic Discrimination and the Birth of a National
Child Care Movement**

In the late 1970s concern about the persistent employment discrimination that women experienced intensified in both feminist and federal government circles. Activists in the organised women's movement and femocrats in the federal bureaucracy became increasingly aware that, although a decade had passed since the publication of the Report of the Royal Commission on the Status of Women (RCSW), the gendered nature of employment discrimination remained starkly evident in Canada. Sociological studies confirmed that even though female labour force participation rates had continued to increase in the 1970s, women were still concentrated in the lowest echelons of companies and organisations.¹ In addition, research commissioned by the Canadian Advisory Council on the Status of Women (CACSW) revealed that although the government's equal opportunity initiatives in the mid-1970s had improved the representation of women in the middle management of the federal public service (FPS), very few women staffed its senior ranks.²

There was a sense, therefore, not only in feminist organisations but also within the federal government, that the equal opportunity, training and anti-discrimination initiatives of the 1970s had not yet tackled the root causes of the employment discrimination that women experienced. In both communities there was an increasing recognition that the sources of employment inequality and discrimination had been inadequately defined in the 1970s because they were deemed to result either from the underdevelopment of women's technical skills or from the prejudiced and bigoted actions of individual employers.³ However,

while there was a growing sense that the systemic -- or institutionalised -- nature of employment discrimination had to be addressed, there was no clear consensus, in Canada, about the most appropriate way to tackle the problem. Indeed, the lack of consensus was heightened by divergent reactions -- both inside and outside government -- to the development of target based affirmative action programs and contract compliance schemes in the United States.⁴

Within the federal government, left-of-centre Liberals and bureaucrats concerned with the eradication of discrimination tended to favour the development of mandatory affirmative action policies. By contrast, right-of-centre Liberals and bureaucrats concerned with promoting good relations between government and the private sector were either deeply opposed to such initiatives, or only prepared to commit themselves to the pursuit of a voluntary model. Outside government, while feminists called for mandatory affirmative action, members of the business community were, at best, in favour of a voluntary model, at worst, opposed to any policy development of this kind.

As debates about affirmative action intensified in Canada in the early 1980s, two clear patterns of policy development evolved. First, women became just one of a number of target groups to be included in catch-all affirmative action policies. As a result, concerns about the particular sources of employment discrimination that women (or for that matter any other target group) experienced became lost in a search for systematic ways of embracing a variety of groups in a single anti-discriminatory policy.⁵ Second, policy makers became more and more concerned about identifying the root causes of discrimination within employment systems. As a result previous feminist concerns that the sources of employment discrimination for women lay as much with the limited provision of child care as with the actions of employers continued to be overlooked.

The weakening of the link between women's employment opportunities and child care provision was encouraged, not only by the federal government's decision to maintain a separation between these two issues, but also by the way that feminist campaigns on employment opportunity and child care became more and more specialised during the Liberal government of 1980-84. Although the National Action Committee on the Status of Women (NAC) tried to maintain the established feminist connection between questions about women's employment and questions about child care, the link between these two issues was significantly weakened. In part this occurred because of the energy that feminists put into entrenching gender equality in the Canadian Charter of Rights and Freedoms. However, it also reflected the emergence of an autonomous, national, child care movement.

Questions about child care gained increasing prominence on the federal political agenda in the second half of the 1980-84 Liberal government. This was not because the link between women's employment opportunities and child care was fully recognised by federal policy makers but because a new national child care movement -- committed to the development of child care as a universal service for young children -- lobbied the federal government to recognise this demand. I will return to a discussion of the politics of child care lobbying later in this chapter. First, however, I analyse the shift in the federal government's approach to the problem of gender discrimination in employment.

The Liberal government's approach to affirmative action

By the end of the 1970s American innovations had clearly begun to influence federal bureaucrats in both the Canadian Employment and Immigration Commission (CEIC) and the Canadian Human Rights Commission (CHRC). However, it was the re-election of a Liberal government, in February 1980, that marked a clear shift in government policy, away from the equal opportunity

programs of the 1970s, towards the adoption of affirmative action models in the 1980s. In its throne speech of April 14, 1980 the new government declared its intention to tackle the systemic roots of employment inequality within the context of a broader set of policies to promote economic productivity and growth. While the government emphasised that 'the state cannot meet every demand or satisfy every group,' women were given a high priority. A clear commitment was made both to promoting 'equality for women' and ensuring 'that there (was) no room in Canada for sexual discrimination of any kind.' Moreover, the government declared that in responding to the 'economic challenges of the 1980s' it would expand training and employment opportunities for women and implement affirmative action programs in the FPS.⁶

The throne speech had been drafted by Tom Axworthy (the assistant principal secretary in the Prime Minister's Office) and, according to McCall and Clarkson, was seen by him as the culmination of a longer effort to get the Liberal party back into power in Ottawa by returning it to a left-of-centre, neo-Keynsian agenda.⁷ However, given its references to ensuring women's equality and their economic productivity, I would argue that this throne speech also reflected the more fundamental tension in contemporary Canadian liberalism between the pursuit of human rights, on the one hand, and economic progress, on the other.⁸ Indeed, I would suggest that because this tension is so endemic to Canadian liberalism, it fundamentally shaped most of the debate about the development of affirmative action in the 1980s.

In the next two sections of this chapter I explore how federal policy makers and their critics became locked in debates about the degree to which it was legitimate to regulate the employment opportunities of different groups of worker-citizens. I focus specifically on how the tension in Canadian liberalism between the pursuit of human rights, on the one hand, and the pursuit of

economic progress, on the other, shaped the emergent debate about developing affirmative action policies in the federal sphere. Moreover, I show that because these preoccupations shaped the debate about affirmative action in the early 1980s, the long-established feminist concern to build demands for child care into campaigns to promote equality of employment opportunity for men and women, was almost completely sidelined.

Human rights forces propelling the development of affirmative action policy in the federal sphere

Two significant forces on the human rights side of the equation encouraged the federal government to develop and implement affirmative action policies in the early 1980s. First, the CHRC adopted a policy position that increasingly favoured affirmative action as a method for rooting out systemic discrimination against the target groups it had been established to protect. Second, in the early 1980s, the feminist community in Canada secured both the constitutional equality for men and women that had evaded their American 'sisters' and the entrenchment of affirmative action in the Canadian Charter of Rights and Freedoms as a method for eradicating sex discrimination.

The CHRC's increasing advocacy of affirmative action policies

In the early 1980s the CHRC proved to be one of the key agencies within the federal policy system that propelled the government towards the adoption of a pro-active affirmative action policy. Early on in its mandate, the Commission recognised that most of the complaints it was receiving were not simply the result of bigoted or prejudiced actions by one individual against another, but rather a reflection of the way that employment systems impacted on the groups it was there to protect from discrimination.

The Commission's commitment to the eradication of systemic discrimination in the federal sphere was evident early on in its mandate. In its second annual report it noted:

We cannot define discrimination purely in terms of behaviour motivated by evil intentions; the definition has to include the impact of whole systems on the lives of individuals - what is called structural or systemic discrimination. As well as offering redress in isolated cases of discrimination against specific individuals, therefore, the Commission must study employment systems and social programs from the point of view of their effect on certain groups.⁹

Despite this awareness, we shall see later in this section that the CHRC's ability to act in a way that could take account of 'the impact of whole systems' on the lives of women workers was restricted by the legislation under which it was established. Nevertheless there were three clear ways in which it promoted the idea of rooting out systemic discrimination through the development of affirmative action. First, it called on the federal government to undertake the systematic collection of workforce statistics so that the CHRC would have a data base from which to identify patterns of institutional discrimination against the target groups it was mandated to protect. Second, it lobbied hard for the entrenchment of affirmative action within the Charter of Rights and Freedoms. Finally, it used its powers to order employers to undertake 'special programs,' as in the famous case of *Action travail des femmes v. Canadian National Railway*.

Systematic Data Collection

The importance of systematic data collection was a thread that ran throughout all the CHRC's reports of this period. While the CHRC was concerned to ensure that such data 'could not be used in a negative way against a particular group or individual' it argued that its collection would not only make it possible to 'identify problem areas so that appropriate special programs could be developed,' but also 'help establish the rate of change taking place.'¹⁰ The following extract, from the CHRC's 1981 Annual Report, clarifies the reasons why the Commission

was so concerned to establish this data base:

At the present time planning to improve the representation of women and members of minorities at all levels of the work force is hampered by a lack of adequate data. Those concerned are unable to find out enough about the numbers of women, disabled persons, native people, and other minority group members available for different kinds of work in different areas; we do not know the make-up of the employed labour force in general. Without this information it is often impossible to determine whether there are basic problems in the policies and practices of an employer, affecting the overall position of minorities or women, and it is extremely difficult for employers to make realistic plans for the future. We therefore suggest that consideration be given to requiring employers under federal jurisdiction to report the breakdown of their work force regularly by sex and minority status.¹¹

The CHRC's lobbying for systematic data collection about the employment of women and minority groups marked the beginning of a process that, as we shall see in Chapter Seven, came to fruition with the introduction of the 1986 Employment Equity Act. This development was an important means of establishing a data base from which to assess the degree of systemic discrimination experienced by different target groups employed in the federal sphere. However, it also encouraged the idea that their positions in the labour force could be compared quantitatively and blocked awareness about the need to recognise the different contexts in which members of each group enter the labour market.

Advocacy of affirmative action and its entrenchment in the Canadian Charter

Even though the CHRA had invested the CHRC with powers to mandate 'special programs,' in cases where discrimination was found to be extensive, the Commission lobbied for the adoption of affirmative action throughout the federal sphere. Indeed the Commission moved gradually in favour of mandating such a policy.¹² Its 1981 Annual Report marked the beginning of this process by noting that:

The CHRC strongly favours the use of special employment programs (affirmative action)...A number of organizations, including the federal government, have already experimented with voluntary affirmative action programs. Although their efforts have not yet resulted in significant changes in the labour market, they are nonetheless important as first steps which recognize that special measures are necessary and justifiable if labour market conditions are to be improved...The time has come for us to consider a wider and more effective use of affirmative action in both the public and private sectors, to improve conditions for those groups in the Canadian labour force who most need it - the disabled, women, native people, older workers, and racial minorities. We will strongly support such programs and will aid and abet their implementation in any way we can.¹³

The second way in which the CHRC played a crucial role in advancing the concept of affirmative action within the federal sphere was to lobby for its entrenchment in the Charter. The Commission's lobbying was, in part, driven by self interest because it wanted to ensure that its own powers to implement special programs would not become unconstitutional. However, the fact that section 15(2), the clause legitimising affirmative action, was included in the Charter, proved crucial in a subsequent appeal to the Supreme Court of Canada over the case brought by *Action travail des femmes*.¹⁴

Action travail des femmes (ATF) v Canadian National Railway (CNR)

The third way in which the Commission promoted the legitimacy of affirmative action was in its response to the complaint lodged by ATF against CNR. The case was particularly important in the development of federal policies concerning women's employment as it raised awareness about the nature of systemic discrimination against women and reinforced the legitimacy of using affirmative action programs to remedy this problem.

Action travail des femmes lodged its complaint with the CHRC on November 6, 1979, arguing that women employees at CNR experienced systemic discrimination because they found it difficult to secure more highly paid jobs in

the organisation, particularly those in the non-traditional sectors within CN's car maintenance yards.¹⁵ The CHRC substantiated the complaint noting that 'ATF has reasonable grounds to believe that CNR in the St Lawrence Region has established or pursued a policy or practice that deprives or tends to deprive a class of individuals of employment opportunities because they are female.'¹⁶ However, as the CHRC then failed to establish any conciliation between ATF and CNR, a tribunal was established in July 1981.

Tribunal hearings began on December 7, 1981 to adjudicate the case and consider whether CNR should be required to implement an affirmative action program to ensure that women were hired in those sections of the company which were not traditionally considered to be areas of women's work.¹⁷ On August 22, 1984 the tribunal substantiated ATF's complaint. It found CNR guilty of contravening Section 10 of the CHRA because it was denying employment opportunities to women in certain unskilled blue-collar jobs.¹⁸

As in the US case of *Griggs v. Duke Power Company*, the tribunal ruled that CNR was discriminating against its female employees because its criteria for selecting applicants went beyond the *bona fide* occupational qualifications required for purposes of the job in hand.¹⁹ Using its powers under Section 41(2a) of the CHRA, the tribunal ordered CNR to curtail its discriminatory hiring and employment practices by putting an end to inappropriate entry level tests and those disproportionately disadvantaging women, namely physical tests not required of male candidates and the requirement of welding experience for entry level positions.²⁰

Special temporary measures that indicated the adoption of affirmative action were also required. To quote directly from the tribunal:

Within the period of one year and until the percentage of women in non-traditional jobs has reached 13, CN shall undertake an information and publicity campaign inviting women in particular to apply for non-traditional positions (and) hire at least one women for every four non-traditional positions filled in the future...over a quarterly period.²¹

CNR was instructed to implement these measures within a year, and to ensure that employees who had been laid off subject to recall, were, in fact, recalled. In addition, CNR was required to appoint a specific, named person to oversee the implementation of the special temporary measures and to submit quarterly progress reports to the CHRC. The company was also required to overhaul, not only its advertising of posts and processes for disseminating information about them, but also its interviewing and internal promotion processes. In addition, it was required to set in place measures to eliminate all forms of discrimination, including sexual harassment.²²

In May 1985, CNR appealed to the Federal Court, arguing that the CHRC tribunal had not made a decision on the basis of the facts before it and had exceeded its jurisdiction by mandating quotas to redress the alleged discriminatory hiring practices without referring the case back to the CHRC. While CNR won the case on appeal to the Federal Court, a subsequent appeal by ATF to the Supreme Court of Canada led to a final decision in its favour. On June 25, 1987 the Supreme Court ruled that the actions of the CHRC tribunal had been legitimate and upheld its decision to implement the first mandatory affirmative action program in the federal domain.

There were a number of reasons why this case proved to be so significant. It was the first time that section 15(2) of the Charter had been used to justify mandatory affirmative action as a way of countering discrimination. As a result

the decision was lauded by the feminist community, and received with some trepidation in business circles.²³ However, beyond this, the case was significant because it was a class action that reinforced the idea that women workers could secure important victories in the Supreme Court when they wanted to be treated in the same way as male workers. The ATF case was, after all, one in which women sought entrance into a male bastion of CNR. The case was important because it recognised that women could do the work as well as men and should therefore be compensated for past discrimination. However, it did little to raise public awareness about the different circumstances in which men and women would take on that work, and certainly not with respect to the care of children. Moreover, it reinforced the notion that the different treatment of women in the pursuit of equality actually involved temporary, special programs to bring their participation up to a level with men, rather than the development of policies which continuously reconcile issues of equality and issues of difference as questions about employment equality and child care inevitably do.²⁴

Although the CHRC's pro-active approach to the problem of systemic employment discrimination indicated that it was clearly concerned about the 'impact of whole systems on the lives of individuals,' its ability to acknowledge how issues of gender difference might impact on women's employment was limited by the legislation under which it operated. This becomes particularly clear in the way the Commission acted on questions of discrimination relating to pregnancy, childbirth and child care.

CHRC on Questions of Gender Difference: Pregnancy, Childbirth and Child Care

Annual reports from the CHRC indicate that the Commission was highly conscious of the fact that men and women were often differently situated with regard to employment. In its second annual report the Commission noted that it had dealt with a number of 'cases involv[ing] policies and practices which

differentiate adversely against women who combine the roles of working and childbearing. A variety of issues surrounding maternity -- leave, benefits, questions asked of prospective employees, working conditions, and so on -- were brought to our attention as hindering the equality of opportunity for women.²⁵ However, the nature of the Canadian Human Rights Act (CHRA) meant that the Commission could only focus on questions relating to child birth and child care to the extent that these created situations which specifically discriminated against women or men. Inevitably, therefore, the CHRC's ability to address problems of systemic discrimination tended to encourage a government perspective that emphasised gender equality rather than recognising gender difference.

While the CHRC seemed to want to consider how parenting could affect women's employment opportunities, the Commission restricted its concern about this issue to the way that childbearing rather than childrearing negatively affected women.²⁶ Concern to address questions relating to childbirth emerged early in its mandate when it sought to improve the clarity of sex discrimination in Section 20 of the CHRA so that 'discriminatory practices based on pregnancy or childbirth' were included within the remit of this clause.²⁷ This amendment was secured in 1983 when Bill C-141, an Act to amend the CHRA, was passed into law.²⁸ Additional questions about child care emerged in relation to the CHRC's recommendation that 'provision be made permitting special or preferential arrangements for leave to permit parents to care for a child.'²⁹ While this provision was eventually included in the 1983 amendments to the CHRA, given that it was a clause to allow temporary leave, usually around child birth, it was not one that would consistently enhance either parent's opportunities for employment.³⁰

Ironically, however, one of CHRC's main concerns relating to child care in its initial years of office proved to be the discrimination that men experienced

because they confronted more stringent conditions than women for claiming child care expense deductions under federal income tax laws.³¹ The CHRC actually had to dismiss a case referred to it on this matter, even though discrimination was established, because the CHRA could not be used to amend federal legislation (in this case the Income Tax Act).³²

The CHRC's frustration at not being able to bring an end to this discrimination was clearly reflected in the following extract from its 1979 Annual Report:

The CHRC considers that the claiming of child care expenses should not be more restrictive for men than for women. This policy harks back to a vision of the family which is no longer solidly based in reality. It is not fair to either men or women to assume that a man's wife will inevitably be tending their children at no cost to him unless she is in an institution or has legally surrendered custody of the children. This premise is discriminatory, and perpetuates negative attitudes to women who are working or completing their education, as well as penalizing men who are unable to claim a substantial deduction.³³

The Commission did, in fact, lobby Parliament to remove the differential treatment of men and women from the legislation, with eventual, rather than immediate, success.³⁴ However, the fact that its sole action on questions of child care during the early 1980s was one concerned with the discriminatory effects of child care expense deductions on men suggests that the CHRC's ability to influence broader social policy debates about the link between women's employment opportunities and the provision of child care was limited.

Feminist Approach to Equity: Gender Equality, Affirmative Action and the Charter

In the period between 1980 and 1982 feminist campaigns focused very directly on questions of gender discrimination in the public sphere. The intensification of feminist concern about this issue can be explained not only by the publication of a number of studies documenting the persistence of this problem, but also by women's increasing concern to ensure that strong anti-discrimination measures were entrenched in the Charter of Rights and Freedoms, when the Canadian constitution was patriated from the United Kingdom in 1982.³⁵

The tremendous energy that women put into their fight to get strong gender equality and anti-discrimination clauses entrenched in the Charter crucially affected the way that questions about employment inequality and child care were raised and addressed in the early 1980s. Arguably, the institutionalised women's movement became so focused on constitutional issues relating to gender equality in the early 1980s that questions about social policies relating to gender difference received less priority within the feminist community than they had at earlier stages in the second wave of Canadian feminism. As Lise Gotell has noted, the drive to achieve constitutional equality encouraged many feminists to see 'gender oppression in terms of legal discrimination while ignoring underlying structures such as family reproductive relations and capitalist productive relations in which they are embedded.'³⁶

The Background to Feminist Campaigns on the Charter of Rights and Freedoms

Women's concern to ensure that strong anti-discrimination clauses and full gender equality rights were entrenched in the Charter stemmed primarily from their awareness about how badly women had fared under the anti-discrimination clause in the 1960 Bill of Rights. As Gotell has noted, 'the most important variable drawing the Canadian women's movement into the

constitutional fray was the weakness of the draft Charter proposed by the federal Liberals, (which) contained essentially the same equality clause as that found in the ineffectual Canadian Bill of Rights.³⁷

The intensity of this feeling was reinforced by two sex equality cases that had been brought before the Supreme Court in the 1970s and in each case ruled on in a way that perpetuated discrimination against women. The first case, brought by Jeanette Lavell and Yvonne Bedard, concerned two Indian women who claimed that they suffered sex discrimination because section 12(1)b of the Indian Act denied status to Indian women who married non-Indian men. In this case the court ruled that because the regulation was encoded in the Indian Act, and related solely to the organisation of reserves, the appellants were not subject to the denial of equality before the law, and were not therefore victims of sex discrimination, as defined in the Bill of Rights.³⁸ In the second case, brought by Sandra Bliss, the appellant claimed that she had suffered sex discrimination under the Unemployment Insurance Act because she had been required to work longer to earn maternity benefits than she would have been to earn sickness benefits. In its decision, the Court deemed the provisions of the Act legitimate, arguing that because the lesser benefits were allocated to women on the basis of their pregnancy, rather than their sex, they did not constitute a form of sex discrimination *per se*.³⁹

In her discussion of these two cases, Gotell notes how 'in effect, Canadian courts, under the Bill of Rights, failed even to recognize the existence of gender-based inequality. An ideology of sexual difference rather than sexual equality prevailed.'⁴⁰ Both cases raised concerns about the development of a comprehensive anti-discrimination clause that would prevent blatant sex discrimination within the law or in its application. In addition, the Bliss case encouraged active feminists to ensure that the Charter would overcome the

ideology of sexual difference that had been clearly demonstrated in that decision.

The Ad Hoc Committee on the Constitution

As has been well documented, the event that triggered the mass mobilisation of women over the constitution was the decision by Lloyd Axworthy, then Minister Responsible for the Status of Women, that a conference on 'Women and the Constitution,' being organised by the Canadian Advisory Council on the Status of Women (CACSW) be cancelled, in order to avoid further political debate on the subject.⁴¹ While the CACSW conference was cancelled, Axworthy's actions sparked such anger in the women's movement that a substitute conference, organised by an ad hoc committee on the constitution, was held in Ottawa on February 14, 1981, and attended by over 1400 women.

The resolutions passed at that conference demonstrate the strength of women's concern to give constitutional legitimacy to their campaigns to eradicate sex discrimination in all spheres of public life, and particularly in the sphere of employment. These called first, for section 7 of the Charter to include the right to reproductive freedom and the right to equality of economic opportunity, second, for section 15 to be strengthened so that, in addition to there being no discrimination on the basis of sex, there also be a compelling reason for any distinction made on this basis and, third, for the proposed three-year moratorium on the implementation of section 15 to be lifted, so that governments were forced to address anti-discrimination issues immediately.⁴²

By all accounts, the work of the Ad Hoc Committee on the Constitution was successful. Its campaign to include equal rights and anti-discrimination clauses in the reformulated constitution proved significant, not only because it was a landmark of feminist effectiveness in the face of both federal and provincial government resistance, but also because it reinforced the legitimacy of gender

equality as a goal of Canadian public policy.⁴³ The campaigners got the gender equality clause (section 28) entrenched in the Charter, and managed to save it from inclusion within the remit of section 33, the notwithstanding clause. In addition, the ad hoc group lobbied successfully for sections 15(1) and 15(2), thereby helping to create one of the most innovative anti-discrimination clauses in liberal democratic constitutions.⁴⁴ While section 15(1) outlawed sex discrimination before, under and in the administration of the law, section 15(2) ensured that this process did not preclude the use of affirmative action to achieve this aim.

The CHRC and the Ad Hoc Committee on the Constitution had a powerful impact, not only on legitimating the eradication of sex discrimination in employment, but also on using affirmative action programs to achieve that end. Had these two forces been in control of the policy agenda in Ottawa it is very likely that mandatory affirmative action programs would have been introduced throughout the federally regulated sphere. However, as we turn now and look at how questions of economic productivity also influenced the development of policies concerned with women's employment, we can begin to understand why the Liberals developed a more ambiguous set of policy proposals that fluctuated between the implementation of voluntary and mandatory affirmative action programs.

Economic imperatives propelling the development of affirmative action policies in the federal sphere

Almost at the same time as the new human rights professionals were arguing about the need to identify the systemic roots of employment discrimination, politicians and professionals within the Canadian Employment and Immigration Commission (CEIC) were becoming increasingly concerned about the under-representation of women in key sectors of the federally regulated

labour force. As we saw in the introductory section of this chapter, within the CHRC the desire to eradicate systemic employment discrimination against women was one facet of its broader project to root out discrimination in the federal sphere. By contrast, within CEIC concern about eradicating systemic employment discrimination stemmed from questions about how the under-utilisation of workers, affected by this form of prejudice, reduced Canada's economic productivity.

Growing awareness about the economic rationale for pursuing affirmative action stemmed from the recognition that women constituted an increasingly critical part of the labour supply.⁴⁵ As Harish Jain noted in a paper prepared for CEIC's Affirmative Action Directorate in 1981:

Over the past several decades the labour force participation rate of women has significantly increased, from 21.8 per cent in 1931 to 47.8 per cent in 1978, while that of men declined from 87.2 to 77.9 per cent over the same period. These trends are expected to continue in the future, so that the female labour force will constitute an increasingly critical source of labour supply. It is imperative therefore that employers develop non-discriminatory pay and staffing systems to attract, retain and motivate female employees.⁴⁶

Interestingly, recognition of women's economic significance stemmed, first, from the knowledge that more and more women were seeking paid employment outside their homes and, second, from the realisation that a recent dip in the number of immigrants admitted to Canada made it important to encourage women (and other groups of Canadians) into critical sectors of the labour force.⁴⁷ As Findlay has noted, this was a marked change as, historically, 'labour market policies had tended to rely on the manipulation of immigration policy, rather than on investment, in developing the full potential of Canadian workers regardless of sex, race or physical handicaps.'⁴⁸

While these general demographic patterns certainly impacted on CEIC's decision to encourage the federal government to develop a clear affirmative action policy, the difficulties that the Commission's bureaucrats experienced when trying to introduce voluntary affirmative action measures into the private sector added impetus to their campaign.

CEIC's Voluntary Affirmative Action Initiative

In 1979, prior to the Liberals losing office, CEIC had set up a voluntary affirmative action program to try and persuade key organisations within the private sector to adopt a pro-active approach to the hiring of women and other target groups. This initiative aimed to encourage crown corporations and companies in the private sector, particularly those under contract to the federal government, to develop and maintain affirmative action programs in order to increase the representation of women and minority groups in their workforces. In return CEIC offered to support corporations by providing data on relevant labour markets, analysing their employment practices and supplying information on federal training and wage subsidy programs.⁴⁹

The program sought to extend the federal government's equal opportunity initiatives into the private sector and encourage private sector employers to reassess their human resource planning systems by setting clearly defined employment goals.⁵⁰ It was designed to encourage employers to draw more extensively on the pool of qualified female labour that was emerging from federal government training programs. It was also set up to assess the effectiveness of adopting a voluntary affirmative action model, in the hope that this would encourage the employment of women (and other target groups) while preventing the federal government from being criticised for over-regulating the private sector.⁵¹

The initiative was not, however, successful. Between 1979 and 1982 only 27 of the 700 companies approached by CEIC agreed to implement affirmative action programs.⁵² By 1983 a total of 900 had been approached, with only 34 affirmative action agreements secured.⁵³ There were two reasons why this initiative failed. First, there was a mismatch between the desire of bureaucrats in Ottawa to diffuse American innovations into Canada and the resources their colleagues in regional offices had to develop these programs.⁵⁴ Second, employers proved resistant to the concept of affirmative action. They not only viewed it as an unpalatable American import that would increase corporate running costs and lessen productivity, but also resented federal intrusion on questions of corporate hiring policy, particularly at a time when the government's own record on promoting gender equality was generally considered to be less than exemplary.⁵⁵ Indeed it was for the latter reason that the Minister of Employment and Immigration galvanised the federal government into developing an affirmative action program in the early 1980s.

Affirmative Action in the Federal Public Service

The cautious introduction of an affirmative action program within the federal public service (FPS) began in August 1980 and put the first pound of flesh on the bones of the parliamentary throne speech. Steered through cabinet by Lloyd Axworthy, then Minister of Employment and Immigration and Minister Responsible for the Status of Women, it was considered by him to be the first stage on a much longer course of developing effective employment equality policies in both the government and the private sector. A pilot scheme, established in the offices of CEIC, the Treasury Board and Secretary of State, was extended in 1982 to include the Public Service Commission and Environment Canada. Finally, in 1983 the affirmative action program was extended throughout the FPS.

The program had three components: neutralised employment practices, the establishment of goals and timetables to improve the representation of women at all levels in the federal bureaucracy and reports on their realisation.⁵⁶ Under the program each deputy minister had not only to produce an analysis of the status of women, aboriginals, the disabled and (after July 1985) visible minorities employed in their ministries, but also to set annual targets for the hiring and promotion of qualified employees in each of these target groups.⁵⁷

Axworthy took care to announce the program in a way that would appeal to both the pro and anti-regulation lobbies within the government. He did this by stressing the value and the flexibility of annual targets:

I want to make a very clear distinction between goals and quotas. Quotas are rigid and exclusive - they imply that an organization must reach a certain number, no matter what. Goals on the other hand are flexible and inclusive - they say 'this is what can be achieved by the best possible effort.' Goals are program objectives, a target towards which to strive, and a useful yardstick for measuring progress.⁵⁸

The implementation of affirmative action within the FPS served the double function of creating a flexible employment equality strategy within the federal bureaucracy and an affirmative action model that might prove palatable to the corporate sector. The significance of this point was clarified in a 1980 report of the Treasury Board:

It was for reasons of equity that Cabinet set out its Equal Opportunities for Women (EOW) policy in 1975, but today it is for efficiency and the smooth operation of the national economic system that the government must ensure that women take part in all fields of economic activity, particularly where there are still few women, such as in the business, administration, industrial and operational sectors.⁵⁹

Even though the introduction of an affirmative action policy within the FPS was hailed as a significant and necessary expansion of the EOW policy, in effect it was an incremental change. The objectives of the policy -- neutralised employment practices, the setting of flexible goals and timetables, and reporting

on the realisation of these objectives -- were not, in essence, any different from those which had characterised the EOW program. While the inclusion of a larger number of target groups within the policy remit was laudable in the way it gradually improved the anti-discriminatory objectives of federal employment policy, this process in fact marked the beginning of a much longer development of policies designed to treat very different target groups in a similar -- 'neutralised' -- fashion.

Economic Arguments and the Task Forces

The House of Commons Committee on Employment Opportunities

The recognition that policies to eradicate systemic discrimination against women might enhance labour market development was clarified in the reports of two separate task forces that were established shortly after the 1980 throne speech. The House of Commons Committee on Employment Opportunities was set up 'to examine the paradox of high unemployment and critical shortages of skilled labour' and to seek 'the views of industrial labour, voluntary, human resource and educational specialists on the matter.'⁶⁰ Established primarily to increase public awareness about the need for equal employment opportunities, it advocated the use of voluntary affirmative action techniques to achieve this goal.⁶¹ Though an important instrument in legitimating the shifting orientation of employment opportunity policies, it was less crucial than its academic counterpart, the CEIC commissioned Task Force on Labour Market Development, which was headed by economist David Dodge.

The Task Force on Labour Market Development

The Task Force on Labour Market Development was established in July 1980. It was designed to provide the Minister of Employment and Immigration with an analysis of labour demand and supply conditions in the 1980s, an assessment of the adequacy and cost-effectiveness of training programs in meeting the

projected demand for trained workers, a review of existing government programs to promote employment and, finally, an analysis of the special needs of particular groups of workers, including women.⁶²

Reporting to Axworthy in 1981, it highlighted the urgent necessity of restructuring the declining labour force in order to ensure economic growth in an era of rapid technological change. It argued that key men and women within the existing labour force should be retrained with the skills necessary to meet changing technological demands. It also recommended that growth points in the labour force be identified, so that new personnel could be trained in critical skills and channelled into the productive sectors of the economy. Noting that women and young Native people were 'projected to account for 75 to 80 per cent of labour force growth in the 1980s,' Dodge emphasised that 'failure to utilize these groups fully will unnecessarily inhibit economic growth by restricting potential labour force growth. In addition, continued under-utilization of already developed skills and abilities, particularly those of women, will act as a drag on improvement in productivity.'⁶³

To counteract this waste of human potential Dodge recommended that CEIC should not simply rely on the Canadian tradition of using immigrant labour to meet the demand for workers in high-growth industries or in areas of labour shortage. Although the Task Force acknowledged that 'in the short term immigrant workers with skills in the excess demand areas' could be admitted, it argued that 'the alleviation of these shortages in the medium and longer term should come from domestic sources, namely by the full integration of adult women and young Native people into the productive sectors of the workforce.'⁶⁴

The reasons that Dodge's recommendation seemed to be so influential within CEIC is that he argued that if groups which had been historically excluded from the goods-producing sectors of the labour market could be absorbed into these areas, the goals of economic productivity and equal opportunity could be achieved at the same time:

This is most clearly the case with measures designed to better integrate women and Native people into the labour force. To the extent that these groups acquire a greater diversity of skills and experience, equity will be increased, labour market adjustment processes will occur more smoothly and the economy will be able to adapt more easily to change in the industrial and geographic structure of economic activity.⁶⁵

In order to achieve this goal Dodge argued that it was necessary, first, to remove the systemic barriers to women's employment, particularly in the manufacturing areas that had traditionally been dominated by men and, second, to divert women out of their traditional ghetto in the service sector into the manufacturing areas of the economy. If this did not occur Dodge predicted that:

[the] continued high concentration of women in service sector occupations, combined with high labour force growth will result in a growing problem of unemployment among women, while simultaneously labour markets in occupations and industries which primarily employ men will become increasingly tight.⁶⁶

While Dodge's primary concern was with labour market training, he recognised that 'an effective labour market planning approach must be based on an accurate assessment of those elements which operate to exclude certain groups from full participation.'⁶⁷ Indeed, he went on to argue that:

a comprehensive response based on the need to develop required skills, change unacceptable behaviours and remove unnecessary systemic demand barriers [against] target groups will contribute to the government's goals of improving equity and economic productivity, as efficiency in the labour market is enhanced by efforts to assure all workers the opportunity to develop and participate as fully as possible.⁶⁸

After considering four different ways of absorbing adult women and young native people into productive employment, while simultaneously increasing economic output, the task force recommended:

a complex integrated approach...including improved market information, enriched counselling, employment support measures, training, wage subsidies, employment development measures, flexible arrangements of work' as well as 'legislated measures to ensure employers adopt employment practices which encourage the hiring and promotion of target group members.'⁶⁹

In other words, although Dodge recommended the development of affirmative action, he argued that it should be voluntary and combined with a multifaceted approach to opening up the labour market to groups that were currently excluded from it.

Perspectives in the Labour Market Task Force on Working Mothers

It is interesting to note that, although making recommendations on training and labour market development which could apply to all target groups, the Dodge report emphasised that 'it is critical that (individuals from target groups) receive additional program support tailored to the specific needs and problems of each group and that these problems be operated as mainline programs of the CEIC.'⁷⁰ Moreover, even though it made no specific recommendations in relation to the problem, the Dodge task force acknowledged that women's labour market activity is often affected by child care responsibilities:

Many women have had to adjust their labour market commitments to accommodate family responsibilities by dropping out of the work force for significant periods, by taking part-time work and jobs with no overtime demands. These decisions often involve serious penalties in terms of career progress and future earnings, a particularly serious problem for women who may have become sole supporting. Women also generally have the responsibility for finding substitute care for their children when they enter the labour force. The double burden of family and work responsibilities often provides significant barriers to women entering or reentering the labour force.⁷¹

The Impact of the Dodge Report

Dodge's recommendations on the importance of addressing the special employment needs of women and minority groups fell on receptive ground within CEIC, in part because they coincided with increased demands on Axworthy, both from women's and disabled people's organisations, for an employment opportunity program that addressed the systemic nature of employment discrimination.⁷² However, what is less recognised is that the publication of his report also coincided with the CEIC becoming the subject of one of the CHRC's first systemic reviews of employment practices within a federal government department.⁷³ Clearly, therefore, the motivation for Axworthy to develop and implement programs that would address the problem of systemic employment discrimination within, and well beyond, CEIC was very strong indeed. Indeed, his decision to do so reinforced a more deep rooted pattern of bureaucratic competition between the CEIC and CHRC, which clearly shaped the development of federal policies to eradicate systemic employment discrimination in this period.

While affirmative action was the policy that would assuage the differing demands on Axworthy, opinions varied about the type of instrument that should be developed. The Task Force on Labour Market Development called for voluntary affirmative action programs as one of a number of measures to promote the employment of different target groups.⁷⁴ By contrast, women's (and indeed the disabled people's) organisations claimed that mandatory measures were the only method of guaranteeing equal employment opportunities for groups of worker-citizens that had suffered persistent discrimination in the labour market.⁷⁵

While both the CHRA and the Charter legitimised affirmative action as a tool for remedying previous discrimination, the federal government's experience

with developing these programs remained very tenuous. Despite the fact that concerns about labour market expansion and improved anti-discrimination measures could be realised by the extension of affirmative action policies throughout the federal sphere, the Liberal government was reluctant to develop a comprehensive policy at a time when it was being heavily criticised for over-regulating the private sector and encouraging fiscal restraint.⁷⁶ Indeed, as we shall see in the next chapter, Axworthy decided that his only option was to forge a middle path between the economic and human rights imperatives facing the government, and lobby the Cabinet to establish a royal commission to investigate the federal government's varied policy options more closely.

The Reactivation and the Federalisation of Child Care

It was as a result of a rather less complex combination of factors that questions about the limited provision of child care in Canada gained increasing prominence on the federal agenda during the final Trudeau government. Although, as we saw in the previous chapter, the federal government's response to the recommendations of the RCSW had been to contain the issue of child care within a welfare mould and deflect responsibility for the service back to the provinces, the provincial child care lobbies that had come into being in the 1970s brought the issue back into the federal arena in the early 1980s.

The Creation of a National Child Care Movement

National Child Care Conference: Winnipeg, September 1982

In September 1982, after meeting together in Winnipeg at the second national child care conference in Canada, activists in provincial child care organisations decided to 'go federal' with their demands for the 'development of an affordable, comprehensive, high quality, not-for-profit child care system...supported by public funds and accessible to every Canadian family who wishes to use it.'⁷⁷

The idea of a national day care campaign had taken root before the Winnipeg conference, as a result of Pat Schultz' decision to found an Ad Hoc Committee for a National Day Care Campaign, using Action Day Care in Toronto as its headquarters. Given the different political priorities of the various provincial delegates attending the Winnipeg conference, it had in fact seemed unlikely that the meeting would lead to the creation of a national child care movement. As reports of the conference in the Winnipeg *Free Press* noted, although delegates from Manitoba, Saskatchewan and Ontario were pressing for a national system of publicly-funded child care, delegates from Alberta and Québec were resistant to the idea.⁷⁸ However, as Schultz commented, the meeting presented 'an enormous opportunity for the day care community in Canada to further its efforts to expand and improve the service...[to develop both] a national day care policy with recommendations to the federal government for changes in legislation [and] a national campaign to publicize and educate around the issue of day care.'⁷⁹

Despite the divisions amongst provincial delegates, the conference voted to lobby the federal government for the provision of non-profit, universally accessible, community-based child care, available for children between the ages of 0 and 12. A resolution declaring that 'there should be recognition of the right of every parent and child to universal access to high quality non-profit day care, notwithstanding their right to choose other existing options,' was carried by 75 per cent of the delegates voting in its favour.⁸⁰ In order to bring this about the conference called for 'the immediate appointment of a Parliamentary Standing Committee in order to make recommendations to a National Day Care Act.'⁸¹ In addition, it resolved not only that 'the federal government establish, under a new Child Care Act, an equitable cost-shared program to provide for universal access to quality day care,' but also that a new federal department, separate from Health and Welfare, be established to administer it.⁸²

It is notable that not one of the thirty resolutions passed at this conference made a reference to the relationship between the provision of child care and the promotion of women's employment. The thrust of the resolutions was that parents and children should enjoy their rights to 'high quality non-profit day care.'⁸³ Given that it was this conference which led to the creation of a national child care movement, it is hardly surprising that the distinction between the issues of child care and women's employment opportunities was further encouraged in the federal policy arena.

Creation of the Canadian Day Care Advocacy Association

Following the Winnipeg Conference the first step in organising a national child care movement was the creation of the Canadian Day Care Advocacy Association (CDCAA).⁸⁴ The Association was formed to lobby the federal government on the resolutions passed at the conference and ensure that child care was recognised as a crucial social policy issue in the next general election campaign. It was also created to raise public awareness about child care and help co-ordinate local, provincial and territorial campaigns for improved services.⁸⁵ Initially formed as an interim committee, with two representatives from each province and territory, the Association set up an office in Ottawa in 1983, with financial support from the Secretary of State, Women's Program. It was then that the CDCAA, acting on the recommendation of the Winnipeg conference, began to pressure the federal government to establish a national task force on child care and examine the possibility of developing national child care legislation to support a universally accessible non-profit day care service.

Distinctions between questions of child care and questions of women's employment

Although the creation of a national child care movement, with an office in Ottawa, was effective in bringing the issue of child care to national attention, the process reinforced the division between questions about women's employment

opportunities and the provision of child care services. Child care advocates were supportive of NAC's concerns to link child care with women's employment. However, it was clear from the outset of the national campaign that although activists were concerned about the link between women's employment and the provision of child care, their *primary concern* was not to lobby for child care in order to bring this about, but rather to promote *a universal public service for children* with decent employment conditions for child care workers.⁸⁶

These priorities can be explained by looking briefly at the period just before the birth of the national child care movement, when some provincial child care activists chose to build support for their concerns through the labour movement rather than the women's movement. The case of Ontario is instructive because in this province the principal child care organisations were based in Toronto, which also housed the headquarters of the National Action Committee on the Status of Women (NAC). However, even though the women involved in the provincial child care movement were members of both the Ontario Federation of Labour (OFL) and NAC, they chose the OFL as the base from which to build support for their campaign.

The Ontario Child Care Lobby and the Ontario Federation of Labour

The link between the Ontario child care lobby and the provincial unions was forged, not only because key activists like Pat Schultz and Sue Colley were active in both movements, but also because in the 1970s the nascent child care lobbies focused their energy entirely on the provincial domain.⁸⁷ As a result, it made much more sense to build institutional support for their claims through the provincially oriented labour movement than through the federally oriented NAC. Moreover, the principal concerns of the child care lobby -- to turn child care from a welfare service for impoverished parents to an educational right for Ontario's children, to improve the working conditions of child care workers, to

encourage their unionisation and to extend the idea that day care provision should be entrenched in the collective bargaining process -- were demands that had a broad appeal within the labour movement.⁸⁸

Ironically the process of securing union support, although organised by working women, slightly obscured feminist concerns about the link between child care and women's employment opportunities.⁸⁹ The AFL's 1980 Statement on Day Care shows that although the Federation was clearly concerned to support its women members with regard to child care, it was also concerned to see child care as a social service developed to assist all working parents with the care of their children:

We must ensure that day care is made a priority issue for it underpins the home and working lives of both men and women...The demands of the work place and the policies of governments have never seriously taken into consideration the needs of families. It was assumed that women were in the home with the children and that childrearing was a private responsibility that belonged to individual parents alone. Somehow the two exceptions to this rule were always overlooked: working class women, who had to work and could not raise their own children and the aristocracy who never raised their own children. Working people today, both women and men are still plagued by the long-lasting results of these class assumptions. We are victims of the government dictum that your children are yours, you take care of them.⁹⁰

Child Care Movement and the Women's Movement

Virtually no attention has been paid in the literature on child care politics in the 1980s to the disjuncture between the priorities of the national child care movement and those of the organised women's movement.⁹¹ Yet these differences help explain why it became easier for the federal government to maintain child care and gender equality in employment as distinct policy issues in the 1980s. The priorities of the child care movement were those of fighting for the development of a universally-accessible child care service that was driven by educational rather than welfare objectives, and focused on the rights of children

to proper care and the rights of day care workers to proper employment standards. By contrast, although the institutionalised women's movement was clearly concerned about the rights of children and the nature of the service itself, its key motivation for becoming involved in debates about child care was to encourage the development of a non-welfare service that would relieve working women of the burden of child care.⁹²

The priorities of the institutionalised women's movement were made particularly clear in its recommendations to the Royal Commission on Economic Union and Development Prospects for Canada (the Macdonald Commission). This proved to be an important forum for NAC to reinforce the link between child care and women's employment opportunities. At the forefront of its demands was a concern to get child care out of the welfare ghetto of the Canada Assistance Plan (CAP) so that it could be redefined as a support service to enhance women's employment. As Chaviva Hosek, Vice President of NAC, argued in her presentation to the Commissioners:

At the moment we have a system, created under the CAP, in order to take care of people in need or likely to be in need. In other words, the basic social service cost sharing system we now have is for people in poverty or close to the poverty line. What has become clear since 1966, when that particular arrangement was worked out, is that there are a lot of services that women in particular do require, but they do not require them because they are in financial need. They require them because they are in other sorts of need. *The biggest one here is childcare, and it seems to us that one of the most important connections between women's economic equality and the social service sector is adequate child care funding.*⁹³

She went on to emphasise how women could not enjoy economic equality with men without adequate child care:

It makes no sense to say to women 'enter the economy as equal partners' if they do not have access to affordable and accessible child care all over the country. It is simply a meaningless promise or invitation. It becomes to us a basic social service that needs to be provided so that it is not so expensive that only very few people can take advantage of it. Otherwise women's participation in the economy in the year 2000 is meaningless. As

long as we have the assumption that the children that exist in the world are primarily the responsibility of women, we must have some adequate funding for the care of those children so that women can enter the labour force or make other kinds of contributions to the economic and social structure of the country.⁹⁴

In addition, Hosek argued that there needed to be greater economic analysis of the way in which jobs were created as a result of child care and other social service provision. Indeed she argued that rather than focus solely on the costs of child care, there was a need for more economic modelling on this front. Finally, and astutely, she noted how the potential to develop a child care policy that would support working women constantly gets blocked by jurisdictional struggles over this issue:

It seems to us that essential social services for women get lost at the moment in the power struggle and jurisdictional struggles between the federal government and the provinces, and it seems clear to us also that this commission has an opportunity to say something about how this kind of problem can be addressed in the future.⁹⁵

Liberal Government's Final Response to Affirmative Action and Child Care: Deflect the Issues onto Separate Commissions of Inquiry

Looking back over the period of the final Trudeau government, we can see that although debates about affirmative action and child care intensified there were very few major policy developments in either field. Mandatory affirmative action was introduced in the FPS. However, even the government's attempts to put its own house in order in this way did not make private sector companies embrace voluntary affirmative action programs to the extent that the CEIC had hoped. In the area of child care no new federal policy developments occurred. The CHRC did succeed in getting discriminatory tax exemption laws changed in the Income Tax Act but beyond this the only policy initiative on questions of child care was the federal government's announcement, in March 1981, that it would establish pilot day care centres in buildings that were federally-owned or

leased.⁹⁶ The pattern of non-development in this policy field was very indicative of Trudeau's strong position that child care was a provincial responsibility. As he wrote in a letter to Doris Anderson, when she was President of NAC, 'the delivery of social services is a provincial jurisdiction, with the federal government having no authority to deliver child care services directly, except in its own very limited jurisdiction.'⁹⁷

Towards the end of its term of office, however, the Trudeau government did appoint a royal commission on equality in employment and a task force on child care. The Royal Commission on Equality in Employment (RCEE) was set up on June 23, 1983, under a sole commissioner, Judge Rosalie Silberman Abella. She was instructed 'to inquire into the opportunities for employment of women, native peoples, disabled persons and visible minorities in certain crown corporations and corporations wholly owned by the Government of Canada' and to report on 'the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis.'⁹⁸ It is indicative of the purpose of this Commission that Abella was instructed to 'inquire into means to respond to deficiencies in employment practices, including without limiting the generality of the foregoing means, such as an enhanced voluntary program, possibly linked with mandatory reporting requirements and a mandatory affirmative action program.'⁹⁹

In May 1984, right at the end of Trudeau's term of office and, as we now know, close to the September election that brought down the Liberal government, Judy Erola, the Minister Responsible for the Status of Women, announced the establishment of a special Task Force on Child Care, subsequently known as the Katie Cooke Task Force.¹⁰⁰ This was set up 'to examine and assess the need for child care services and paid parental leave as well as the adequacy of

the current system in meeting this need...and...to make recommendations to the Minister Responsible for the Status of Women concerning the federal government's role in the development of a system of quality child care in Canada.'¹⁰¹ Although Erola managed to extract this concession from a cabinet that had been categorical about the federal government not intervening in an area of provincial jurisdiction, the establishment of the task force, at a point when the Liberal government was pessimistic about its re-election, did not indicate a firm commitment on its part to policy development in this area. Arguably, the decision to establish the task force was a last-ditch attempt by the Liberal government to pacify the child care lobby and improve its electoral credibility by taking action on an issue that had gained increasing prominence in debates about social policy.

The fact that two separate commissions were established on these two issues, within a year of each other, demonstrates not only how distinct the lobbying on employment equality and child care had become, but also how separate these two issues were on the government's agenda. Moreover, while the two commissions demonstrated that the federal government recognised the problems of employment inequality and child care, their creation reflected the federal government's unwillingness to act decisively on either of these policy issues. Indeed, the fact that both inquiries were given very specific mandates is indicative of how cautious the federal government had become about any potential policy development in either field.

Conclusion

On reflection, although there were a number of attempts to address the issues of systemic employment discrimination and child care in the early 1980s, it proved to be a period of transition in which two issues that had long been linked in feminist analysis were driven apart. A number of factors explain this process.

First, the ascendance of a discourse on constitutional equality reinforced the idea that the absorption of difference into equal opportunity policies was best achieved through special, temporary, programs to remedy past discrimination, rather than policies which sought to reconcile the more deeply rooted dimensions of gender equality and gender difference. Second, the bureaucratic competition between the CHRC and the CEIC to devise the best approach to remedying employment discrimination within the federal sphere encouraged the development of anti-discrimination and affirmative action policies that were applicable to a large number of target groups. Inevitably this process limited the federal government's ability to recognise the specific barriers to employment that any one group experienced. Once again, the pursuit of equal opportunity in Canadian public policy was linked to the identical treatment of the groups it aimed to serve rather than the recognition of differences amongst them.

Finally, despite the continuous efforts of the institutionalised women's movement to keep questions about women's employment and child care linked together in political debate, three factors drove these issues apart in the early 1980s. First, in keeping with its history of failing to build a recognition of group differences into the design of policies to promote equality of employment opportunity, the federal government was much more reluctant to engage with questions about the development of child care policy than with those concerning the eradication of gender discrimination in the workplace. Second, the two issues were driven further apart by Trudeau's insistence that while employment equality was a legitimate area for federal policy development, child care, in his opinion, remained a matter of provincial jurisdiction. Finally, and indeed ironically, the creation of a national child care movement, whose activists were committed first and foremost to the development of child care as a universal social service, deflected grass roots attention away from considering how women's employment opportunities could be enhanced by the public provision

of child care.

Although both the RCEE and the TFCC had been established to carry out their separate inquiries into problems of employment discrimination and child care, the Report of the first inquiry effectively trumped that of the second. In part this was because its status as a royal commission meant that it was likely to have a broader impact on the federal government than a departmental task force. More significant, however, was the fact that Abella decided to consider how 'the history of discrimination in Canada' had shaped the employment opportunities of each target group, and in the case of women to do so by linking issues of employment equality with those of child care.¹⁰² It is, therefore, to an analysis of the RCEE -- its mandate, proceedings and recommendations -- that I now turn.

ENDNOTES TO CHAPTER FIVE

1. The reprinting of *The Double Ghetto* (Armstrong and Armstrong, 1984) and the publication of *Women and Work: Inequality in the Labour Market* (Phillips and Phillips, 1983) and *Women, Family and the Economy* (Wilson, 1986) all confirmed these patterns.

2. Canadian Advisory Council on the Status of Women, 1980.

3. As David Dodge noted in his Report of the Task Force on Labour Market Development in the 1980s: 'Inherent in these past policies has been the view that "ownership" of the employment problem rested with the individuals or groups rather than with their circumstances and with barriers in society and in the labour market. This approach, which forms the backbone of most past policies, failed to consider the barriers in the employment system itself and concentrated on the perceived skill deficiencies of the individual as defined by market requirements. With the problem defined primarily in these terms, remedial measures have aimed at expanding the individual's or group's store of "human capital" and have not sought to alter demand. For target group members this approach has too often been reduced to providing repeated periods of low-level training, temporary job creation and segregated job-experience training...While the skills of some individuals have been improved, programs for target groups have lacked long-term employment and development goals' (Canada, Employment and Immigration Canada, 1981:91-92).

4. The variation of opinions became particularly evident in the briefs submitted to the Royal Commission on Equality in Employment. Evidence of feminist support for the mandatory affirmative action programs developed in the United States was made explicit in the submission made by the National Action Committee on the Status of Women (NAC) -- even though, as I demonstrate in Chapter Six, its brief advocated the adoption of goals and timetables (rather than specifying quotas) in the development of a Canadian model. It declared 'our conviction that the American model is one which Canada would do well to emulate in that it provides for two mechanisms. To wit: mandatory affirmative action programs in the U.S. can be the result of a complaint involving systemic discrimination or they can be established within the framework of contract compliance. It is our position that both mechanisms are necessary and can be implemented by the federal government in Canada without major legislative changes' (National Action Committee on the Status of Women, 1983:2). However, in its brief the National Women's Liberal Commission cautioned that while 'the United States model is not one that Canada would necessarily choose to follow...Canada can and should be able to profit from US experience which can provide an invaluable guide as to what works and what fails' (National

Women's Liberal Commission, 1983:2). A similar degree of reticence was evident in the brief submitted by the Canadian Association of Women Executives which noted that 'the U.S. experience, although positive in many ways, has also created many problems for business, government and the minority groups it was mandated to help. The current climate of conservative thinking in the United States has caused a backlash against these programs. The Canadian business community wants to avoid the political, social and operating costs incurred in the mandatory U.S. programs' (Canadian Association of Women Executives, 1983:1-2). For a fuller discussion of the American affirmative action programs see Bacchi, 1991:156-164, 1996:31-56.

5. In her recent book, Bacchi makes a different argument about the inclusion of 'women' as one of a number of target groups in a single affirmative action policy. She calls it 'the politics of displacement...a shorthand phrase which describes 'women' as one among a number of what are seen as interest groups competing for affirmative action 'favours.'" She goes on to say that 'nowhere is it better exemplified than in Canada.' (Bacchi, 1996:57).

6. Canada, House of Commons *Debates*, April 14, 1980:4-7.

7. For a fuller discussion of Tom Axworthy's role in the repositioning of the Liberal party prior to the 1980 election, see McCall and Clarkson, 1994: 137-161.

8. For a fuller discussion of this tension see Manzer 1985:13-19.

9. Canada, Employment and Immigration Canada 1981:92. The rapid recognition by the CHRC of the systemic nature of much employment discrimination was encouraged, not only by the complaints it received, but also, by professional links that the newly appointed bureaucrats within the CHRC established with their counterparts in longer-established institutions in the United States (Interview with Hanne Jensen).

10. *Ibid.* Interestingly, in a vein that would prove similar to the subsequent recommendations of the Royal Commission on Equality in Employment, the CHRC argued that 'it would be important, if such a step were taken, also to ensure the development of labour force availability data, by sex and minority status. This data would be valuable for employers under both federal and provincial jurisdiction' (Canada, Canadian Human Rights Commission, 1981:92).

11. Canada, Canadian Human Rights Commission, 1982:18.

12. The CHRC's position changed noticeably after the publication of the Royal Commission on Equality in Employment in 1984. In response to the Royal Commission Report, the CHRC noted that 'the Commission has in the past

stated that, unless affirmative action measures were imposed by a human rights tribunal, voluntary affirmative action was preferable in view of the lack of data on which to base a comprehensive program and because of the desirability of allowing employers a certain flexibility. It has become apparent, however, that employers are not availing themselves of the opportunity to implement affirmative action voluntarily. Therefore the CHRC supports the recommendation for collection of data and for mandatory employment equity/affirmative action' (Canada, Canadian Human Rights Commission, 1985:16).

13. Canada, Canadian Human Rights Commission, 1982:17.

14. Evidence of the CHRC's role in lobbying for Section 15(2) stretches back into the late 1970s. Indeed its second Annual Report the CHRC indicated that because it was concerned that 'the [proposed] Charter does not contradict the intention of present legislation protecting human rights' it had submitted a brief (on September 7, 1978) to the Joint Senate and House of Commons Committee, set up to study the Constitutional Amendment Bill, recommending that 'the Charter be amended to permit special programs, which, under the CHRA, may differentiate in favour of certain groups who have suffered or are likely to suffer discrimination.' (Canada, Canadian Human Rights Commission, 1979:21).

15. McDermott, 1996:95.

16. *Action travail des femmes v. Canadian National Railway* (1988) D.L.R.: 195.

17. Canada, Canadian Human Rights Commission, 1982:36, 41.

18. Section 10 of the Canadian Human Right Act reads: ' It is a discriminatory practice for an employer or an employee organization (a) to establish or pursue a policy or practice, or (b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination'(Canadian Human Rights Act, S.C., 1977).

19. Recognition of the systemic causes of discrimination in the United States had been brought about by the landmark U.S. Supreme Court judgement on *Griggs v. Duke Power Company*, which had demonstrated how seemingly neutral hiring policies could reinforce systemic discrimination. In this case the U.S. Supreme Court had found the Duke Power Company guilty of systemic discrimination on the grounds that it required applicants to have a high school diploma or obtain satisfactory scores on two aptitude tests, neither of which could be proven to be directly related to the type of work to be undertaken at the

power company. Both practices were found to be discriminatory because they excluded African-Americans at a substantially higher rate than white applicants and, in fact, proved to be unnecessary prerequisites for the job in hand.' Even though the precedent it set has been undermined by U.S. Supreme Court decisions since 1989, the Griggs case proved to be a critical turning point in American law. In its decision on the case, the Supreme Court ruled that an employer could be held responsible for discrimination, even when there was no evidence of a conscious decision to discriminate. Indeed, as McDermott has noted, 'the most important finding in the Griggs case...was that, for the first time ever, a senior court in a common-law jurisdiction found that the employer did not have to engage consciously in wilful discrimination to be held accountable. Even when discriminatory behaviour was deemed unintentional, the outcomes of any action could still be discrimination. Thus the legal stage was set for the fundamental and critical legal concept of "systemic discrimination"' (McDermott, 1996:95).

20. *Action travail des femmes v. Canadian National Railway* (1988) D.L.R.:200.

21. *Ibid.*: 201.

22. *Ibid.*: 200-201.

23. On the reactions of the feminist community to the case and the decision see Wallace, 1984; Anderson, 1987. On the reactions of the business community see Business Week, 1982.

24. With regard to this argument it is particularly interesting to note that, just two years earlier, the Supreme Court had ruled against the CHRC's decision obliging CNR to accommodate religious difference, on a continuous rather than temporary basis, by allowing their Sikh employee, Karnai S. Bhinder, to wear a turban rather than a hard hat in the company's work yards (Canada, Canadian Human Rights Commission, 1984:30; 1985:1; S.C.R., 1985). For a more extensive discussion on Supreme Court decisions on the duty to accommodate difference see Swinton, 1995: 713-722.

25. Canada, Canadian Human Rights Commission, 1979:9.

26. In pursuing these objectives it noted that 'a basic issue of social policy in any nation is the extent to which it is seen as the sole responsibility of parents to pay the economic and social costs that are entailed by the bearing and rearing of children. Modern societies have long since decided that it is in the state's best interest to assume responsibility for the well being of future generations. Nevertheless there are still certain inequitable penalties attached to being a parent' (Canada, Canadian Human Rights Commission, 1981:43).

27. The CHRC also sought to include discrimination based on sexual harassment within its review of section 20 of the CHRA (Canada, Canadian Human Rights Commission 1980:7).

28. The following amendments, all previously recommended by the CHRC were also included in the Act: (i) from April 17, 1985 physical handicap would be a ground for discrimination in all practices covered by the CHRA (not just employment); (ii) discrimination on the grounds of previous or existing mental disability was proscribed; (iii) discrimination on grounds of previous or existing dependence on drugs or alcohol proscribed; (iv) harassment on any of the grounds prohibited in the CHRA would be defined as discrimination; (v) employers would be subject to vicarious liability for employees if they acted discriminatorily within their organisation; (vi) it would no longer be considered discriminatory for employers to provide special leave or benefits to employees of either sex in connection with child care (Canada, Canadian Human Rights Commission 1984:9).

29. Canada, Canadian Human Rights Commission, 1980:7. The concern was reiterated by the CHRC in its 1980 Annual Report (Canada, Canadian Human Rights Commission 1981:8).

30. Canada, Canadian Human Rights Commission, 1984:9.

31. Canada, Canadian Human Rights Commission, 1979:8.

32. The complaint had been launched by Mr Pellerin and Mr McCaffrey that the Income Tax Act allowed mothers, but not all fathers, to deduct child care expenses in the calculation of their income tax. The complaint was dismissed on October 14, 1980, even though discrimination was deemed to have occurred (Canada, Canadian Human Rights Commission, 1980:38; 1981:34).

33. Canada, Canadian Human Rights Commission, 1981:58.

34. The Income Tax Act was amended accordingly in 1983 (Canada, Canadian Human Rights Commission, 1984:15).

35. For studies published see Gunderson, 1976; Connelly, 1978; Canadian Advisory Council, 1979. On women's concern to see strong anti-discrimination measures entrenched in the CCRF see Hosek, 1983.

36. Gotell, 1990:4.

37. *Ibid.*:9.

38. *Attorney-General of Canada v. Lavell/Isaac et al. v. Bedard*, (1974) S.C.R. For a fuller discussion of the case see Kuluchyski, 1994: 127-150.

39. *Bliss v. Attorney General of Canada*, (1979) S.C.R.

40. Gotell, 1990:8.

41. As Gotell notes 'on January 5, 1981 the CACSW Conference was cancelled and a statement was issued advising on the appropriateness of holding regional conferences in its place. The decision to cancel the conference came about at the request of the Minister Responsible for the Status of Women, Lloyd Axworthy, who used partizan manipulation to convince the predominantly Liberal appointed CACSW of the political necessity of this action. Accusing the Minister for interfering in the autonomy of the Council, then president, Doris Anderson, submitted her resignation.' (Gotell, 1990:51). Further discussion of the *débat* between Axworthy and Anderson can be found in Kome, 1983:39-42 and Anderson, 1996. These events had an impact on the subsequent development of employment equity legislation that has not really been drawn out in the literature to date. First it seems that Axworthy's subsequent decision, in his capacity as Minister of Employment and Immigration, to set up the RCEE was, in part, an attempt to regain credibility with the feminist constituency that had badly damaged his political image after the difficulties surrounding the Charter. Second, Flora MacDonald's direct involvement -- on the feminist side -- with the mass mobilisation around the Charter, may well have influenced Mulroney's decision to appoint her as Minister for Employment and Immigration, in order that she would oversee the process of framing the appropriate legislative response to the RCEE, during his first term of office.

42. Gotell, 1990:48.

43. As Prentice et al. note, 'for anglophone women, the 1980-81 campaign for the inclusion of women's rights in the constitution became a landmark similar to the Persons Case of 1929, an icon of feminist effectiveness' (Prentice et al., 1996: 447).

44. Mackinnon, 1988:145.

45. The need to attract more women into the labour force was reiterated in debates about training. As Dale noted, at the beginning of the 1980s: 'in view of the anticipated labour shortages in many highly skilled occupations, the 1980s present a valuable opportunity to train women in non-traditional occupations. This opportunity will be lost unless the federal government is willing to

undertake much stronger measures to ensure that a large proportion of these trainees are women and that the training is organised in a way which enables women to take advantage of it (Dale, 1980:58).

46. Jain, 1981:13.

47. The total number of immigrants admitted annually to Canada fell from 218,000 in 1974 to 86,313 in 1978, rising again to 142,634 by 1980 (Canada, Employment and Immigration Canada, 1981:180),

48. Findlay, 1985:32.

49. Agocs, 1986:154.

50. Canada, Employment and Immigration Canada, 1980a:2.

51. Phillips, R., 1985:52.

52. Hendlisz et al., 1982:63.

53. Kornberg, 1985:17.

54. The following extract, from the brief submitted to the Royal Commission on Equality in Employment by the Status of Women Co-ordinator of Justice and Public Services in the Northwest Territories (NWT), reinforces this point: 'CEIC has a voluntary affirmative action program which has been available to NWT employers for nearly three years. There is no person here assigned to promote it, rather it was added to the already heavy program load presently carried by CEIC employees and therefore the concept is not being promoted' (NWT, Status of Women (Justice and Public Services), 1983:3).

55. On resistance to affirmative action as an American import see Kornberg, 1985:17. My argument about corporate resistance to federal intrusion is derived from my interview with Mr Rhys Phillips, Policy Analyst at CEIC, Hull, PQ, September 1986.

56. Morgan, 1988:49.

57. Canada, Public Service Commission, 1984:16.

58. Canada, Employment and Immigration Canada, 1980b.

59. Canada, Treasury Board, 1981:2.

60. Canada, House of Commons,1981b:3.
61. Interview with the Hon. Warren Allmand M.P., Chair of the House of Commons Committee on Employment Opportunities, Ottawa, December, 1988.
62. Canada, Employment and Immigration Canada, 1981:1-2.
63. Ibid.:91.
64. Ibid.:61.
65. Ibid.:16.
66. Ibid.:60. However, as Dodge went on to argue: 'such bottlenecks and wage pressures and the associated costs to the economy in terms of higher inflation and foregone production, can be reduced to the extent that public policy can facilitate the introduction of women into a more diverse set of occupations and industries before imbalances occur' (Ibid.:62).
67. Ibid.:93.
68. Ibid.
69. Ibid.:102-103.
70. Ibid.:92.
71. Ibid.:95.
72. Author's interview with Hon. Lloyd Axworthy, M.P., Minister of Employment and Immigration 1980-83, Ottawa, September 1986.
73. It was ironic that the first employment systems review carried out by the newly created systems unit within the Complaints and Compliance Branch of the CHRC was a review of CEIC ...'the decision to carry out the review was taken after the Commission had received a number of complaints of discrimination in the areas of job referrals, training programs and labour market programs' (Canada, Canadian Human Rights Commission,1981:48). The review was implemented on May 14, 1980 following an agreement signed by Gordon Fairweather (Chairman of the CHRC) and J.D. Lowe (Chairman of the CEIC).
74. Findlay claims that 'the recommendations on affirmative action that had emerged from the analysis of groups with special employment needs by the Task Force on Labour Market Development were very carefully edited by the analysts

from the central agencies to emphasize the development of progressive practices and disavow the need for quotas or timetables' (Findlay, 1985:33).

75. Interview with Lloyd Axworthy.

76. Author's interview with Mr Ron Collet, Senior Policy Advisor to Lloyd Axworthy, 1980-83, Toronto, September 1986.

77. Friendly, 1994:148.

78. Delegates from Québec were concerned that child care should remain under provincial jurisdiction. As their minority report noted 'given that the procedure used for the approval of resolutions did not permit nuances, the meaning of the vote through the absence of the right to amendment and to a justified and registered abstention; we propose that the different levels of government involved (federal and provincial) receive the resolutions, keeping in mind the spirit underlying them, which is the improvement of the quality of day care, and not invalidate them on the basis that they can be interpreted as forms of interference with the responsibilities already defined by the conference' (Canadian Council on Social Development, 1983: 159). Indeed, as an editorial in the *Winnipeg Free Press* noted 'education is unmistakably a provincial power and, even if other provinces accepted a federal move into the early childhood education field, no Quebec government would consider tolerating it (*Winnipeg Free Press*, September 28, 1982: 6). Although delegates from Alberta were not completely opposed to federal legislation, they wanted to ensure that the financing of such a system would allow child care in Alberta to stay 'firmly hinged on private day-care' (Huck, 1982). As the minority report from its delegates noted 'any funding or cost sharing from the provincial or federal government should be made available to all day cares regardless of delivery models' (Canadian Council on Social Development, 1983: 157).

79. Quoted in Huck, 1982.

80. Canadian Council on Social Development, 1983:7.

81. Ibid:8-9. This resolution was also carried by 75 per cent of the delegates voting in its favour.

82. Ibid. Once again, 75 per cent of the delegates voted in favour of this resolution.

83. Ibid:7.

84. The CDCAA has subsequently been renamed the Child Care Advocacy

Association of Canada.

85. The Facts, 1983:12.

86. As will become clear in Chapter Six this did not preclude child care advocates advancing arguments about women's employment to promote the issue of child care on the federal policy agenda. Indeed the CDCAA's brief to the Royal Commission on Equality in Employment provides evidence of the way that, when appropriate, child care advocates did use arguments about women's employment to advance their claims about developing a universally accessible child care service (Canadian Day Care Advocacy Association, 1983).

87. Author's interview with Sue Colley, Director of Ontario Coalition for Better Child Care, Toronto, December 1988. Although Pat Schultz died before I began the research for this thesis, my association with her through our work at New Hogtown Press in the early 1980s provided me with a number of insights about the development of the Ontario child care movement.

88. The Public Employee, 1981a:7. Indeed labour activists felt that 'the unionisation of day care workers would be the first step towards a common front to deal with such problems as the lack of universal access to day care, inadequate funding for centres, and workers concerns such as low pay, few benefits, lack of job security and high staff turnover' (Labour Scene, 1981:6).

89. Interestingly this reflects the process of agenda displacement that first-wave feminists went through in Canada when they sought to build support for suffrage by taking their campaign into more broadly based temperance organisations. For further discussion of this dynamic see Bashevkin, 1993; Bacchi, 1983.

90. Ontario Federation of Labour 1980b.

91. At the very end of her chapter on the Conservative government's child care strategy, Phillips notes the disjuncture between the child care movement and the organised women's movement. She does not explore the point further, which is unfortunate because it touches on a crucial dynamic amongst the social movement activists pressing for the improvement of child care facilities in Canada (Phillips, 1989:208). An interesting observation by Adamson, Briskin and McPhail is worth noting at length because it demonstrates that although 'the National Action Committee made day-care a priority from its beginning...a submission to the Government of Canada [in 1972] revealed the mixed feelings of the women's liberation movement about day-care: was it part of the women's movement, or was it a separate movement of parents?' (Adamson, Briskin and McPhail, 1988:47). They note how the submission quoted child-care specialist

Barbara Chisholm: 'I believe that further consideration of day-care should not be undertaken within the context of the [RCSW] Report...This is because the focus of the Report is, rightly on women. Day-care, while inseparable from that focus as one of its aspects, has many more. Perhaps its most important focus is not the mother and her needs, but the child and his needs. And perhaps all of those needs can only be planned effectively in terms of the Canadian family and its needs' (ibid.). Reinforcing my argument about the separation of the child care and women's movements is the fact that they comment how 'in later years some day-care activists remarked that the women's movement had more or less ignored day-care in favour of other issues. Perhaps Chisholm's statement explains some of the ambiguity on the part of the women's liberation movement. However, NAC, other feminist organizations, and many individuals remained supportive of and active in the day care movement' (ibid.).

92. In her letter to Prime Minister Trudeau of 2nd June 1982, Doris Anderson, then President of NAC, stated that 'we also view quality child care as a right of all children' (Anderson, 1982).

93. Presentation to the Macdonald Commission by Chaviva Hosek, vice president of the National Action Committee on the Status of Women, March 1984. Emphasis added.

94. Ibid.

95. Ibid.

96. Canada, Status of Women, 1986:68.

97. Letter from Prime Minister Pierre Trudeau to Ms Doris Anderson, president of the National Action Committee on the Status of Women, June 29, 1982.

98. Canada, 1984:ii. The eleven crown corporations were 'Petro-Canada, Air-Canada, Canadian National Railway, Canada Mortgage and Housing Corporation, Canada Post Corporation, Canadian Broadcasting Corporation, Atomic Energy of Canada Limited, Export Development Corporation, Teleglobe Canada, The de Havilland Aircraft of Canada, Limited and the Federal Business Development Bank' (ibid).

99. Ibid.

100. John Turner replaced Pierre Trudeau as prime minister on June 30, 1984, having been elected Leader of the Liberal Party on June 16, 1984.

101. Canada, Status of Women, 1986:xxiii.

102. Interview with Judge Rosalie Abella, Commissioner, Royal Commission on Equality in Employment, Toronto, August 1986.

THE ROYAL COMMISSION ON EQUALITY IN EMPLOYMENT
The Re-Institutionalisation of Women's Demands for Equal
Employment Opportunities and Child Care

The Royal Commission on Equality in Employment (RCEE) was set up on June 23, 1983 to identify 'the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis.'¹ Its establishment highlighted the federal government's concern to eradicate employment discrimination within its own jurisdiction and ensure that employment equality policies were integrated into a broader labour market strategy to encourage economic growth.² In addition, its terms of reference indicated that the RCEE was framed within a tradition of federal policy making which assumed that the solution to employment discrimination lay in the development of policies that encouraged the equal, non-discriminatory treatment of all worker-citizens.

Within this tradition the RCEE was, nonetheless, a significant development. It was the first public inquiry in Canada to address the employment discrimination experienced by women, native people, disabled persons and visible minorities - the four target groups considered most at risk from employment discrimination.³ It was also established with a remit to bridge the public-corporate divide by considering what kind of equal employment opportunity policies could be developed in public sector and commercial institutions under federal jurisdiction. Indeed it was precisely for this reason that the sole commissioner, Judge Rosalie Abella, was instructed to examine the employment practices of eleven crown corporations and asked to recommend

what measures the federal government might take to 'respond to [the] deficiencies in employment practices' she identified.⁴ Although instructed to do so 'without limiting the generality of the foregoing means' it was clear from the suggestion that she consider options like 'an enhanced voluntary program, possibly linked with mandatory reporting requirements, and a mandatory affirmative action program' that the RCEE also marked an important turning point in the development of federal employment policy. In short, it was established to explore what type of affirmative action policies the federal government could demand from both state and corporate organisations within its jurisdiction.

Although the RCEE was created to establish a policy framework that would equalise the employment opportunities of four different groups of worker-citizens, questions about the specific forms of employment discrimination that women, native people, disabled persons or visible minorities experienced were not included in its terms of reference. This reflects the fact that the RCEE was established to develop a policy mechanism that could be systematically applied to any target group rather than address the specific forms of employment discrimination experienced by the four target groups identified in its terms of reference. Given that the political saliency of target groups changes over time this was in many respects an astute approach to the development of public policy.⁵ At the same time, the Commission's mandate encouraged a search for policy solutions that would ensure equal treatment of target groups rather than a recognition of differences amongst them.

In this chapter I demonstrate how Abella broadened this mandate so that its focus on promoting equal employment opportunities amongst a range of worker-citizens took account, not only of the specific circumstances in which members of the different target groups entered the labour market, but also of the kinds of

discrimination they experienced within the workforce. I focus specifically on her analysis of the way that women's employment opportunities were structured in a different way from those of men, showing how she linked questions about the promotion of equal employment opportunities for men and women with questions about the provision of child care. In so doing I argue that Abella re-established the link between the promotion of gender equality in the workplace and the provision of child care that was first articulated in the federal policy arena in the Report of the Royal Commission on the Status of Women (RCSW) but, as demonstrated in Chapters Four and Five, driven apart in the federal policy response during the 1970s and 1980s.

The chapter is divided into five parts. In the first part I consider why the federal government established the RCEE with terms of reference that focused on the promotion of equal employment opportunities. In the second I examine how Abella's methodology encouraged the target groups to consider how general and specific forms of discrimination shaped their opportunities for employment. In part three I show how organisations concerned with women's employment responded to Abella's questions about affirmative action and child care. In part four I consider the principal findings that emerged from Abella's survey of eleven crown corporations. Finally, I examine the recommendations of the Report of the RCEE, showing how Abella's 'master strategy' to promote employment equity for all four target groups was linked, in the case of women, with specific proposals for greater federal involvement in the field of child care.⁶

The Politics of Establishing the RCEE

Although the RCEE drew questions about women's employment opportunities and the provision of child care back together again on the federal policy agenda, the politics behind its establishment suggest that this was not the objective of its creators. Indeed, as Lloyd Axworthy commented, the RCEE was

'an expedient...a technique to get the concept of employment equity or affirmative action into the legislative process' by using the mechanism of a royal commission to develop some kind of public consensus around this issue.⁷ Such a consensus was needed because, although the Minister of Employment and Immigration was being lobbied to develop more effective affirmative action policies throughout the federal sphere, he was also confronting significant resistance to this idea both inside and outside the government.

Forces encouraging policy development

Pressure on Axworthy to develop more effective affirmative action policies came from a number of sources. First, organisations representing those groups of worker-citizens who experienced the most persistent forms of employment discrimination were lobbying him to address the problem through stringent policy measures. As he noted later 'there was a pretty strong case being made by women's organisations, disabled organisations and others that in order for affirmative action to work you had to have a legislative base primarily attached to some form of sanctions.'⁸ Second, federal government reports, both inside and outside his own department, highlighted the need for new policy initiatives to address the persistent discrimination experienced by a range of target groups.⁹ Axworthy was highly influenced by the prognosis of the Report on Labour Market Development in the 1980s that if women and aboriginal peoples were not encouraged to develop critical skills they could, in little more than a decade, become 'a kind of [deskilled] lumpen proletariat.'¹⁰ In addition, the 1981 Report of the House of Commons' Special Committee on the Disabled and the Handicapped had emphasised the high levels of employment discrimination experienced by disabled people.¹¹ Third, as the minister responsible for immigration as well as employment, Axworthy was acutely conscious of the discrimination faced by many new Canadians who could be identified as visible minorities. Finally, like other legislators, in both federal and provincial

governments, he was well aware that when section 15 of the Charter came into force, in 1985, the employment practices of all Canadian governments would come under greater scrutiny for evidence of discrimination.¹² Indeed, it was the diversity of interests, embedded in these different sources, that undoubtedly encouraged Axworthy to contemplate the development of a policy model that would address the discrimination experienced by a number of different groups.

Forces resisting policy development

Although Axworthy was under pressure to improve the federal government's affirmative action legislation, resistance to his developing interventionist policies to address the problem of systemic employment discrimination was equally strong. As we saw in Chapter Five, while the federal government had implemented a voluntary affirmative action program within its own bureaucracy in 1983, attempts by the Canadian Employment and Immigration Commission (CEIC) to extend this model into the private sector, during the late 1970s and early 1980s, had been a failure.¹³ The initiative had met with intense resistance from company managers not least because the very mention of 'affirmative action' conjured up the idea of employment quotas, an American innovation which the private sector did not wish to see diffused into Canada in a period of economic restraint.¹⁴

Concern about such developments was not only being expressed in the corporate sector but within the federal government as well.¹⁵ In 1982, the Liberals had imposed heavy controls on the private sector through their introduction of a two-year program to keep inflation below 6 per cent in the first year and 5 per cent in the second. Indeed, the government had established the Six and Five Committee, chaired by Ian Sinclair, the President of Canadian Pacific, to monitor the program and review all proposed regulations of the corporate sector in its light. When Axworthy sought the Committee's approval

to extend the federal government's own voluntary affirmative action program into the private sector, he was 'given the thumbs down' because the corporate sector was already under severe recessionary constraints and, in the view of the committee, could not be expected to take on further employment regulations at this stage.¹⁶ After all, 'things were tough...people were being laid off, profits were down and the general view in the business community was that this would be a costly initiative at a time when the economy was in bad shape.'¹⁷ Indeed, this response was reinforced by some of the provinces when Axworthy presented his proposals to the Federal-Provincial Committee on Human Rights, in January 1983. Not surprisingly, 'some of the Conservative provinces like Alberta told [him] to butt out' because his proposals to explore the extension of affirmative action policies into the private sector clearly encroached on provincial jurisdiction.'¹⁸

The decision to set up a royal commission and appoint Abella as its commissioner

It was the multi-faceted nature of the lobbies Axworthy confronted in trying to develop affirmative action policies in an era of economic restraint that kindled the idea of establishing a royal commission to forge some consensus around the issue. As he reflected later:

The conclusion that I came to was that the only way, in effect, to get affirmative action programs, out of the voluntary system and into the other sectors was to appoint the royal commission. [I also felt] that the mandate of that commission should not just be fact finding and research, which was already done, but in fact to put forward a formula for implementation. It was really a question that if you get your nose in the tent, after that you can move right in.'¹⁹

However, even when Axworthy finally got Cabinet approval to establish the RCEE he encountered huge resistance -- or as he put it 'bureaucratic harassment' -- from the senior mandarins within the Department of Finance, Treasury Board and the Privy Council Office.²⁰ Though manifest in persistent questioning of the

terms of reference, and in concerns about Axworthy's wish to appoint a provincial court judge to carry out the inquiry, this resistance reflected deep rooted federal concerns about maintaining the support of the business community during the recession.²¹ In the end it took ten months of intense negotiations before the Commission's terms of reference were finally agreed.

In the fall of 1982, when Axworthy first thought of establishing the RCEE, he decided that Judge Rosalie Abella would be 'the perfect person' to carry it out.²² His choice was astute because she was well known, not only in Liberal, human rights and feminist circles, but also amongst those active in disability politics.²³ Moreover, as his senior advisor, Ron Collet, noted later Abella 'had a good understanding of the issues and, given that background, had both the knowledge and the force of personality [to] encourage the co-operation which [was] obviously needed in the private sector.'²⁴ Given the significance of this factor, Abella's appointment as the sole commissioner is interesting. Her credentials indicated that she would take a tough stance on questions of discrimination. Moreover, her own history -- as a Jewish refugee to Canada and long time human rights activist -- suggested that she would be much more interested in resolving the equity issues raised by her inquiry than addressing questions about the economic impact of systemic discrimination.²⁵

The Methodology of the RCEE

While Abella's predisposition to the human rights side of her mandate might have been anticipated, her decision to treat the crown corporations 'as illustrative models of the issues under study' was not so predictable.²⁶ Indeed, the evidence in this chapter reveals that although Abella was instructed to focus on the employment practices of the designated corporations, her primary objectives, from the start of the Commission, were to identify policies that would prove palatable to public and commercial sector organisations and ensure that

the varied concerns of her four target groups were addressed as fully as possible.

Conscious, no doubt, of the tight time constraints under which she had to operate, Abella initiated a broad process of public consultation within four days of receiving the terms of reference for the RCEE. On June 27, 1983 she sent a letter to 'a thousand individuals and organisations enclosing the Terms of Reference and inviting the participation of as many people as possible.'²⁷ This initial letter served to publicise the Commission and state its purpose. It also indicated that Abella would inquire as fully into the discrimination experienced by the four target groups as she would into the employment practices of the designated crown corporations.²⁸

Advertisements placed in sixty Canadian newspapers, magazines and journals during September 1983 reinforced Abella's decision to focus extensively on the employment discrimination experienced by the four target groups. These made a broad appeal for submissions, but made *no reference at all* to the eleven crown corporations. They simply noted that the RCEE had been established 'to study discrimination in the workplace against women, native people, disabled persons, and visible minorities,' and was required to report on 'the most efficient, effective, and equitable ways to promote equal employment opportunities, eliminate systemic discrimination, and assist all individuals to compete for employment opportunities on an equal basis.'²⁹

Abella followed up her initial letter of publicity with a more detailed missive, dispatched to nearly 3,000 individuals and organisations.³⁰ This letter was further evidence of Abella's determination to push her inquiry to the margins -- even beyond the boundaries -- of her mandate. Although it solicited responses to the Commission's terms of reference, Abella also asked respondents for opinions about a broad range of issues that might affect an individual's

opportunities for employment (Table 6.1). While the letter invited all those submitting briefs to comment on each of these issues it acknowledged that the list was 'by no means exhaustive' but designed to give respondents 'some idea of the kind of issues the Commission [would] be examining.'³¹ Indeed, Abella invited respondents to comment on 'any other perceived or actual barriers to equality in employment.'³² Moreover, by signalling that 'the approach and emphasis [would] necessarily differ with each target group and that the remedies proposed [would] have to reflect these differences,' Abella indicated, early on in the process, that her models for employment equality would not simply be ones that recommended the identical treatment of all worker-citizens.³³

In constructing this list and circulating it so extensively Abella not only broadened the spectrum of her inquiry but actively encouraged organisations, concerned with women's employment, to consider the forms and causes of the employment discrimination that women experienced. Her approach also encouraged those submitting briefs to consider how women's roles as the bearers and carers of children shaped their opportunities for employment.

Table 6.1
Specific Issues on which Abella called for Submissions to the RCEE

Affirmative Action

- Relative merits of voluntary and mandatory equality programs.
- Advantages or disadvantages of various kinds of mandatory programs.
- Determination of appropriate goals and timetables in each target group.
- Use of economic incentives to encourage equality measures.
- Monitoring and enforcement of voluntary or mandatory schemes.
- Collection, use and analysis of statistical data on employees.
- Possible conflict between seniority and affirmative action targets.

Flexible Work Patterns and Child Care

- Desirability of flexible work patterns.
- Desirability of parental and maternity leave.
- Desirability of child benefits and child care.
- Financing of child care facilities.

Training, Recruitment, Promotion, Equal Opportunity and Pay

- Importance, duration and effectiveness of training.
- Responsibility for training programs.
- Problems in recruiting, hiring and promoting employees.
- Existing schemes to eliminate or minimise barriers to employment equality.
- Problems with arbitrary differences in income, pensions and other benefits.

General Issues

- Impact of technology on the promotion of equality in employment.
- Impact of a restrictive economic climate on employment equality.
- Any other perceived or actual barriers to equality in employment.

Briefs from organisations concerned with women's employment

The RCEE received a total of fifty-five briefs from organisations concerned with women's employment, most of which directly addressed the points in Table 6.1 that were relevant to their work. Although Abella clearly encouraged respondents to raise issues in addition to those she identified, in general the submissions focused directly on the points she had outlined. As a result the briefs were shorter and less impassioned than those women had submitted to the Royal Commission on the Status of Women (RCSW) in the late 1960s.

These briefs were written not by women participating in one of the first royal commissions concerned with women's employment, but by representatives of established voluntary and professional organisations who had become somewhat routinised in their response to federal inquiries about the status of women. Indeed, there was an undertone in many of the briefs that these organisations had been 'royal commissioned to death.'³⁴ Their authors clearly felt that although they had continuously contributed to agenda-setting debates, there had been no sustained policy response on the part of the federal government to the issues they had raised repeatedly.

The analysis in this section examines the principal themes emerging in the organisations' response, first, to Abella's questions about affirmative action and, second, to her questions about flexible work patterns, child benefits and child care. Fuller details of each organisation's response on these issues can be found in Appendices C and D.

Table 6.2
Number of Briefs Submitted to the RCEE by Organisations Concerned with
Women's Employment Taking Specific Positions on Affirmative Action and
Child Care

Position on affirmative action	Number of briefs
Total number of 55 briefs commenting on affirmative action	38
Favour mandatory affirmative action	21
Specified mandatory affirmative action with flexible goals and timetables	14
Specified mandatory affirmative action with fixed quotas	4
Favour voluntary affirmative action	16
Favour mandatory affirmative action in public sector/voluntary in corporate sector	5
Opposed to affirmative action	1
Use financial incentives to secure compliance in corporate sector	10
Use contract compliance to secure compliance in corporate sector	11
Use both measures at the same time	2
Reporting and monitoring scheme essential	15
Systematic collection of carefully protected workforce data	11
Creation of a special enforcement agency	3
Position on child care	Number of briefs
Total number of 55 briefs commenting on child care	37
Child care pre-requisite for gender equality at work	35
Working women should be responsible for own child care	2
Flexible employment and child care pre-requisite for gender equality	10
Child care benefits/tax relief necessary	5
Child care at or near woman's work place	15
Government should subsidise employer for child care	3
Costs shared between employer, employee and state	4
Workplace child care subsidised only for low income parents	2
Free twenty-four hour child care	3
Publicly or privately funded twenty-four hour child care	2
Free universal day-time child care	2
Child care as a means of educating young children	2
National child care legislation	1

What the Briefs said about Affirmative Action

Amongst groups concerned with women's employment, there was strong support for the development of mandatory affirmative action policies (Appendix C). Well over half (21) of the thirty-eight organisations that commented on this issue, called for some kind of mandatory affirmative action policy arguing, as in the brief submitted by the National Action Committee on the Status of Women (NAC), that 'voluntary measures have clearly not worked and governments and employers can no longer pretend they will. It is long past the time for the federal government to recognize this fact and implement affirmative action.'³⁵ However, although many submissions called for mandatory affirmative action policies, opinions varied as to the form these policies should take. Indeed, as Abella noted in her report, although organisations called for different solutions there was a general consensus that 'what was needed...was a comprehensive approach that would end an era of tinkering with systemic discrimination and introduce one that confronts it.'³⁶

Three general patterns emerged from an analysis of the briefs. First, there was a preference for policies to be built around flexible goals and timetables rather than fixed quotas. Second, most submissions acknowledged that an affirmative action policy would only be effective if some form of monitoring was built into the process, either through reports to an enforcement agency, or through the systematic monitoring of labour force data, or both. Third, while some organisations maintained that private companies should be given more leeway than government organisations in deciding whether to implement affirmative action policies others argued strongly in favour of contract compliance.

Goals and Quotas

Although a number of the briefs made reference to American affirmative action programs, the dominant opinion was that a policy based on goals and

timetables was preferable to one relying on quotas. While fourteen organisations argued that mandatory policies would be most effectively developed through the use of flexible goals and timetables, only four organisations supported fixed employment quotas. Only one organisation spoke out against affirmative action (Table 6.2).

The rationale for the flexible approach was well expressed in the submission from the Canadian Psychological Association:

Fully cognizant of the difficulties inherent in either type of programme, the Canadian Psychological Association suggests that, with respect to women, the advantages of adopting a mandatory programme would, in the long run, outweigh those of a voluntary programme. The Association maintains that, to maximize the benefits for the recipients, the policies governing a mandatory programme should be reward-oriented rather than punitive in nature. More specifically, it is suggested that each Crown Corporation be required (a) to set goals and specify an appropriate timetable within which to achieve these goals, and (b) to report, at specified intervals, on its progress toward completion and maintenance of criteria of fair employment practices.³⁷

By contrast, a good example of the case for specific quotas can be found in the submission from the Congress of Canadian Women, a Toronto-based pressure group established to fight racism and sexism. It recommended 'immediate legislation of mandatory affirmative action programs with precisely stated time schedules and quotas, linked to an equal pay policy' and went on to argue:

If one is serious in effectively ridding our society of sexism and racism then illegalities, such as sexual discrimination, can only be dealt with by the force of legal sanctions. This necessarily means that there must be universal measurability, that is, standard criteria that can be operationalized and implemented on the basis of objective specifications right across the board.³⁸

The only submission that was completely opposed to the idea of affirmative action was that of the Federal Progressive Conservative Caucus of Peel-Hamilton. This stated that 'we are not in favour of affirmative action as it always carries a buried insult to the target group...We are confident that women's

natural abilities will win them all the recognition they deserve.'³⁹

Reporting, Data Collection and Enforcement

The briefs conveyed a fairly strong sense that to be effective, in either the public or private sectors, a reporting or monitoring scheme had to be built into the policy process. While fifteen submissions advocated this process, eleven of these also argued that the systematic collection of carefully protected data on employees was essential (Table 6.2). Women in Science and Engineering (WISE), an organisation that took a strong position in favour of mandatory affirmative action, argued that 'the proper collection, use and analysis of relevant statistical information/data on employees are required for mandatory programs.'⁴⁰

Interestingly, relatively few of the submissions that advocated a reporting requirement argued in favour of the creation of a special enforcement agency to oversee the process. The submission from NAC argued strongly that the powers of the Canadian Human Rights Commission should be strengthened to ensure that it could make full use of its powers to require affirmative action and contract compliance.⁴¹ The Canadian Congress on Learning Opportunities argued that 'an agency mandated to deal with and rectify complaints' be set up.⁴² More interestingly, the Ottawa Women's Lobby drew parallels with the implementation of official bilingualism, arguing that 'serious thought should be given to the establishment of an Affirmative Action Commissioner with responsibilities similar to those of the Official Languages Commissioner.'⁴³ By contrast, and foreshadowing the kind of rhetoric that became familiar in the 1984 Mulroney government, the Federal Progressive Conservative Women's Caucus of Calgary argued strongly that 'not one new civil servant need be hired to gather the requisite statistics. The country cannot afford anything short of a guarantee that the civil service will not be increased.'⁴⁴

Distinction between public sector and private sector organisations

Although the federal government set up the RCEE with a view to developing affirmative action policies across the public and corporate sectors, a number of organisations maintained a distinction between the type of program applicable in each case. Five of the submissions indicated that while organisations in the public sector should be required to implement affirmative action, companies in the private sector should be given a choice about whether to develop such schemes (Table 6.2). For example, while the Ontario Native Women's Association favoured the implementation of mandatory affirmative action policies in 'all federal [and] provincial government departments and crown corporations,' it argued that 'voluntary affirmative action could be promoted in the private sector by offering wage subsidies to those employing natives.'⁴⁵

Amongst those organisations arguing that private companies should be required to develop affirmative action programs, opinion was fairly evenly divided on the question of using financial incentives or contract compliance. While ten organisations advocated the use of tax incentives, wage subsidies or other financial measures, eleven advocated the use of contract compliance and one the use of both mechanisms at the same time (Table 6.2).

The National Women's Liberal Commission provides a good example of the way organisations distinguished between the type of policies that should be developed in the public and private sectors:

we recommend that the federal government adopt a mandatory approach to affirmative action for employees under its jurisdiction and a programme of mandatory contract compliance for companies doing business with the federal government or receiving federal government funding, each with a strong monitoring procedure.⁴⁶

What the Briefs said about Flexible Employment, Child Benefits and Child Care

In her letter to organisations Abella asked for comments, not only on the desirability of flexible work patterns, child care benefits and child care facilities, but also on how child care provision should be financed. It is indicative of the priorities of those concerned with women's employment that while ten of the fifty-four submissions argued that flexible work patterns would enhance the employment opportunities of women, and five mentioned child benefits or tax relief, only two submissions argued that working women should be responsible for the care of their children (Appendix D). More significantly, nearly two-thirds (35) of the organisations argued that child care facilities were a pre-requisite for ensuring that women enjoyed equal employment opportunities with men.

Flexible Employment

Some organisations advocated the use of flexible work patterns in order that women could combine their mothering roles with paid employment. However, it is important to note that with the exception of the Federated Women's Institutes of Canada, which argued for flexible employment patterns, specifically to enable women to spend more time with their children, all organisations advocating the adoption of flexible work patterns also called for working women to have full access to child care facilities.⁴⁷

The principal argument advanced in the briefs that commented on this issue was that although more flexible work patterns would enhance the employment opportunities of women with dependants, it was critical that women did not experience further discrimination as a result. The Ottawa Women's Lobby expressed the rationale for flexible working patterns in the following way:

Given society's present expectation that women will be responsible for the care of children, at least in their early years, and given the very real desire of many women to perform this, the most valuable of all society's tasks, it is not possible to envision truly fair access to jobs, training and promotion for women unless more flexible work patterns become the norm rather

than the exception.⁴⁸

Similarly, WISE argued that 'it is very important for women to have the option of flexible work patterns, in particular, part-time, flex-time and improved maternity leave, with proportional benefits being paid by employers and employees.'⁴⁹ In addition, the Battleford's Interval House Society of Saskatchewan and the BC Native Women's Society both stressed the value of flexible work for single mothers.⁵⁰

Concern that women should not face greater employment discrimination if flexible work patterns were introduced was expressed by a number of organisations. The submission from the Business and Professional Women's Clubs of BC and the Yukon noted that 'part-time workers should receive the same hourly pay, protection and fringe benefits as full-time workers on a pro-rated basis.'⁵¹ Similarly the University Women's Club, Ottawa argued that:

There must be a greater attempt to accommodate women within the employment system so they are not unnecessarily disadvantaged in choosing to work part-time, shift-work, job-sharing, leave provisions and/or decentralisation of their work place. Many of these women may be primary caretakers within their families so require flexibility in time and place of employment.⁵²

Some organisations emphasised that flexible work patterns would allow women to pursue education and training. The Federation of Women's Teachers of Ontario noted that 'all training opportunities available to workers should allow for such flexible work times.'⁵³ Similarly the BC Native Women's Society noted that 'flexible work patterns, work sharing and part-time work all allow the women to find more time for herself and her family, to take advantage of education and training.'⁵⁴

Only one of the organisations advocating flexible employment considered the economic implications of its position. The Nova Scotia Advisory Council on the

Status of Women noted that flexibility was reasonable providing 'it [did] not impact negatively on productivity.'⁵⁵ It also cautioned that 'while at first glance the concept may be desirable between people who are satisfied with income sharing, let us not be forced into accepting that our Canadian society should not be able to anticipate what is termed full employment.'⁵⁶

Only the Ottawa Women's Lobby saw the development of flexible employment as a route to encouraging women and men to share child care responsibilities:

Flexible work patterns such as job sharing, drop out provisions for periods of up to five years, negotiated shorter working hours would also recognize the process of social change which would encourage men and women to adopt a division of remunerated jobs, housework and family responsibilities.⁵⁷

Child Benefits

Five organisations called specifically for child benefits or tax relief for child care. The Federation of Junior Leagues linked these with maternity benefits noting that 'in order to assist women in their dual careers as homemakers and work force employees, better maternity and child care benefits [were] required.'⁵⁸ The Federation of Women Teachers of Ontario endorsed 'appropriate child care leaves and either benefits to support child care or workplace child care' and argued that these should be the cooperative responsibility of the individual, the employer and the government through subsidies, union negotiations and cooperation.⁵⁹ The brief from the Battleford's Interval House Society argued that 'child care benefits should be legislated.'⁶⁰ Similarly WISE argued that 'child care benefits and facilities are not a responsibility of the employer but of the government.'⁶¹ Finally, the Progressive Conservative Women's Caucus of Calgary called for 'better tax deductions for child care expenses.'⁶²

Child Care

Concern about the provision of child care outstripped all other issues raised in the briefs submitted by organisations concerned with women's employment. Of the thirty-five organisations that called for child care facilities, fifteen argued that facilities should be available at or near the woman's place of work. While three of these submissions argued that the government should subsidise the employer for the service, four others argued that the costs of the service should be shared between the government, the employer and their employee. Two other briefs argued that subsidies for workplace child care should be reserved for low income parents (Table 6.2).⁶³

Various organisations made specific claims about the type of child care provision that employers should provide. Infant Formula Action's entire brief focused on the need for employers to ensure adequate facilities for nursing mothers.⁶⁴ The Ontario Native Women's Association argued that in order 'to ensure full participation by women, support services such as child care should be part of an affirmative action program.'⁶⁵ The Battleford's Interval House Society argued that 'employers should be compelled to provide quality day care at or near the place of work when a certain number of parents are employed.'⁶⁶

Five of the submissions called for round-the-clock, 24-hour child care. While two of these submissions were happy for the provision to be publicly or privately funded, three argued that such a service should be completely free. Indeed the argument for free universal day-time child care was made by an additional two organisations.

Interestingly, the two submissions that emphasised the pivotal role of child care in educating young children came from native women's associations. While the Quesnell Tillicum Society argued that 'we should be looking at

personal growth of children as an investment in the future,' members of the Native Women's Association of the Northwest Territories argued that child care would ensure that their children did not lose their language or culture as a result of more women entering the labour force.⁶⁷

Only one of the thirty-four organisations that argued in favour of child care provision called for the introduction of a national child care act. Yet interestingly this was a point that Abella included in her recommendations. The Canadian Day Care Advocacy Association (CDCAA) began its brief by stating that 'we believe the ready availability of high quality, affordable day care to be a necessary prerequisite for the equality of women in employment, given the economic structure of Canadian society.'⁶⁸ However, it then used the brief to advance its calls for the federal government to recognise the child care crisis in Canada and provide leadership towards its resolution.⁶⁹ In particular it argued that 'the Federal government [should] undertake specific actions within the next year in order to facilitate a nation wide dialogue on the multifaceted issue of how we, as a people, will manage to practice sexual equality, raise the next generation and have a growing economy.'⁷⁰ It also argued 'that the Federal government [should] develop a comprehensive plan with long-term and short-term goals, for the implementation of universally accessible, publicly funded, high quality, affordable day care for every Canadian child in need.'⁷¹

An Overview of the Briefs

The briefs suggest that the RCEE, like the RCSW before it, provided women with an important opportunity to voice the connection between equal employment opportunity policies and child care provision that federal policy making structures tend to drive apart. Although this indicates how important the links between these two issues remained for women's enjoyment of worker-citizenship, the submissions to the RCEE also showed how perceptions about this

issue had changed since women testified before the RCSW. Two patterns stand out. First, the organisations that addressed employment equity were much less reliant than their counterparts had been in the late 1960s on justifying their demands for employment equity by reference to broad international codes of human rights. By the early 1980s, some while after equal opportunity programs had been developed in the federal sphere, women were more specific than they had been in the late 1960s about how governments should act to promote women's employment. Interestingly, in an era when debates about affirmative action had a high profile in North America, the vast majority of women's organisations submitting briefs to the RCEE called for mandatory affirmative action based on flexible goals and timetables.

The second important way in which the submissions that Abella received contrast with those submitted to the RCSW is that there was virtually no evidence of women contesting the legitimacy of child care outside the home. Although opinions varied about the appropriate level of state involvement in the provision of child care services, there was an assumption running through these submissions that women had entered the workforce and needed child care support. Indeed, as Abella herself noted 'the urgency...of the submissions made by women in all groups on this issue impel the Commission to give it special attention.'⁷²

However, even though most of the organisations submitting briefs to the RCEE addressed questions about affirmative action and child care, it is important to note that the two organisations at the centre of the Canadian women's movement and the Canadian child care movement did not develop an analysis of the links between these two issues in their briefs. Although both organisations made fleeting reference to the link between gender equality in the workplace and the provision of child care, the brief from NAC focused almost

exclusively on the question of affirmative action while the one submitted by the CDCAA advanced claims about the importance of federal involvement in child care.

In part, this was a reflection of the priorities of the women who wrote each organisation's brief. The brief from NAC was written by Joan Wallace, a key actor in the employment discrimination case that Action travail des femmes had brought against the Canadian National Railway. The brief from the CDCAA was written by Judith Martin, a well-known child care activist from Saskatchewan who had been (and continues to be) heavily involved in the province's child care movement, and was directly involved in the creation of CDCAA.⁷³ The differentiation should not be read either as antagonism between NAC and CDCAA or, at this early stage in the development of federal child care politics, as a conscious decision by activists in each movement to emphasise different positions. The focus of NAC's brief reflects the fact that this large umbrella organisation is run by volunteers from a wide variety of organisations who have particular concerns that they might wish to prioritise. The focus of the brief submitted by the CDCAA reflects the desire of activists in a nascent national organisation to get their concerns about child care absorbed into a federal royal commission. Nonetheless, the difference of emphasis in these two briefs also reflects how the institutionalisation of the principal organisations concerned with the status of women and child care had themselves been affected by the way that questions about employment equality and child care were separated out in federal policy structures.

By contrast, organisations that were less routinely involved in lobbying on questions of employment equality and child care not only responded more frequently to Abella's questions on employment opportunity and child care but seemed more at ease with linking them together in a way that had, historically,

characterised Canadian feminist thought on women's employment. Indeed, as with the *RCSW*, a more general pattern emerged whereby women used the opportunity of submitting briefs to the RCEE to argue that the provision of government subsidised child care in the community or the workplace was a prerequisite for women enjoying equal employment opportunities with men. Moreover, as will become clear in the final section of this chapter, although Abella drew heavily on specific recommendations made by *NAC* and *CDCAA*, it was the connection between equal employment opportunities and child care that dominated the recommendations she made in the Report of the RCEE.

The Survey of Crown Corporations

Abella divided her inquiry into the eleven designated corporations in two parts. While the first part surveyed each corporation's labour force, the second examined their employment practices. The results of both inquiries certainly seemed to justify the development of legislation to promote gender equality in this sphere of federal employment.

The questionnaire that officials within the RCEE designed 'to elicit a picture of each corporation's workforce and human resource systems' revealed that although they could 'provide relatively reliable data on the numerical distribution and participation rates' of women, they had no systematic evidence about the employment of aboriginal peoples, disabled persons and visible minorities within their corporations.⁷⁴ Even the data on their female workforce revealed that only 21 per cent of their employees were women.⁷⁵ Moreover, data on women's representation across occupational categories revealed their concentration in clerical and service occupations, their minimal presence in upper-level managerial positions and their significant under-representation in middle management and semi-professional positions.⁷⁶ Although women had experienced fewer job-terminations than men in the year prior to the inquiry,

they remained at a significant disadvantage to their male colleagues in regard to hirings, pay and promotion. The conclusion that Abella drew from this survey was that although the levels of female employment in the 11 crown corporations had improved over the previous five years, the rate of change was so slow that it could 'take several generations to reach even a 30-per-cent level of female representation in most occupational groupings.'⁷⁷ In view of these data it is not surprising that Abella recommended that the federal government should develop policies whereby employers were required to set goals and timetables to increase the representation of target group members at different *levels* in their workforces.

In addition to considering the setting of goals and timetables the chief executives of each corporation 'acknowledged that legislated mandatory requirements were the most effective path to widespread equitable participation by the designated groups.'⁷⁸ Interestingly, in view of the legislation that followed the RCEE it is worth noting that while 'all agreed that, at the very least, a public reporting requirement was essential...they also felt that reporting alone, without further legislation, would likely not operate as a sufficient incentive to deal intensely with the issue, particularly in a depressed economy.'⁷⁹

All the corporations agreed that the policy initiatives they had already taken had been in response to the report of the RCSW, the provisions in the Canadian Human Rights Act, or 'in response to request from government for information on employment opportunities for women.'⁸⁰ The crown corporations were not averse to the setting of goals and timetables to achieve employment equity, though they were concerned 'that the actual practices used to achieve equitable participation be left to each corporation.'⁸¹ Interestingly, they also felt that the achievement of these equality objectives needed to 'be part of a manager's performance appraisal, which in turn should be tied to a manager's benefits,

such as income and promotion.⁸²

Despite the under-representation of women in the crown corporations' work forces, Abella's inquiry into their employment practices revealed that in each case 'it was one of their corporate objectives to have equal employment opportunities available particularly for women.'⁸³ However, on closer inspection Abella found that it was those corporations 'with human resource programs implemented specifically to counteract inequities...that have been most successful in increasing the participation of women.'⁸⁴ Though impressed by 'the diversity of [equal opportunity initiatives] among the corporations,' she was particularly concerned about two patterns. First, the strong emphasis on pro notion from within the corporations made it less likely that members of the already under-represented target groups would benefit from this process.⁸⁵ Second, it was noticeable that none of the corporations provided their employees with child care facilities.⁸⁶

Two concerns about prospective legislation were voiced by the corporations. First, they argued that it would be difficult for them to increase the representation of any of the target groups, dramatically, during a period of economic recession.⁸⁷ Second, they argued that the crown corporations, alone, should not be singled out as the focus for new federal legislation in the hope that this would then produce a demonstration effect on the private sector.⁸⁸ Though sympathetic to the second concern, Abella was less well disposed to the first, noting that 'where there was a corporate commitment to the increased participation of women, significant improvements in their participation continued throughout recessionary periods.'⁸⁹ Once again, this position seemed to mark her clear wish to prioritise issues of human rights and anti-discrimination over questions of economic productivity.

The Report of the RCEE

Principles Underlying the Report

In the introductory chapter of her report Abella set out the three main principles that informed her analysis. First, she argued that employment equality could only be realised if the equal, non-discriminatory treatment of disadvantaged groups was linked to a recognition of differences amongst them. Second, she indicated that the remedies for gender discrimination in employment had to focus on the broader societal factors that shaped women's access to the labour market as well as on practices in the workplace. Finally, she situated her analysis within the human rights strain of Canadian liberalism, signalling that her priority was to recommend policies which sought to eradicate employment discrimination against the target groups rather than simply increase their labour force participation in order to encourage economic efficiency and growth.

Equality and Difference

Abella positioned her report within the developmental strand of Canadian liberalism by claiming, near the outset, that 'equality in employment is access to the fullest opportunity to exercise individual potential [so that] no one is denied opportunities for reasons that have nothing to do with inherent ability.'⁹⁰ At the same time, however, she disrupted established assumptions in Canadian liberalism that this objective could be achieved by treating all workers in an identical fashion. Early on in her report she noted that 'sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences...ignoring differences and refusing to accommodate them is a denial of equal access and opportunity. It is discrimination.'⁹¹ Indeed, as Abella noted in the introduction to her report the 'paradox at the core of any question for employment equality [is that] differences exist and must be respected, equality in the workplace does not,

and cannot be allowed to, mean the same treatment for all.'⁹²

It was Abella's *in camera* consultations with the various target groups that made her realise the need to link the promotion of equal employment opportunities with the recognition of difference.⁹³ Many of the target groups she met with had felt that because 'their economic histories are different, their social and cultural contexts are different, their concerns are different and the particular solutions required by each group are widely disparate...it minimized the significance of each of their unique concerns to be combined analytically with three other groups.'⁹⁴ Thus although Abella upheld the importance of implementing effective affirmative action policies she argued very strongly that these should be supplemented by policies that recognised the specific -- and different -- problems faced by members of each target group.

Double-Edged Analysis of Employment Equality

For all four of her target groups Abella emphasised how 'the achievement of equality in employment depends on a double-edged approach. The first concerns those pre-employment conditions that affect access to employment. The second concerns those conditions in the workplace that militate against participation in employment.'⁹⁵

In the case of women, Abella made clear that pre-employment equality with men would only come about if two conditions were met. First, society needed to accommodate 'the changing role of women in the care of the family by helping both them and their male partners to function effectively both as labour force participants and as parents.'⁹⁶ Second, it was essential to provide 'the education and training to permit women the chance to compete for the widest possible range of job options.'⁹⁷

Abella's understanding of gender equality within employment was comprehensive. It included 'active recruitment of women into the fullest range of employment opportunities, equal pay for work of equal value, fair consideration for promotions into more responsible positions, participation in corporate policy decision-making through corporate task forces and committees, accessible childcare of adequate quality, paid parental leaves for either parent, and equal pensions and benefits.'⁹⁸

Human Rights Approach

While the federal government's concern to link the pursuit of human rights and economic efficiency was evident in the Commission's terms of reference, Abella's concern to promote human rights through equal employment opportunities was clearly the guiding principle of her report. Though conscious of the economic circumstances in which she was writing, Abella's primary concern was that 'the members of the four designated groups [who, together] represent about 60 per cent of Canada's total population' should enjoy their 'right, whatever the economic conditions, to compete equally for their fair share of employment opportunities.'⁹⁹

There were a number of ways in which Abella clarified how her analysis would be rooted primarily in the promotion of an agenda concerned with human rights rather than economic efficiency. She emphasised the importance of shifting policy away from a case-by-case approach that focused on intentional discrimination, developing instead employment equity programs that sought to eradicate systemic discrimination. Moreover, she stressed the importance of bringing federal policy in line with the principles enunciated in the Charter of Rights and Freedoms by recognising, first, how 'section 15 protects every individual's right to equality without discrimination,' second, how 'section 28 reinforces gender equality' and, third, how 'section 36 reiterates Canada's

commitment to the promotion of equality of opportunity and the reduction of economic disparity.¹⁰⁰ Indeed, Abella reinforced her commitment to developmental rather than economic liberalism in the concluding statement of her introductory chapter by stating that 'section 15 of the Canadian Charter of Rights and Freedoms cancels the debate over whether the country's economic conditions should be permitted to dictate the timing of the implementation of equality.'¹⁰¹

Policies to tackle systemic discrimination and promote equality in employment

The Report of the RCEE made two distinctive contributions to a broader international debate about addressing systemic discrimination in the workplace. The first was to devise a new term -- employment equity -- to identify measures that had previously been known as affirmative action. The second was to produce an analysis that did not locate employment discrimination solely in the workplace but linked the manifestations of employment inequality with broader societal factors that restricted women's opportunities for employment.

Employment Equity

The term 'employment equity' was created by Abella as a Canadian variant of the American concept of affirmative action. It was an explicit attempt to distance Canadian policy from popular misconceptions of the American policies of affirmative action and, in particular, to coin a term that disassociated government regulation of employment opportunities from the implementation of employment quotas.¹⁰² Abella, herself, felt that 'no great principle [was] sacrificed in exchanging phrases of disputed definition for newer ones that may be more accurate and less destructive of reasoned debate...ultimately it matters little whether in Canada we call this process employment equity or affirmative action, so long as we understand that what we mean by both terms are employment practices designed to eliminate discriminatory barriers and to

provide in a meaningful way equitable opportunities in employment.'¹⁰³

Abella defined employment equity as a method for obliging 'all federally regulated employers to develop and maintain employment practices designed to eliminate discriminatory barriers in the workplace and improve, where necessary, the participation, occupational distribution, and income levels' of the target groups.¹⁰⁴ In her Report, Abella dismissed the idea of voluntary affirmative action programs and argued that equality in employment could only be achieved if federally regulated employers were required, first, to set goals and timetables for developing equitable employment practices and, second, to report their annual progress in achieving these objectives to a designated enforcement agency.¹⁰⁵ The ingenuity of this recommendation was that, although it advocated a mandatory reporting requirement, it found a link between the views of the four different target groups and the crown corporations.¹⁰⁶

Distinguishing Employment Equity from Affirmative Action: Goals not Quotas

Abella's policy recommendations on employment equity differed from the American model of affirmative action because they did not, at the initial stage, involve the imposition of quotas.¹⁰⁷ Indeed, it was because employment equity required employers to collect data that would enable them to identify and eliminate discriminatory employment practices within their own organisations that Abella felt it was preferable to the quota-based model of affirmative action.¹⁰⁸ Indeed she felt that 'quotas as arbitrary objectives represent short term solutions. The elimination of barriers, on the other hand, is a long term approach to the pursuit of equality.'¹⁰⁹ Indeed, Abella envisaged this to be a flexible approach that measured 'successful compliance by whether the results are reasonable in the circumstances regardless of the system used by an employer to improve employment practices.'¹¹⁰

By defying quotas and ensuring that employers were given considerable flexibility in designing their own employment equity strategies, the concept of employment equity not only allowed employers to think how they would tackle systemic employment discrimination within their own organisations, but acknowledged that different remedies could well be required to address the various forms of discrimination experienced by the four target groups. Moreover, by recommending that the federal government would simply monitor the results of corporate employment equity schemes while assuming responsibility for both training and child care, the Report allayed corporate fears of over-regulation and a substantial rise in company costs.

While Abella was concerned to avoid the level of regulation associated with the imposition of quotas, she was clear that employment equity legislation would only be effective if an enforcement mechanism was set in place to monitor employers' reports. She felt that simple reliance on the pressure of public opinion was inadequate because although 'public reporting may result in public pressure on a company to revise its systems it is unrealistic to rely on public opinion as an effective monitoring agent. It results in a speculative and scattered approach and creates the perception, in the absence of enforcement, that the issue is deserving of only casual attention.'¹¹¹ Abella was particularly concerned that her recommendations should move beyond the voluntary employment opportunity programs recommended in the RCSW, primarily because their impact had been minimal.¹¹² Moreover, she felt that in view of 'the seriousness and apparent intractability of employment discrimination, it [was] unrealistic and somewhat ingenuous to rely on there being sufficient public goodwill to fuel a voluntary program.'¹¹³ Furthermore, she noted that 'the sense of urgency expressed by individuals in the designated groups across Canada and validated by the evidence of their economic disadvantage [was] irreconcilable with the voluntary and gradual introduction of measures to generate more

equitable participation.'¹¹⁴

Contract Compliance

Interestingly, although Abella's recommendations on employment equity were made in an attempt to distance Canadian policy development from the American experience, her recommendations on extending employment equity into the corporate sector, through the use of contract compliance, drew directly on American policy innovations:

Contract compliance is a method of encouraging employment equity in the private sector by using government purchasing power as leverage. It has proven to be an effective incentive for changing discriminatory practices in the United States. It means in practice that government will agree to purchase goods and services only from businesses that agree to implement employment equity...Contract compliance in Canada should apply to subcontractors, as it does in the United States.¹¹⁵

Abella recommended that as 'the federal government has the authority to require contract compliance pursuant to section 91(1A) of the Constitution' all companies under contract to the federal government should 'by the terms of their contracts, be expected to comply with the same statutory requirements as those binding federally regulated employers, including the implementation of employment equity and the collection and filing of data.'¹¹⁶

Although Abella emphasised the value of adopting this American innovation to broaden the implementation of employment equity, the Report of the RCEE recommended that the methods for implementing and monitoring the process should be distinct from those developed in the United States. Abella argued that 'a legislative, rather than an administrative, base seems preferable given the uncertain life span of cabinet directives.'¹¹⁷ She also noted that 'ideally, the same Canadian agency enforcing employment equity in the federally regulated sector should enforce contract compliance in the private sector.'¹¹⁸ As

we shall see in Chapter Seven, although the federal government took up the RCEE's general recommendations on contract compliance neither of these specific suggestions were observed.

Monitoring and Enforcing Employment Equity

Abella developed four different models for enforcement, all of which assumed that 'the statutory requirement to implement employment equity and to collect data would be imposed by legislation.'¹¹⁹ Although the name and nature of the enforcement agency varied from model to model they all assumed that it 'should be independent from government and should have an ongoing consultative relationship in the development of employment equity guidelines with national and regional representatives from business, labour and the designated groups.'¹²⁰ In addition Abella recommended that to make the model effective, the support of Statistics Canada would be necessary to provide regional labour force data to employers and those analysing their reports.

Child Care

In addressing the question of pre-employment opportunities the RCEE, like the RCSW before it, stressed that 'for women who are mothers, a major barrier to equality in the workplace is the absence of affordable childcare of adequate quality.'¹²¹ While Abella argued that 'the care of children needs to be a parental rather than a maternal responsibility' she recognized that 'because responsibility for childcare used to be an exclusively maternal one, the greatest psychological pressure for the care of children is still felt by women.'¹²² Indeed she argued that unless child care was 'provided in adequate quality and quantity, the debate about the right to equal employment opportunity is academic for most women.'¹²³

While Abella saw the provision of child care as 'the ramp that provides equal

access to the workforce for mothers' she did not frame her recommendations on this subject solely in relation to women's participation in the labour force but rather in relation to the responsibilities of worker-parents.¹²⁴ She also argued, as one would expect from a human rights activist, that the development of good child care policies would not only ensure full recognition of women's rights as worker-citizens but, in addition, guarantee the rights of children to decent care.

Interestingly, Abella reinforced her claims about the rights of women to be recognised as worker-citizens by pointing out how Canada's ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, in 1981, required the federal government 'to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting a network of child care facilities.'¹²⁵

Abella's concerns about the rights of children to decent care were framed in terms of seeing the child care system as an extension of the 'fruitful partnership between state and parent with the child as beneficiary,' that characterised the public education system. ¹²⁶ 'Childcare' she claimed 'should be seen as a public service to which every child has a right.'¹²⁷ Indeed, Abella's recommendation that new child care facilities should, where possible, be attached to public schools reflected both her claim that child care 'is a logical extension' of the partnership between parents and the state inherent in the public school system and her reservations that workplace childcare could tie women to unsatisfactory jobs.¹²⁸

The ideal system of child care recommended by Abella was situated very clearly within the context framed by CDCAA and taken up by child care advocacy groups in the early 1980s. Abella recommended the development of a system of universally accessible, affordable, non-compulsory, quality child care, designed to

provide 'care for children whenever the absence of the parent(s) requires an alternative form of care.'¹²⁹ The Report argued that, ideally, a child care system should be publicly funded, of acceptable quality, so that no child would be permitted to remain home unattended by an adult. Moreover, reflecting the demands for 24-hour care that were noted in a few of the submissions, Abella argued that 'the term "childcare" is preferable to "daycare" because it describes a more comprehensive system intended to provide care for children whenever the absence of a parent requires this alternative.'¹³⁰

Abella was very clear about the need to integrate child care into a policy process designed to promote gender equality in employment. Thus she not only recommended that the federal government introduce employment equity legislation to ensure that employers set goals and timetables to improve the representation of target group members in their workforces, but also called for national child care legislation to improve the provision of child care for working women. Indeed, just as the Commissioners who headed up the RCSW had done fourteen years before, Abella recommended that the federal government, 'in cooperation with the provinces and territories, develop an appropriate funding mechanism for childcare' and introduce a National Childcare Act that would guarantee consistent national standards in the provision of child care services.¹³¹ In addition she recommended that revisions to the existing child care expense deduction should ensure, first, that it reflected the cost of child care, second, that it recognised men's and women's responsibilities for the care of their children, third, that the deduction was made available to those in training or seeking employment and, finally, that it was set at a level that would encourage better rates of pay for child care workers.¹³²

Conclusions

This chapter has demonstrated how Abella, in her capacity as the RCEE's Commissioner, expanded a mandate that focused on developing policies to ensure the equal treatment of worker-citizens. She did so by inserting into her remit a clear recognition that equality in employment could only come about if the specific conditions in which any group of worker-citizens entered the labour market were taken into account. In the case of women, Abella emphasised the importance of linking policies that improved pre-employment access through training and child care with mechanisms within the workplace to ensure employment equity.

All this was done within the context of a mandate that had required Abella to consider, not only the plausibility of implementing voluntary or mandatory forms of affirmative action within public and corporate institutions, but also how these procedures might reduce employment discrimination experienced by four very different target groups. Reflecting on her experience, some years later, Abella noted that 'the trick was to come up with a report that was going to be relevant to all of the groups, unique where the uniqueness was necessary, but still a master strategy that would be equally useful for each one of them.'¹³³

In my opinion, Abella did more than this. She not only made a set of policy recommendations that linked the promotion of equality with the recognition of group differences, but produced a 'master strategy' that reflected, as closely as possible, the points of consensus between the corporations and the target group organisations she had been required to consult. Her proposal that federally regulated organisations and private sector companies under contract to the federal government be required to set goals and timetables to improve target group representation in their workforces and use this process, together with the routine collection and reporting of workforce data, to identify discriminatory

employment practices within their organisations, reflected this common ground. Furthermore, her recommendations that the federal government allow women the fullest opportunity to exercise their potential for worker-citizenship, by developing an accessible and affordable system of quality child care, directly reflected one of the dominant concerns voiced in the briefs submitted by the organisations representing women.

Although in developing models of public policy that took women's pre-employment conditions as well as within-employment conditions into account, Abella extended the boundaries of her mandate well beyond its initial remit, the end result was one that, had it been fully implemented, could have had a major impact on the employment opportunities of women employed in the federal sphere, particularly those with dependent children. However, as we will see in Chapter Seven, although the Conservative government that received Abella's report took up her recommendations to develop new legislation on employment equity and child care, it did so in a way that was conditioned by the priorities of economic liberalism rather than those of developmental liberalism that had framed Abella's inquiry.¹³⁴ As a result the legislation that did reach the statute books could not be as effective an agent for eradicating systemic employment discrimination against women as Abella had envisaged when writing her report.

ENDNOTES TO CHAPTER SIX

1. Canada, Royal Commission on Equality in Employment, 1984:ii.

2. The combined influence of the issues of equality and economy efficiency was evident in the Commission's terms of reference. These indicated, first, that the RCEE was established because 'the Government of Canada is dedicated to the principle of equality in the world of work' and, second, that since 'demographic trends indicate that women will constitute the majority of new entrants into the Canadian labour force in the 1980s...it is...imperative from an economic point of view to ensure that women are employed to the full extent of their productive potential and from a social point of view to ensure that women receive an equitable share of the benefits of productive work' (ibid:i).

3. Although the RCEE had been established to ascertain the most efficient, effective and equitable method of 'assisting all individuals to compete for employment opportunities on an equal basis,' Abella was instructed to pay particular attention to 'the views of associations representing women, native people, disabled persons and visible minorities'(ibid:iii). Consultation with the four target groups -- women, native people, disabled persons and visible minorities -- was in itself a reflection of the post-Charter era in which the RCEE was conceived, before the discourse of 'ordinary Canadians' as opposed to 'special interest groups' took root in the 1990s (Brodie, 1995). As the former Liberal Senator, Lorna Marsden has noted 'for my part the most important objective was to ensure that when the Report was finished Canadians (both as workers and employers) could see themselves and their own society reflected in the recommendations' (Marsden:1985:12).

4. As Prichard and Trebilcock note 'in examining why politicians choose crown corporations as a policy instrument in particular settings, [it is important] to identify the institutional characteristics that distinguish [them] from private sector enterprises and from bureaucracies where government takes over and directly performs given economic functions (Prichard and Trebilcock, 1983:203). The reason for their choice in this case is identified by Abella in a quotation at the start of her discussion on the designated corporations: 'Even where the tasks of Crown Corporations directly parallel those of private sector enterprises...they are engaged in something more than a business venture. Most are created as instruments of national purpose and that purpose, as expressed in their mandates, extends beyond the business at hand' (Canada, 1979:328-329 cited at Canada, Royal Commission on Equality in Employment, 1984:101). In addition the crown corporations provided a compromise between those in the Cabinet and parliamentary caucus who wanted to expand affirmative action programs

beyond the federal bureaucracy and those who were concerned to protect the business sector from further government regulation.

5. It is relevant to note here that in the period since the Second World War concerns about employment discrimination against veterans, francophones, senior citizens, gays and lesbians have gained political prominence at different points of time.

6. Interview with Rosalie Abella.

7. Interview with Lloyd Axworthy.

8. Interview with Lloyd Axworthy.

9. See for example Canada, House of Commons, 1981a:31-32, 35-36, 51; Canada, Employment and Immigration Canada, 1981:108; Canada, House of Commons, 1981b:98-99.

10. Interview with Lloyd Axworthy.

11. Canada, House of Commons, 1981a.

12. Indeed it was for this reason that female parliamentarians, who had been active in the campaigns to secure the equality clauses in the Charter, lobbied Axworthy to develop policies that would eradicate employment discrimination in the federal sphere. On the government side lobbyists included Judy Erola and Monique Bégin in the House of Commons, and Lorna Marsden in the Senate. Opposition lobbyists included Flora MacDonald (Progressive Conservative), Margaret Mitchell and Pauline Jewett (NDP) (Interview with Lloyd Axworthy). For an interesting discussion of a provincial government's pro-active approach to reviewing provincial statutes after the entrenchment of the Charter see Justice Macpherson's discussion of the procedures adopted by the government of Saskatchewan (Macpherson, 1997:5-9).

13. Of the 1,400 companies contacted by the Affirmative Action Directorate of CEIC between 1979 and 1984, 71 companies agreed to participate in voluntary affirmative action measures (Canada, Royal Commission on Equality in Employment, 1984:197).

14. Interview with Ron Collett.

15. Axworthy identified his main supporters within government as Francis Fox, Herb Gray and Don Johnson. Interview with Lloyd Axworthy.

16. Interview with Lloyd Axworthy.
17. Interview with Ron Collet.
18. Interview with Lloyd Axworthy.
19. Interview with Lloyd Axworthy.
20. Interview with Lloyd Axworthy.
21. Author's interviews with Pat Preston, Press Officer to Lloyd Axworthy, 1980-83, Ottawa, September 1986 and with Ron Collet. According to Collet the logistics of Abella securing leave of absence from the Ontario Provincial Court (Family Division) and the question of whether federal funds could be paid to the province of Ontario in order to cover her salary during this period were complicated. For further evidence of the complexities involved in establishing the RCEE see Marsden, 1985:12. Abella's position on the Ontario bench required her to be given total independence from CEIC. Indeed, it was for this reason that a royal commission, rather than a parliamentary task force or departmental study, became the preferred form of inquiry (interview with Rosalie Abella).
22. Interview with Lloyd Axworthy.
23. Abella was a personal friend of both Lloyd Axworthy and his close ally in the Senate, Lorna Marsden (interview with Ron Collet). She was also well known to Axworthy's press officer, Pat Preston, through their previous involvement in the women's movement (interview with Pat Preston). She and her husband, Irving Abella, were well known in the Jewish community in Toronto as people involved in a longer historical fight against anti-semitism. Moreover, in the fall of 1982, at the point Axworthy decided he wanted her to direct his study, Abella was conducting a study of disabled peoples access to legal services for the Attorney General of Ontario (Abella, 1983).
24. Interview with Ron Collet.
25. For an 'exuberant' account of her own history, first delivered on May 13, 1992 when Abella was sworn into the Ontario Court of Appeal as Canada's hundredth woman judge see Abella, 1995.
26. Canada, Royal Commission on Equality in Employment, 1984:v.
27. Ibid.:271.
28. The letter stated that the RCEE would 'examine ways in which access to equal

employment opportunities is available to women, native people, disabled individuals and visible minorities,' and noted that 'by concentrating on 11 Crown Corporations the study would be able to explore these broad issues in a defined context' (ibid.:271).

29. Ibid.: 275.

30. The letter of August 5, 1983 was 'also mailed throughout the fall to additional interested groups and individuals' (ibid.:271).

31. Ibid.:274.

32. Ibid.

33. Ibid.

34. Abella noted in her report that 'there is much cynicism and frustration among members of the designated groups. Many with whom the Commission met have been presenting the same arguments to governments for years. They feel their views are frequently sought but rarely accommodated. Within months, and sometimes days, of meeting with this Commission, these individuals said that they had or would be presenting identical facts and positions to a Parliamentary Task Force on Participation of Visible Minorities in Canadian Society, a Royal Commission on the Economic Union and Development Prospects for Canada, a Parliamentary Task Force on Pension Reform, a Commission of Inquiry into Part-Time Work, and a Parliamentary Task Force on Indian Self-Government. In addition, women pointed out that since the 1970 RCSW little substantial improvement had taken place; native people pointed to a range of studies released but ignored in the past decade; disabled persons pointed to the slow progress of the implementation of some of the key recommendations of *Obstacles*, a report of the Special Committee on the Disabled and the Handicapped; and visible minorities pointed to an emphasis in funding for multiculturalism rather than for racial discrimination issues' (ibid.:20). Evidence of this cynicism and frustration was evident in the way that some organisations submitting briefs to the RCEE simply resubmitted briefs that had already been prepared for another recent public inquiry.

35. National Action Committee on the Status of Women The Implementation of Mandatory Affirmative Action: A Blueprint for Federal Government Policy Submission to the Royal Commission on Equality in Employment, 1983:2. It is worth noting that this submission was prepared by Joan Wallace, one of the key activists involved in the class action by *Action travail des femmes v. Canadian National Railway*.

36. Canada, Royal Commission on Equality in Employment, 1984:19.
37. Canadian Psychological Association Submission to the Commission of Inquiry on Equality in Employment, October 1983:2.
38. Congress of Canadian Women Submission to the Commission of Inquiry on Equality in Employment, October 15, 1983:3.
39. Federal Progressive Women's Caucus of Peel-Hamilton (1983) Submission to the Royal Commission on Equality in Employment:6-7.
40. Ottawa Valley Chapter of Women in Science and Engineering Submission to the Royal Commission on Equality in Employment, December 19, 1983:1.
41. National Action Committee on the Status of Women, op.cit. 1983:6.
42. Canadian Congress for Learning Opportunities for Women Submission to the Commission of Inquiry on Equality in Employment 1983:9.
43. Ottawa Women's Lobby Submission to the Commission of Enquiry on Equality in Employment, October, 1983:2.
44. Federal Progressive Conservative Women's Caucus of Calgary (1983) Submission to the Commission of Inquiry on Equality in Employment, 27 September: 5.
45. Ontario Native Women's Association Submission to the Commission of Inquiry on Equality in Employment 1983:3.
46. National Women's Liberal Commission Submission to the Royal Commission on Equality in Employment no date: 3.
47. Federated Women's Institutes of Canada Submission to the Royal Commission on Equality in Employment 1983.
48. Ottawa Women's Lobby, op.cit.: 4-5.
49. Women in Science and Engineering, op.cit.: 1.
50. Battleford's Interval House Society Submission to the Royal Commission on the Status of Women 1983; BC Native Women's Society Submission to the Royal Commission on the Status of Women 1983.
51. Business and Professional Women's Clubs of BC and the Yukon Submission

to the Royal Commission on Equality in Employment 1983:4.

52. University Women's Club, Ottawa Submission to the Royal Commission on Equality in Employment 1983: 1.

53. Federation of Women Teachers' Associations of Ontario Submission to the Royal Commission on Equality in Employment 1983:4.

54. BC Native Women's Society Submission to the Royal Commission on the Status of Women 1983:2.

55. Nova Scotia Advisory Council on the Status of Women Brief submitted to the Royal Commission on Equality in Employment 1983: 2.

56. Ibid.

57. Ottawa Women's Lobby, op.cit.: 4-5.

58. Federation of Junior Leagues Submission to the Royal Commission on Equality in Employment 1983:3.

59. Federation of Women Teachers Associations of Ontario, op. cit. :4.

60. Battlefords Interval House Society, op. cit.: 3.

61. Women in Science and Engineering, Submission to the Royal Commission on Equality in Employment 1983:2.

62. Progressive Conservative Women's Caucus of Calgary , op.cit: 15.

63. Business and Professional Women's Clubs of British Columbia and the Yukon, op.cit: 3; Federated Women's Institutes of Canada, op.cit.:3.

64. Infant Formula Action Coalition Submission to the Royal Commission on Equality in Employment 1984: 1-3, 5.

65. Ontario Native Women's Association, op. cit.:1.

66. Battlefords Interval House Society, op. cit.:4.

67. Quesnell Tillicum Society Submission to the Royal Commission on Equality in Employment no date: 4; Native Women's Association of the Northwest Territories Submission to the Royal Commission on Equality in Employment 1983:11.

68. Canadian Day Care Advocacy Association Submission to the Royal Commission on Equality in Employment 1983:1.

69. Ibid.:2.

70. Ibid.:6.

71. Ibid.:9.

72. Canada, Royal Commission on Equality in Employment, 1984: 177.

73. Personal communication from Judith Martin, January 1997.

74. Canada, Royal Commission on Equality in Employment, 1984:102-3. 'The questionnaire developed by the Commission had two parts. The first part requested extensive data on hirings, promotions, terminations, and part-time positions, as well as employee breakdowns by income, job classification, and geographic distribution. The second part requested information about systems within each corporation that dealt with human resource planning, measures to increase the participation of any of the four designated groups, the number of employee groups subject to collective agreements, and details of those agreements; corporate policies and practices respecting education and training; and the corporation's plans to change any such policies and practices...The first part of the questionnaire posed some difficulty for the corporations. Most kept a certain amount of data concerning the numbers and location of women, but none kept records concerning any of the other three groups. It was their understanding that it was illegal under human rights legislation to collect such data'(ibid.:102). However, as Abella noted, 'it was clear from the meetings with senior representatives...that native people, visible minorities and disabled persons were not employed in significant numbers by any of the corporations' (ibid).

75. In fact this figure was way below that of the Canadian workforce as a whole. Moreover, the virtual absence of part-time employment in ten of the eleven crown corporations, when 'one in every four women working in Canada works part-time' raised further questions about the validity of focusing on crown corporations to develop policies to promote equality in employment (ibid.:104, 116).

76. Ibid.:107. The survey also revealed that these data had changed little over the previous five years.

77. Ibid.:116.

78. Ibid.

79. Ibid.:125.

80. Ibid.:123.

81. Ibid.:126.

82. Ibid.:124.

83. Ibid.:122. While most of the corporations' equal employment opportunity statements were 'expressed as a prohibition against discrimination on specified grounds in much the same language as is found in human rights legislation' four of them had begun to develop 'more meaningful strategies' and 'allocated resources to carry these out' (ibid).

84. Ibid.:125. Clearly this was a reference to the effectiveness of the Canada Mortgage and Housing Corporation's equal opportunity policy. Evidence of their particular success in encouraging the participation and promotion of women can be found in the Report of the RCEE (ibid.:107-121).

85. Ibid.:124.

86. Ibid.:123-124. Initiatives included recruitment training, discrimination awareness, an overhaul of job advertisements and application forms and encouraging the entry of women into non-traditional jobs (ibid).

87. Ibid.:125.

88. Ibid.:126.

89. Ibid.:125.

90. Ibid.:3. As Geller has argued, Abella was not concerned with absolute equality, because for her the concept was cast in the liberal framework of equality of opportunity (Geller, 1985:20).

91. Canada, Royal Commission on Equality in Employment, 1984:3.

92. Ibid.:13.

93. Her decision to hold the RCEE's hearings *in camera* was unusual in the context of a royal commission. It was made in an attempt to 'get away from the

confrontational tactics of the courtroom' and increase Abella's ability to get to the root of demands and concerns articulated by representatives of the business, labour and target groups with whom she met. Indeed Abella felt that in getting the different interest groups to be 'frank, very frank' in these closed sessions she increased her potential to produce recommendations that reflected a consensus amongst the divergent organisations with whom she consulted (interview with Rosalie Abella).

94. Canada, Royal Commission on Equality in Employment, 1984:23.

95. *Ibid.*:6.

96. *Ibid.*:4.

97. *Ibid.*

98. *Ibid.*:4. Indeed later in the report Abella noted that 'equal pay is an integral element in the implementation of employment equity. It must be included in any undertaking by employers to make the practices in the workplace more equitable' (*ibid.*:232). For an analysis of federal and provincial governments' failure to maintain the link between these two issues see McDermott, 1996.

99. *Ibid.*:17.

100. *Ibid.*:13.

101. *Ibid.*:18.

102. *Ibid.*:212-213. For further discussion of this distinction and Abella's clear intention to ensure that the concept of employment equity was not associated in people's minds with the quota-based style of affirmative action see Timpson, 1987:78. Interestingly, the fact that Abella's recommendations and the employment equity legislation that followed did not develop quota-based models of employment equity, led to British government interest in the Canadian model when, in the mid-1980s, it was forced by American investors in Northern Ireland to address the systemic employment discrimination against Catholics in the province through the development of fair employment legislation (author's interview with Mr Robert Cooper, Chairman, Northern Ireland Fair Employment Commission, Belfast, October 1995). For a fuller discussion of the politics behind the development of fair employment legislation in Northern Ireland see Jay and Wilford, 1990. For a comparison of the development of employment equity legislation in Canada and fair employment legislation in Northern Ireland see Cormack and Osborne, 1989.

103. Abella, 1985:6. The decision made by the 1995 Harris government -- very early in its mandate -- to dismantle Ontario's employment equity legislation, on the grounds that it imposed quotas on the private sector, suggests that Abella was over-optimistic.

104. Canada, Royal Commission on Equality in Employment 1984:203.

105. Ibid.:204.

106. As Abella noted 'all 11 corporations agreed that without legislation and a reporting requirement, substantial change was unlikely'(ibid.:5).

107. Although employment equity was not centred on the idea of quotas Abella did note that 'if the collection, filing and reporting of data and the statutory requirement to improve practices produce inadequate results, consideration may be given to the use of quotas' (ibid.:212).

108. Ibid.:203. Abella was opposed to quotas, first, because they set sights for improvement too low; secondly, because they can overlook the composition of a regional workforce; thirdly, because they 'may foster resistance, condescension, and resentment in the workplace and can be gratuitously insulting to, and undermining of the individuals so hired or promoted;' and, finally, because they are 'inflexible and arbitrary' (ibid.:213).

109. Ibid.:214.

110. Ibid.:205.

111. Ibid.:195.

112. Ibid.

113. Ibid.:197.

114. Ibid.:202.

115. Ibid.:226-7.

116. Ibid.:229, 226. As Abella noted 'the jurisdiction to impose conditions on contractors who wish to do business with the federal government...[derives from]...section 91(1A) of the Constitution, the "spending power" provision. This section permits the government to "spend money...and impose conditions on the disposition of such funds while they are still in its hands" ' (ibid.:229).

117. Ibid.:231.

118. Ibid.:229.

119. Ibid.:214-215.

120. Ibid. The four models were (i) to make the Canadian Human Rights Commission (CHRC) liaise with a new, independent agency designed 'to facilitate the implementation by employers of employment equity; (ii) to create 'a new independent agency to deal exclusively with the monitoring and enforcement of employment equity;' (iii) to rely on the CHRC and the Canadian Labour Market Productivity Centre to implement employment equity and (iv) to rely on the CHRC working together with inspectors appointed under the Canada Labour Code (ibid.:215-218).

121. Ibid.:177.

122. Ibid.:28.

123. Ibid.

124. Ibid.:178.

125. Ibid.:182.

126. Ibid.:180.

127. Ibid.:192.

128. On the relationship between parents and the state in the provision of education, Abella argued that 'education is seen as part of the care of children and no one thinks women -- or for that matter either parent -- should stay home so their children will not have to go to school. The parents are still primary, the state indispensable auxiliary' (ibid.:180).

129. Ibid.:179-80, 182.

130. Abella, 1985:7.

131. Canada, Royal Commission on Equality in Employment, 1984: 267.

132. Ibid.:191-2.

133. Interview with Rosalie Abella.

134. For a discussion of the contrast between these two forms of liberalism in Canada see Manzer, 1985:11, 17-19.

**THE CONSERVATIVE GOVERNMENT'S RESPONSE TO ISSUES
OF EMPLOYMENT EQUITY AND CHILD CARE**

**Bill C-62 and the introduction of the 1986 Employment Equity Act
The National Strategy on Child Care, Bill C-144 and the failure of the
1988 Child Care Act**

Although the Liberals urged Abella to submit the Report of the Royal Commission on Equality in Employment (RCEE) well before the 1984 general election, when she presented it to the federal government that October the Progressive Conservatives had just won a landslide election victory.¹ Their leader, Brian Mulroney, had taken office declaring his commitment to reducing the federal bureaucracy, creating jobs in the private sector and ensuring that Canada was 'open for business again.'² Moreover, his cabinet and the Conservative caucus contained significant pro-family lobbies that were reluctant to develop legislation to encourage the mothers of young children to work outside their homes.³

At first glance, this was not a political environment in which the RCEE's recommendations on employment equity and child care seemed likely to take root. By the end of the first Mulroney government, however, both issues had been absorbed onto the federal policy agenda. Nonetheless, although the new Employment Equity Act (EEA) was proclaimed as law on August 13, 1986, the National Strategy on Child Care was only implemented in part. Its proposals to increase tax relief on child care and child tax credits came into effect on April 1, 1988, as did the new Child Care Initiatives Fund, created to support special projects in the field. However, the Conservatives' attempt to introduce legislation that would overhaul the federal-provincial mechanisms for

subsidising child care spaces across the country never reached the statute books. It came close, but the proposed Canadian Child Care Act -- Bill C-144 -- died on the Senate's order papers when the 1988 general election was called on October 1, that year.⁴

This legislative pattern indicates that although the Conservative government took up the questions about employment equity and child care that Abella had raised in the RCEE, it dealt with them as completely separate policy issues, and at very different points in its first four-year term of office. In so doing, it broke the link that Abella had re-established between the enhancement of women's employment opportunities and the provision of child care. Moreover, in order to placate different factions within the Conservative party it devised policy instruments that drew on neo-conservative views of both the economy and the family, while addressing some traditional red-tory concerns about welfare support at the same time.⁵

The analysis in this chapter is divided into two main parts. In the first part I examine how the federal government responded to the RCEE's recommendations on employment equity, arguing that although the Conservative government encoded the term in federal legislation it did so in a way that produced a weaker form of employment regulation than Abella had envisaged in her report. In the second part of the chapter I analyse the Conservative government's response to the issue of child care showing how it recast the calls for a universal system of child care, contained in the Report of the RCEE and the subsequent Report of the Task Force on Child Care, so that conservative norms about the family, parental choice, welfare provision and the promotion of commercial child care were all embedded in federal child care policy.

The Conservatives' Approach to Employment Equity

The Parliamentary Context in which the RCEE was Addressed

Although Axworthy had found it difficult to establish the RCEE, the new Conservative Minister for Employment and Immigration -- Flora MacDonald -- had an even harder time securing a legislative response to Abella's recommendations. Indeed, given that she was a member of a government that wanted to de-regulate the private sector and downsize the federal bureaucracy, it is amazing that the issue of employment equity was taken up at all.

Some time after she had left office Flora MacDonald indicated just how difficult it had been to get her proposed legislation accepted within her own party, particularly in an era when the conservative ideas associated with Reaganism and Thatcherism were in vogue:

The problem was that I couldn't argue to the extent that I would have liked to have done, either in cabinet or in caucus, of the value of this bill and what could be done if it were strongly implemented...because it would be seen, at a time that every other conservative government was going in the opposite direction, that what we were advocating was a much stronger regulatory power than had been introduced anywhere...So I wouldn't talk about it that much for fear that it would stir up a backlash, or more of a backlash than it had, and that meant for cabinet as well. I mean, if I really got into explaining how I thought this should work all the way people would say "Gee...those businesses just can't afford all that extra paperwork and reporting."⁶

Three factors about the nature of the new Conservative government help to explain why employment equity legislation did emerge on the federal statute books, despite the resistance within the governing party. Two of these have to do with the Prime Minister, the third with changes in the Parliamentary Conservative Party that resulted from the 1984 election.

Although the Conservative caucus contained a strong pro-family lobby, the Prime Minister was clearly committed to improving the political and economic

status of women in public life - and doing so in a measurable, quantifiable form that would prove he had acted on campaign promises. Conscious, no doubt, of the need to appeal to 'the female vote,' Mulroney had promised to increase the number of women appointed to senior political office during the leaders' debate on women's issues that was organised by the National Action Committee on the Status of Women (NAC) during the 1984 election campaign.⁷ Moreover, in the spring of 1984 he had pledged that a Conservative government would implement contract compliance measures to ensure that private-sector firms seeking federal government contracts proved they would hire increasing numbers of women to do the work.⁸ Both promises were kept. On entering government Mulroney appointed more women to cabinet than any previous prime minister.⁹ In addition, contract compliance regulations were introduced alongside the EEA.

Mulroney's speeches about the need to improve women's representation in public office certainly predisposed him to support the promotion of their employment opportunities in federally regulated organisations.¹⁰ As Michael Sabia, Flora MacDonald's policy advisor at the time, pointed out, the Prime Minister's view was that 'I Brian Mulroney made these commitments during the campaign and we've got to live up to them, and if we don't we're going to get saddled.'¹¹ Indeed, it is clear that, because of this personal commitment, he actively supported MacDonald in her efforts to get the employment equity legislation past the pro-family and anti-regulation lobbies that were strong in both caucus and cabinet and opposed to its introduction. As Michael Sabia noted:

Probably with the exception of Mr Epp and Mr Clark, I think she would have got clobbered. Now obviously the dynamic changes when this item comes up at P and P and the PM says, 'Well we've got to do something and this is a reasonable package. Any comments?'...People don't tend to go, 'Well I think it's bullshit'...they tend to go 'Yes...well...right Prime Minister!¹²

Although reminiscent of a well-known British comedy, this remark reflects a

second important point about Mulroney's style of governing that helped the employment equity legislation on its course, namely, that he liked 'to cut a deal.'¹³ Renowned throughout his premiership as a brokerage politician rather than an ideological heavyweight, Mulroney was intent on building consensus, not just among different factions in his cabinet and caucus but, as he demonstrated in the initial development of the Meech Lake Accord, amongst the provincial premiers as well.¹⁴ As Aucoin has argued, 'Mulroney's philosophy assumes that political leadership is about the accommodation of interests and not the interplay of ideas.'¹⁵ Even though he was governing at a time when ideologically driven conservatives were in power in both Washington and London, his brokerage style of leadership distinguished him from both Reagan and Thatcher.¹⁶

Flora MacDonald suggested that Mulroney actively encouraged her to operate within the brokerage paradigm in getting the legislation accepted in cabinet. She reflected on her experience in the following way:

If you're going into cabinet it's all about brokerage politics and consensus. That's really what it's all about. You cannot purport to be an ideologue. The ideologues exist in caucus. So a person who is heavily oriented to family values, to the place of women in the home, pro-life, you know, all of those things, of which there were a number in the caucus, were not going to be supportive of a bill like this. I had difficulty even though I went round and explained it individually to people, trying to bend their ears. It certainly wasn't as difficult in cabinet as in caucus...there may have been cabinet ministers who didn't take it very seriously, who were not its chief crusaders, but they were sensible enough and political enough to understand that moves had to be taken to shore up the support of the Conservative party among women's groups. So they wouldn't get in and try to stop something like that.¹⁷

However, while MacDonald's comments point to the rationale behind Mulroney's support, it was not simply their use of brokerage politics that got the legislation accepted. In caucus, where resistance to the legislation was even stronger than in cabinet, it appears that a small but significant group of new

female MPs played a crucial role in countering the pro-family lobby. To quote MacDonald again:

We had come into the House in 1984 with a fairly sizeable group of women...more than ever before in any party...and I didn't know many of them...and one way of getting to know them was to explain the Bill to them, in more detail than I would to certain of the others and then use them as emissaries to say 'now this is something I feel very strongly about.' They were a great help to me in caucus because the caucus was not used to having that many women around.¹⁸

It was in this context, having trod a very careful path through cabinet and caucus, with Mulroney's support, that MacDonald announced the government's decision to develop employment equity legislation. It is clear, however, that despite her success in getting the proposed legislation accepted in both cabinet and caucus, it was not an easy process. Many Conservatives in the governing party did not want the state intervening in the boardrooms of the nation. Nor did they want to pass legislation that would encourage mothers with young children to work outside the home. These undercurrents of resistance were always there in the process of devising a legislative response to the RCEE's recommendations. Indeed, they help to explain why the Conservative government was less interventionist than Abella would have wished.

Formal Federal Response to the RCEE: Launching the Policy Initiative

It is indicative of the extent to which the concept of employment equity became linked in political debate with the promotion of women's employment opportunities that the formal federal response to the Report of the RCEE was made on International Women's Day: March 8, 1985.¹⁹ However, it is also clear from the announcements made on that day that the government's decision to pursue employment equity legislation was motivated, first, by a desire to build concepts of equity into its strategies for creating jobs and making a leaner federal bureaucracy more efficient and, second, by a decision to conflate the principles of equity and efficiency in a way that ignored the particularities of each target

group's employment problems that Abella had identified in her report.

Equity, Job Creation and Bureaucratic Efficiency

Analysis of ministerial statements by Flora MacDonald and the President of Treasury Board, Robert de Cotret, reveal three clear characteristics about the Conservative government's approach to employment equity. First, it was a strategy in which the government conflated a response to Abella's recommendations on equity with its own concerns about stimulating job creation and encouraging economic growth.²⁰ Second, the proposed policy was designed to place minimal constraints on commercial organisations so that they would be able to create the jobs that Mulroney had promised and recruit more extensively than previously from the four target groups. Finally, while the development of employment equity within the federal public service would be set in place alongside the initiatives in federally regulated businesses, the measures would be incremental, trying to make the existing affirmative action policies that had been set up by the previous Liberal government more efficient.

The conflation of concerns about equity and economic growth was explicit in MacDonald's speech tabling the Government's formal response to the RCEE in the House of Commons. The rhetoric she used on that day stressed that because employment equity was linked to a broader strategy for economic renewal it would encourage Canadians to take up the jobs that Mulroney had promised them:

As a country, we cannot afford to exclude these (target group) Canadians from full participation in working life. We need their contribution to the economic renewal and growth of this nation...Our economic development demands the full participation of all. Give Canadians real opportunities and they'll get jobs. Give them jobs, and they will create wealth. Generate wealth and there will be economic growth -- and growth means more jobs.²¹

The Background Paper, published at the same time, reinforced this link between employment opportunity and economic expansion. Appropriately entitled *Employment Equity and Economic Growth*, it declared that 'equity in the workplace is not only just in a democratic society but is a key to economic growth. A priority on jobs and economic renewal must therefore involve an attack on barriers to equity, just as it involves an attack on obstacles to economic growth.²²

The Conservative approach to employment equity was designed to place minimal constraints on federally regulated organisations and private companies under contract to the federal government. From the outset, it was clear that the Conservatives were determined to give both public and private sector employers maximum flexibility in developing employment equity measures. As Flora MacDonald noted later 'the employment equity legislation was designed as enabling legislation to allow a new concept to work.'²³ It would only affect organisations with more (not less) than 100 employees. Moreover, it would simply require these employers to report on the goals they set themselves for achieving employment equity and would not compel them to undertake specific initiatives to improve the representation of women and other target groups within their workforce.

While MacDonald expounded the link between equity and economic growth, her colleague, Robert de Cotret, pursued a bureaucratic argument that was imbued with incrementalism. He simply announced plans to review the FPS and assess what corrective action needed to be taken. Moreover, it was clear that he was not interested, in the way that MacDonald clearly was, in taking proactive measures to expand or diversify the labour supply for the government's bureaucracy. This, of course, made perfect sense for a government that did not wish to expand its own bureaucracy. Indeed, de Cotret declared, in the most

general terms, that Treasury Board would not only be analysing the existing affirmative action programs set in place by the previous Liberal government, but would review 'government programs in an effort to make the Public Service more conducive to the employment of women and other target groups.'²⁴ He also noted that Treasury Board would be 'playing a lead role in the implementation of employment equity by Crown corporations.'²⁵ The minimalist response by de Cotret could be interpreted as the government signalling to the federally regulated sector that incremental rather than radical change in their employment practices is what would be expected.

Employment equity and child care: the negation of gender difference

The formal federal response to the RCEE did contain some brief references to the question of child care, though given my earlier reference to the pro-family lobby in the Conservative parliamentary party, it is not surprising that they were relatively sparse. Significantly, they were completely absent from any of the speeches or press releases issued by the Minister of Employment and Immigration, despite the fact that it was she who had promised the establishment of a parliamentary task force on child care during an election campaign speech to the Professional Secretaries International.²⁶

Although lip service was paid to the question of child care in the ministerial statements of March 8, 1985, the Conservative government sent clear indications that the concept of employment equity would be narrowed right down to exclude, not only the question of child care, but also the issues of training and pay equity that Abella had argued were integral to the process of eradicating systemic employment discrimination against women.²⁷

Two brief references were made, however, to the issue of child care in the formal ministerial statements issued on March 8. Although Robert de Cotret

made a passing mention that he would be 'evaluating the pilot daycare centres project (in the federal public service) with a view to establishing future policy directions in this area,' it was Walter McLean (Minister Responsible for the Status of Women) who acknowledged Abella's recommendations on questions of child care.²⁸ His statement explicitly recognised how 'the Abella Report's recommendations for 'Employment Equity' bring together measures related to equal opportunity, affirmative action, equal pay for work of equal value, as well as supportive measures in the areas of training and child care.'²⁹ He also noted that as 'over half the women whose youngest child is under three years old are now in the labour force, employment equity includes supportive measures in the areas of child care and training (which) have been identified as being particularly significant to women.'³⁰ It is not entirely surprising that it was McLean who made these connections. Abella's recommendations on child care directly affected the employment status of women. Moreover, as Minister Responsible for the Status of Women, he knew that, before long, he would receive the recommendations of the Task Force on Child Care.

Although McLean acknowledged the different needs of women workers that Abella had raised in her report, his speech soon fell back into a language that upheld the concept of equality as identical treatment, rather than as a process that recognised gender difference. Later in his speech he noted that 'our aim is to tackle the systemic problems facing women in employment, to help debunk outdated myths about working women, to alert employers to the cost incurred by overlooking equally qualified women and finally to ensure that employers recognise the benefits to be gained by training, hiring and promoting women *on the same basis as men*.'³¹

Looking back over the ministerial announcements of the government's decision to pursue employment equity legislation, it is clear that they sent a

message to the public that although legislation would be introduced, it would be narrower in scope than Abella had envisaged. It would encourage employers to identify discriminatory practices within their own organisations, without forcing them to take actions that would begin to address the multidimensional causes of gender inequality in employment. In addition, the legislation would build concepts of equity into the pursuit of efficiency in both the public and private sectors.

Comparisons of the Report of the RCEE and the Employment Equity Act

A comparison of the RCEE and the EEA reveals how the concept of employment equity was narrowed between the publication of Abella's Report and the implementation of federal legislation (Table 7.1). The Conservatives adopted Abella's terminology (3), and her recommendations that employers should be given the flexibility to set their own goals and timetables for improving the participation of target group members throughout their organisations (1).³² Beyond this, however, the legislation departed from the recommendations of the RCEE in a number of different ways. In this section I look, first, at the key discrepancies between the RCEE and the EEA and, then, at other ways in which the legislation differed from the policies proposed in the Report of the RCEE.

Table 7.1

RCEE Recommendations to Promote Gender Equality in Employment that were Implemented in the Employment Equity Act (EEA).^{*}

RCEE Recommendations	EEA Clause
<p>1. Meaning of employment equity (2,3,4).</p> <p>All federally regulated employers must:</p> <ul style="list-style-type: none"> • Eliminate discriminatory barriers to employment in their workplaces in consultation with representatives from management, labour and target groups. • Improve target group participation, where necessary, by redesigning employment practices, without using quotas. • Collect and annually file data of target group participation rates, occupational distribution, income levels. • Be subject to an enforcement mechanism. 	<p>1. Meaning of employment equity (4).</p> <p>Designated employers must:</p> <ul style="list-style-type: none"> • Identify and eliminate illegal discriminatory employment practices, in consultation with bargaining agent or designated employees. • Institute positive policies/practices, and make reasonable accommodation to ensure target group members' participation throughout organisation is proportionate to their representation in the workforce or segments of the qualified, eligible, regional workforce from which employer can draw.
<p>2. Employers covered by legislation (1,27,28).</p> <p>All federally regulated employers.</p> <p>Companies under contract to the federal government.</p>	<p>2. Employers covered by legislation (3).</p> <p>Employers of federally regulated industries employing 100 or more.</p> <p>Federal Contractors Program introduced separately.</p>
<p>3. The Term Employment Equity (1).</p> <p>Employment equity should be used rather than affirmative action.</p>	<p>3. The Term Employment Equity (1).</p> <p>Employment equity used in EEA (affirmative action kept in FPS).</p>

^{*} Only those recommendations of direct relevance to women's employment have been included in this table. Figures in parentheses indicate the number of the recommendation or legislative clause.

4. Employment Equity Guidelines and Regulations (8,9,13).

Employment equity guidelines should be prepared by the enforcement agency with relevant data analysis from Statistics Canada.

An employee's self identification as target group member should be voluntary.

4. Employment Equity Guidelines and Regulations (11,12).

Minister may issue guidelines to assist employers with implementation.

Governor in Council may regulate:

- meaning of reporting categories
- target group membership
- anything prescribed under the Act
- measures for carrying out the Act.

5. Collecting and Reporting Data (10,11,2,19).

-

All federally regulated employers must collect standardised confidential data on

- participation rates
 - occupational distribution
 - salary quartile/range
- of target group members and proportion of their:
- hirings and promotions,
 - terminations and lay-offs,
 - part-time/contract work,
 - committee work
 - training and educational leaves
- and after three years file this data annually with the enforcement agency.

5. Collecting and Reporting Data (5,6).

Employers required to prepare an annual plan of goals and a timetable for implementation and retain plans for three years after last year covered by plan.

Beginning June 1988, employers must submit certified annual report to Minister of Employment and Immigration, in form prescribed, showing employer's industrial sector and proportional:

- participation rate
 - occupational distribution
 - salary range • hirings
 - promotions • terminations
- of target group members, and retain these reports for three years.

Employers who fail to submit records are guilty of an offence and liable to a maximum fine of \$50,000 (7).

6. Enforcement of Employment Equity
(2,7,10,18,23).

All federally regulated employers must be subject to an enforcement mechanism.

The enforcement agency should be independent, have qualified staff familiar with labour issues, employment systems and human rights issues, be sufficiently resourced to discharge its mandate and engage in consultation with national and regional representatives of business, labour and the target groups.

Enforcement agency will publicise (i) employers' data, (ii) Statistics Canada's analysis and (iii) their Report to Parliament.

Results not procedures should be reviewed initially. If these are unreasonably low, enforcement agency can advise employers to amend practices.

6. Enforcement of Employment Equity (8,9,10).

Minister of Employment must send copies of employers' report to CHRC.

Minister must submit annual consolidated report and analysis to Parliament.

Minister must ensure that copies of all reports are available for public scrutiny/purchase.

Key discrepancies between the RCEE and the EEA: Its Scope and Enforcement

The most significant differences between the RCEE and the EEA were in the range of employers included in the Act and in the processes designed to enforce the legislation. Instead of covering all federally regulated and contracted employers, as Abella had recommended, the legislation focused solely on federally regulated employers with 100 or more employees (2). This category was clearly intended to show that the government was responding to the RCEE without, at the same time, alienating the small business lobby or its supporters in parliament. However, in an era that had seen the first stages of a now familiar pattern of outsourcing, the decision to use this cut off point did raise questions about the government's commitment to the full eradication of systemic discrimination within the federally regulated sphere.³³

One of the most noticeable differences between the recommendations of the RCEE and the clauses in the EEA was the institutional structure for developing, monitoring and enforcing employment equity in the federal sphere. While the EEA placed these responsibilities entirely in the hands of existing agencies, namely the Canadian Employment and Immigration Commission (CEIC) and, *indirectly*, the Canadian Human Rights Commission (CHRC), Abella had clearly envisaged the creation of a new enforcement agency, with strong links to the CHRC (6). The RCEE had recommended that the implementation of employment equity should be subject to enforcement by a designated enforcement agency, staffed by personnel qualified in human rights and labour issues. In fact, Abella proposed four alternative models for the government to consider. While three of these gave the CHRC prime responsibility for the development and enforcement of employment equity, the fourth recommended that a new independent enforcement agency be established.³⁴

None of these recommendations was adopted by MacDonald. While the CHRC was expected and did come to play an important role in evaluating the results of employers' reports, key responsibility for implementing the Act was given to CEIC. In addition, though contrary to Abella's recommendations, MacDonald stressed the important role that public accountability would play in holding employers' accountable for their actions:

The employment practices and policies of federally regulated businesses will go on public record, and these companies will have to answer to the people of Canada if they fail to achieve equity in employment. And, of course, this legislation will mean that the Canadian Human Rights Commission has the information it needs to exercise fully its powers and authorities.³⁵

Abella had also envisaged that the enforcement agency would be guided in its assessment of systemic discrimination by data from Statistics Canada about the composition of the regional labour force. In fact the EEA only mandated the annual reporting of goals and timetables rather than the enforcement of employment equity at a micro-organisational level.³⁶ It devised a system whereby the mandated reports from employers would be analysed by the Minister of Employment and Immigration, passed to the CHRC, reported to Parliament and made available, at cost, for public scrutiny.

The explanation for the difference between the RCEE's recommendations and the EEA's clauses on enforcement is two-fold. First, it reflects the Mulroney government's reluctance to increase the size of the federal bureaucracy, particularly if the purpose of so doing was to impose further constraints on the private sector. As Michael Sabia emphasised:

It was simply *not on* that the government was going to set up an enforcement agency; a separate, identifiable, employment equity enforcement agency...because we weren't going to have a government which, at the time, was trying very hard to send deregulatory signals to the business community that we are going to get government out of the

boardrooms of the nation, now say we're going to set up a new bureaucratic agency and tell you how to run your businesses.³⁷

The second, more subtle, explanation lies in the difference of outlook that Axworthy and MacDonald brought to the development of employment equity in the federal policy arena. Although they clearly shared a concern about linking the development of employment equity with policies to promote economic regeneration and growth, they came at this problem with different priorities. While Axworthy had been concerned to link the development of employment equity legislation with labour market policies to promote economic expansion and growth, his appointment of Abella to head up the RCEE suggests that his highest priority was to develop effective anti-discrimination policies in the field of employment. While MacDonald, herself, was in sympathy with this objective, her prime concern as the Conservative government Minister of Employment and Immigration, was to ensure that the policy instrument created did nothing to harm her broader strategy to generate more opportunities for employment in the private sector.³⁸

Other discrepancies between the RCEE and the EEA

There were five other discrepancies between Abella's recommendations and the Conservative government's decision about how employment equity should be developed as a policy instrument. First, although the Conservative government regarded the development of employment equity programs within any organisation as something to be negotiated between management and labour, Abella had a more pluralistic idea of consultation, which included representatives from the target groups in the process (1).

Second, Abella had viewed the work of Statistics Canada as integral to the development of employment equity policies. In her opinion it could enable the proposed enforcement agency to develop employment equity reporting

categories to match those used in the Canadian census. She also thought that Statistics Canada could advise employers about the kinds of targets they should set themselves, given the composition of the regional workforce.³⁹ Yet there is no mention of this agency assuming a supportive role, either in the EEA or in the guidelines accompanying the legislation (4). In addition, Abella argued that 'the performance of each employer should be compared with the performance of other employers in the same industry or region and with each employer's previous performance,' that a data base should be developed to permit comparisons between an employer's workforce and the local labour supply, that additional labour force questions should be included in the Census and that Statistics Canada should undertake more longitudinal studies to measure the integration of the designated groups into the labour force.⁴⁰ This kind of rational statistical planning was not, however, part of the Tory game plan of allowing employers maximum flexibility in setting goals that suited their business ends. None of these recommendations was translated into the legislation. Although CEIC could issue guidelines, employers were essentially left to create their own employment equity goals and timetables.

Third, it is clear that Abella had envisaged a more expansive set of reporting categories than those encoded in the legislation. While the EEA reflected Abella's recommendations about reporting participation rates, occupational distribution, salary range, hirings, promotions and terminations, it did not include the recommended sections either on part-time and contract work (in which women are over-represented), or on committee work, training and educational leaves (in which they tend to be under-represented) (1,5).

Fourth, in addition to narrowing Abella's interpretation of employment equity, the EEA failed to address a number of the other strategies she had advised government to build into policies designed to root out systemic employment

discrimination against women. These included recommendations for pay equity to be built into employment equity legislation at both federal and provincial levels, for protection of part-time and domestic workers, for recognition of homemaking and volunteer work as legitimate employment experience, for employers to develop policies to address sexual harassment in the workplace, and for the development of training programs to recognise women's particular needs - especially the needs of those re-entering the labour market.⁴¹ Furthermore, as I will discuss in the second section of this chapter, the Act did not begin to address Abella's recommendations on child care.

Finally, and by contrast, there were only three, relatively minor, ways in which the Act went beyond the recommendations that Abella had made. First, it mandated employers to keep their employment equity plans for three years after they had been reported. Second, it introduced a \$50,000 fine for companies that failed to submit annual reports to the CEIC. Finally, it introduced a sunset clause declaring that the effectiveness of the legislation should be reviewed five years after it had come into effect, a point I return to in Chapter Eight.⁴²

The Federal Contractors Program

Contrary to the recommendations in the RCEE, the Federal Contractors Program (FCP) was implemented by means of a separate Cabinet directive rather than as an integral part of the Employment Equity Act. Restricted to companies with over 100 employees that were bidding for government contracts over \$200,000, it was a symbolic gesture to fulfil promises made by the Prime Minister in his 1984 election campaign, not a substantive measure that would restructure women's employment opportunities across a wide range of companies. Like the EEA, the FCP was a much weaker policy instrument than Abella had envisaged (Table 7.2).

Table 7.2

A Comparison of the Recommendations of the RCEE and the Components of the FCP

RCEE	Contract compliance should be imposed by legislation (27).
FCP	Contract compliance was not legislated. It was implemented through a Cabinet directive.
RCEE	Government should only purchase goods and services from employers who agree to implement employment equity (27).
FCP	Contract compliance was limited to employers with 100 or more employees, bidding on contracts of \$200,000 or more; these employers were required to develop employment equity plans.
RCEE	Contracts may include additional clauses to reflect specific goals and timetables, provision of training, transportation or accommodation (28).
FCP	Accommodation could include assistance with child care.
RCEE	Enforcement of contract compliance should be carried out by the agency established to enforce employment equity in the federally regulated sphere (29).
FCP	Organisations would be subject to on-site compliance reviews by CEIC; sanctions for non-compliance would include eventual exclusion from future government contracts.

A comparison of the EEA and the FCP reveals how different regulations were developed for federally regulated industries and companies under contract to the federal government. While the meaning of employment equity, and its focus on four different target groups, did not vary between the EEA and the FCP, the process of monitoring its implementation clearly did.

The requirements for monitoring the development of employment equity in companies under contract to the government was not as stringent as it was for federally regulated companies. Although, as we saw in Table 7.1, federally regulated companies were given specific guidelines about how they should quantify their workforce data, companies under contract to the federal government were given discretion about the specific format for presenting this type of information. Moreover, while companies that fell within the gamut of the EEA were required to report *annually* to the Minister for Employment and Immigration on the effectiveness of their employment equity schedules, in reports that would be presented to Parliament, companies engaged on federal contracts were simply required to have their employment equity plans available for on-site inspection by CEIC officials. Finally, while federally regulated companies would be subject to investigation by the CHRC if their annual reports suggested evidence of systemic discrimination, employers under contract would be given twelve months by CEIC to amend their employment practices, risking the ultimate sanction of no renewed contract if this process was not implemented.⁴³

These differences indicate how the federal government clearly developed one set of rules for federally regulated corporations and a different set of rules for private sector companies under contract. Although MacDonald's press release of June 27, 1986 claimed that 'this program affects more than 800 employers, 700,000 employees and will involve about \$6 billion in government business,' the

Conservative's contract compliance program was a limited form of regulation.⁴⁴ While a more interventionist program would have been out of line with the Conservative's promises about de-regulating the commercial sector, it is unfortunate because this policy instrument could shape the employment opportunities of a far wider range of employees than the 300,000 covered by the EEA.

Interpreting the Federal Policy Response to the RCEE

The EEA and the FCP were clearly designed as policy instruments that would encourage employers to think about employment equity without over-regulating either the public or private sectors. As Kornberg notes, they were instruments that not only relied on employers to identify discrimination within their own organisations and implement measures to eradicate the problem, but also assumed that they would emulate the federal government's approach in the process.⁴⁵ Moreover, while these policy instruments gave the federal government a clear role in monitoring systemic employment discrimination, they also emphasised that target group activists would have to continue to pressure the government for further change. MacDonald made this explicit shortly before Bill C-62 became law, in a speech to the Institute for Research on Public Policy:

The legislation sets forth a framework within which interest groups and government can work together in achieving social and economic equality...the Bill presents a challenge -- to women, to Native people, to disabled persons and to visible minorities...a challenge, to be vigilant, and to find flexible solutions to surmount barriers to an equitable society...and it allows groups to seize the opportunity of this legislation in advancing their own agendas and defining their own goals...without relying on government.⁴⁶

It is hardly surprising, given the limited responsibility that government was prepared or able to take for developing effective employment equity legislation that feminists, as Bashevkin has noted, were clearly ambivalent about the

passage of this legislation.⁴⁷ Although pleased that legislation had followed from the RCEE, their criticisms of the Act itself were widespread. Some feared that the Act failed to clarify what was expected of employers, either in terms of the kind of goals and timetables they should try to create, or the standards they should create for themselves. Others were concerned that the enforcement procedures failed to separate out the standard-setting and enforcement agencies. Despite the fact that most of the briefs which women had submitted to the RCEE argued against the use of quotas, when the legislation was introduced, feminists in NAC and other women's organisations focused on the failure to develop affirmative action measures that would force federal employers to hire and promote more women. Finally, the Act was criticised for failing to build training and child care into the design of employment equity policies.⁴⁸

It is instructive to note Flora MacDonald's response when I asked her why the problem of child care was not addressed in the federal government's policy response to the RCEE, particularly given that Abella had emphasised the need for policies that recognised the link between child care provision and women's participation in the labour force:

Yes, I know she did. On the other hand, I was then getting into an area in cabinet where I would have been in real conflict with the Minister for Health and Welfare. The Employment Minister couldn't do it. So I could support proposals for day care in cabinet but I couldn't originate them. And besides, people didn't see employment equity as a big spending item that was going to involve the provincial governments and the Minister of Finance and so on and so forth.⁴⁹

The evidence in the second part of this chapter clarifies how institutional, fiscal and, indeed, jurisdictional factors shaped the Conservative government's response to Abella's recommendations on child care. It also shows that the Conservatives' approach to the question of child care was shaped, first, by the party's concern to emphasise the central role of the family in the provision of child care; second, by its ambivalence about encouraging women to relinquish

the care of their children in order to take up employment outside the home; third, by its broader agenda of promoting the delivery of social services through public and commercial means; and, finally, by the dynamics of federal-provincial relations during a period in which Mulroney sought to restructure Canadian federalism through the constitutional entrenchment of the Meech Lake Accord.

The Conservative Approach to Questions of Child Care

While the Conservative government moved swiftly on the question of employment equity, its response to Abella's recommendations on child care took much longer to emerge. Even though there were indications, early on in its mandate, that the RCEE's calls for a new, publicly funded, system of child care would be reinforced by the recommendations of the 1984 Task Force on Child Care (Cooke Task Force), the Conservatives chose not to respond to these recommendations in the early part of their mandate. Instead they appointed a Special Parliamentary Committee on Child Care (Special Committee), chaired by Shirley Martin, to recast Abella's recommendations on this issue, and pre-empt their reinforcement by Katie Cooke.⁵⁰

Special Parliamentary Committee on Child Care

The Special Committee was set up in November 1985 with a mandate to redraw the policy agenda so that it highlighted the pivotal role of the family in Conservative child care policy and explored options for the federal government to work with the provinces to subsidise both non-profit and commercial child care. It was precisely because Abella had recommended a universally accessible system of community-based child care to enhance the employment opportunities of women, and Cooke was exploring ways of achieving the same goal to ensure quality care for young children, that the Conservatives decided to explore how federal initiatives on child care could be more clearly embedded in conservative norms about public policy. Moreover, although the Special Committee was

established some time after the Conservatives had announced their proposals to develop employment equity legislation, it saved them from criticism for developing employment equity policies without responding to Abella's recommendations on child care.⁵¹

Comparing the RCEE, the Cooke Task Force and the Special Committee

Although the discrepancies between the Cooke Task Force and the Special Committee have been well documented, virtually no attention has been paid to the way that the Special Committee's Report recast the proposals for child care that both Abella and Cooke had developed.⁵² A three-way analysis, comparing the recommendations of the RCEE, the Cooke Task Force and the Special Committee is instructive because it clarifies precisely how the Special Committee's Report shifted the policy agenda away from the recommendations of two reports that had sought to entrench a national system of child care within the Canadian welfare state.⁵³ A comparison of the principles underscoring the recommendations in each report can be found in Table 7.3; fuller details of each report's recommendations are located in Appendix F.

Table 7.3

A Comparison of the Principles Underscoring the Recommendations of the RCEE, the Cooke Taskforce and the Special Committee.*

	RCEE	Cooke Task Force	Special Committee
Nature of Provision	Publicly funded; Universal access.	Publicly funded; Universal access.	Public/private funding.
Canada Assistance Plan	Inappropriate method of funding child care.	Subsume under new cost-sharing arrangement for universal service.	Keep current system; encourage take-up by provinces / territories; publicise the scheme.
Child Care Legislation	National Childcare Act to guarantee consistent national standards and meet special group needs.	-	Family and Child Care Act to complement CAP and ensure tax credits to parents and subsidies to public and commercial child care centres.
Child Care Funding	Federal government should develop appropriate funding mechanism with provinces/territories.	Federal government should initiate new nation-wide system to cost-share capital and operating costs of licensed centres with provinces/territories.	Federal government should develop system to complement CAP by cost-sharing capital & operating costs of new child care spaces with provinces/territories; Establish Child Care Development Program for single mothers.
Tax Deductions/Credits	Child care expenses should be fully deductible by either parent.	Tax relief for child care cannot provide the basis for a new child care system.	Child Care Expense Credit to replace Child Care Expense Deduction; new Child Care Tax Credit for infants.
Child Benefits	-	-	Keep current system.
Tax breaks for Employers	-	Capital costs of employer-provided child care should be tax deductible. Employers should not be taxed for child care benefits they provide to employees.	Employers should have a 100 per cent Capital Cost Allowance for new child care spaces they provide for employees.

* Excludes the Task Force and Special Committee recommendations on birth/adoption leave and auxiliary services.

	RCEE	Cooke Task Force	Special Committee
Child care services for federal employees	-	Federal government to provide child care services in federal buildings where numbers warrant; Department of National Defence provide child care on military bases.	Treasury Board should encourage provision of child care in federal buildings where numbers warrant; Department of National Defence should promote family resource programs on military bases.
Family responsibility leave	Either parent to be allowed 5 days leave per year for child care.	Either parent to be allowed 5 days leave per year for family-related reasons.	-
Child care workers	Adequate training and pay for workers of both genders and from minority groups.	Revenue Canada should issue expense-claim guidelines for self-employed carers.	-
Disabled children	Special needs should be considered and given priority until universal child care system established.	Federal government should cost-share any special costs in providing disabled child care.	Health and Welfare to make prevention of disability a major goal; fund voluntary groups to develop such programs.
Native children	National Child Care Act should recognise special needs of native children	-	Federal government to develop support services to strengthen families, and promote health in native communities and train native carers.
Visible minority children	National Child Care Act should recognise special needs of children from minority groups	-	Re-examine provision of child care services under Immigrant Settlement and Adaption Program; Promote multicultural awareness in child care.

	RCEE	Cooke Task Force	Special Committee
Policy Review	-	Fund research on child care;	Fund research on child care;
		Set up National Day Care Information Centre;	Set up National Day Care Information Centre;
		Review child care system after 10 years;	Review government response to Special Committee.
		Appoint Minister for Children.	-

Shifting the agenda away from a national, universally-accessible system of child care

Although Abella and Cooke had addressed the question of child care from the perspective of workers (in the first case) and parents (in the second), they both recommended that a national system of child care should be developed. Specifically, they argued that child care should be a universally accessible, non-compulsory extension of the public school system, designed to ensure the quality care of infants and school-aged children when their parents were unable to look after them.⁵⁴

Abella and Cooke both called on the federal government to remove child care from its current welfare mould within the Canada Assistance Plan (CAP) and work with the provinces and territories to develop a national, publicly funded system of child care.⁵⁵ By contrast, the Special Committee's Report argued that CAP should be maintained as a key component of the child care system. As a result, it emphasised the distinction between child care as a remedial form of welfare support for the children of impoverished parents and child care as an optional, subsidised service to be purchased by parents who chose to spend their income in that way.⁵⁶

Shifting the agenda away from a publicly-funded system of child care

Abella argued that her proposals for a national system of child care would best be realised through the enactment of a National Childcare Act. This legislation, she felt, should be 'based on consultation with the provinces, territories and interest groups, to guarantee consistent national standards...[and]...take into account an appropriate child/staff ratio, urban and rural needs, and special needs of children who are native, members of minority groups or disabled.'⁵⁷ While these proposals were clearly designed to ensure quality child care across the country in a system that catered to the needs of children in the RCEE's target groups, the priorities of the Special Committee were very different. The Special

Committee's Report was careful to consider the particular needs of children from native, disabled, and minority groups, but the prime objective of its proposals was to recommend a 'Family and Child Care Act' (note the emphasis on family) that set out federal funding mechanisms for child care to *complement*, rather than replace, the provisions of CAP. Moreover, instead of setting out guidelines for the development of a national system of publicly-funded child care, it sought to enhance the public, commercial and domestic provision of child care through a complex process of subsidising non-profit and commercial child care centres, giving tax relief to parents who purchased child care and tax credits to parents who stayed home to look after young children.

The Special Committee's Report substantially changed Abella's and Cooke's proposals for federal, provincial and territorial governments to share the costs of subsidising a national system of child care. Although Abella and Cooke had both called for the development of new federal-provincial/territorial mechanisms for funding a system of universally accessible, licensed, non-profit child care it was the Cooke Task Force that set out detailed proposals emphasising, to the delight of child care advocates, that capital and operating grants for new child care spaces should only go to 'services that are licensed and monitored by provincial or territorial governments.'⁵⁸ Although the Special Committee's Report mirrored Cooke's recommendations on federal-provincial-territorial mechanisms for sharing the costs of new child care spaces, it set the per capita rate for federal subsidies consistently lower than the Cooke Task Force had recommended and avoided specifying the kinds of child care that could be subsidised (Appendix F). In short, this recommendation opened up the way for the federal government to enter into cost-sharing agreements with the provinces and territories to subsidise the provision of commercial as well as non-profit child care.

The second important way in which the Special Committee shifted the policy agenda away from that developed by the Cooke Task Force was to recommend the introduction of new forms of tax relief for parents who purchased child care. Although Abella favoured a public system of child care she conceded that when child care was purchased 'expenses should be fully deductible by either parent.'⁵⁹ By contrast, Cooke argued that such methods of financing child care should only continue for a temporary period because 'new child care financing should *not* take the form of tax relief since...tax measures, in whatever form, cannot provide the basis for development of a new child care system.'⁶⁰

Cooke was adamant about the inappropriateness of using tax relief to underwrite child care: the Conservatives were equally convinced of its value. Indeed the Special Committee's Report recommended that the 'existing Child Care Expense Deduction (CCED) be replaced by a renamed Child Care Expense Credit (CCEC) to cover up to 30 per cent of child care expenses, not to exceed \$3,000 per child under 14 and \$12,000 per family.'⁶¹ In addition it recommended that a Refundable Child Care Tax Credit (CCTC) of \$200 for the first child, \$100 for the second and \$50 for each subsequent child should be introduced concurrently with the CCEC. Designed, no doubt, to placate both the pro-family and red-tory elements within the Conservative caucus, this tax credit sought to 'provide financial recognition where a spouse stays home to care for children' and 'assist other families who may, for whatever reason, have child care expenses not eligible for the CCEC.'⁶² Furthermore, although neither Abella nor Cooke made recommendations on the subject, the Special Committee's Report recommended that 'the existing elements of the child benefit system should be retained.'⁶³

Workplace Child Care

Although the RCEE had been concerned with promoting women's employment opportunities, Abella's concerns about the potential problems of

developing workplace child care may well explain why, unlike the Cooke Task Force and the Special Committee, she made no specific recommendations about encouraging employers to provide child care.⁶⁴ By contrast both the Cooke Task Force and the Special Committee argued that employers providing new child care spaces should be able to claim these expenses against tax including, in the case of the Cooke Task Force, the costs of providing child care benefits to employees.⁶⁵ Similarly, it was both the Task Force and the Special Committee that recommended the development of child care services, where needed, in federal government buildings and on Canadian military bases.⁶⁶

The Impact of the Special Committee on Child Care

The Special Committee's Report, published in March 1987, redefined the government's policy options on child care by shifting the agenda away from the creation of a national, publicly-funded system of child care towards one that linked the existing system of welfare-based public provision with the expansion of child care in the commercial sphere. Moreover, it emphasised the importance of subsidising the individual purchaser of child care. In addition, it placated the pro-family lobby within the Conservative party by arguing that stay-at-home parents should be subsidised through child-tax credits.

By recommending that the federal government create child care centres in government buildings and give employers tax allowances to create new child care spaces, the Special Committee's Report acknowledged the link between parental employment and the provision of child care. However, its principal emphasis was on the role the federal government should play in subsidising commercial and non-profit child care to complement the central role of parent-care in families. Abella and Cooke had emphasised the rights of parents and children to be assured of quality child care in the community. The Special Committee redefined the relationship between parents, children and the state by

emphasising both the importance of parental child care and the idea that when children were cared for outside the home it should, wherever possible, be in centres that parents select and pay for, albeit with the help of state subsidies.

National Strategy on Child Care

On December 3, 1987 Jake Epp, the Minister of National Health and Welfare, unveiled the government's National Strategy on Child Care. He presented the Strategy as 'a progressive, responsible step forward on behalf of Canadian families' that would 'dramatically increase the number of quality child care spaces for children in Canada.'⁶⁷ This, he noted, would be realised through 'a balanced package of federal tax assistance to families and a new federal-provincial cost-sharing partnership.'⁶⁸

The Strategy contained a three-pronged approach to child care provision, costing at a total of \$6.4 billion over a seven-year period.⁶⁹ The first element recognised 'the right and the responsibility of Canadian parents to choose how they want to raise their children' through tax assistance with child care expenses.⁷⁰ It announced that the CCED would be doubled from \$2,000 to \$4,000 a year for children who were under six or had special needs as a result of disability. While it remained at \$2,000 a year for children aged 7 to 14, the existing limit of \$8,000 per family was abolished.⁷¹ In addition, and in an effort to assist 'lower and middle income parents who care for their children at home or who may have non-receipted child care expenses' the refundable CCTC was increased by \$200 a year for children under six.⁷² The cost to the federal government of these subsidies was estimated at \$2.3 billion over seven years.⁷³ The second main component of the National Strategy was the creation of a research and special projects fund, which later became known as the Child Care Initiatives Fund (CCIF), funded at \$100 million over seven years and administered by the Department of National Health and Welfare.⁷⁴

Despite the Special Committee's recommendation that the CAP-based system of funding child care for low-income families should be maintained, the third component of the National Strategy seemed, at first, to be more akin to the RCEE's recommendations on this subject. It announced the introduction of a new Canada Child Care Act to 'replace the existing "day care" provisions in the CAP' and 'establish a new legislative framework for treating child care as a basic social and economic priority.'⁷⁵ This legislation, it declared, would commit the federal government to spend \$3 billion over the next seven years 'to increase the number of quality child care spaces in Canada by 200,000 and to maintain the system at the expanded level.'⁷⁶

The National Strategy noted that 'the federal government recognizes its responsibility to work with the provinces to ensure the development and implementation of the necessary standards for quality in a jointly funded child care system.'⁷⁷ To this end it stipulated that over the seven-year period the federal government would not only provide 75 per cent of the capital costs of creating child care spaces in the non-profit sector, but cost-share the operational costs of child care on a 50-50 basis.⁷⁸ While such a system might well have been encouraged by Abella and Cooke, the National Strategy also announced that because 'the federal government recognizes the important role played by the private sector in a number of provinces' it would therefore use the cost-sharing mechanisms in the Canada Child Care Act to provide 'greater flexibility for the provinces in accommodating both non-profit and commercial child care services.'⁷⁹ It was clear that, if implemented, the National Strategy would lead to a mixed economy of child care services.

Child Care and Women's Employment Opportunities in the National Strategy on Child Care

While the nature of the proposed funding of the National Strategy was a far cry from Abella's proposals for a publicly-funded system of child care, the government's presentation of its Strategy demonstrated some recognition of her concerns about the link between child care and the promotion of women's employment opportunities. However, these statements were so enmeshed in rhetoric about the government's commitment to strengthening the family that they seemed to be a form of lip service to the idea of women's equality rather than declarations of intent to realise this objective.

The contradiction was clearly apparent in the Strategy document itself. This began by stating that the Conservative government viewed child care as a mechanism for strengthening Canadian families:

the federal government is committed to strengthening Canadian families as the foundation of our society and so creating the potential for Canadians to fulfil their aspirations. It is to these goals that the federal government, in partnership with parents, caregivers, and provincial governments, commits itself.⁸⁰

It was with this new 'partnership' in mind that the government claimed, first, that 'parental choice is paramount and must be reflected in a policy which emphasises that benefits are shared among a variety of family types with young children' and, second, that 'an effective partnership must exist between participants in the child care system -- parents and the federal, provincial and territorial governments.'⁸¹ However, the document then seemed to respond almost directly to Cooke and Abella by declaring that the National Strategy was being implemented, not only because 'major improvements and new resources are required to enhance and sustain quality child care in Canada,' but also because 'the economic equality of Canadian women must be promoted.'⁸²

While the ministerial statements that accompanied the government's unveiling of the National Strategy demonstrated some recognition of the link between women's employment opportunities and the provision of child care, they constantly reinforced the centrality of the family in Canadian society and the idea that women's participation in the paid labour force was an option women could choose to take, if they so wished. While Benoît Bouchard, who had by that time replaced Flora MacDonald as Minister of Employment and Immigration, commented that 'the strategy will assist many Canadian families: those headed by single parents as well as those with two parents,' he also added that 'it will be particularly important to women, whether they work in the labour force or stay home to care for their children.'⁸³ Similarly, Barbara McDougall, the Minister Responsible for the Status of Women, hailed the National Strategy as 'a landmark commitment to the economic equality of women' and then went on to say that it was 'vital to the government's recognition of the important role women play in the economy of their individual families and of Canada as a whole.'⁸⁴ Even though she emphasised that the National Strategy would assist women 'whether they choose to work inside or outside the home' she also stressed that its central purpose was to ensure 'the well-being of Canadian children.'⁸⁵

What was most telling about the National Strategy was that the statement issued by Jake Epp as Minister of National Health and Welfare, chose to ignore the connection between child care and women's employment altogether. He described the government's programme as one characterised by 'fiscally-responsible measures that will assist families in making choices about the care their children receive,' and assured parents that 'in partnership with them, the federal government will continue to work to strengthen Canadian families and to help provide good quality care for their children.'⁸⁶

Considered together, these statements suggest that, although the Conservatives paid lip service to the connection between women's employment and child care when announcing the National Strategy, the prime objective of this strategy was to emphasise the place of child care in the Conservative government's *family* policies. This point is reinforced by the fact that, even though women have historically taken primary responsibility for child care, the language in which the National Strategy was framed generally neutered the parent who did the caring or purchased the care. Indeed, as Hum has argued, the fundamental objectives of the National Strategy were not particularly to promote the employment of either parent outside the home but to place the interests of stay-at-home carers on a more even footing with those demanding child care support when they were working outside the home.⁸⁷ Moreover, it is clear that the National Strategy was much more concerned with creating a financial formula to subsidise the individual purchaser of child care and the delivery of this service in both the commercial and non-profit sectors than it was with addressing the normative questions that Abella had raised about the provision of child care for working women.

Partial Implementation of the National Strategy on Child Care

Three elements of the National Strategy were enacted shortly after it was unveiled. The Child Care Expense Deduction, the new Child-Tax Credit, and the Child Care Initiatives Fund came into force on April 1, 1988, in the form specified in the strategy document.⁸⁸ In July of that year an additional \$1 billion was added to the child care budget, bringing the total budget to \$7.3 billion. Of this additional money, \$60 million was guaranteed, over six years, to determine child care requirements for on-reserve Indians, train native child care workers, and set up accredited child care services in Indian communities. The remaining \$940 million was added to the budget for the new cost-sharing mechanisms introduced under Bill C-144.⁸⁹

Bill C-144

While the National Strategy paid lip service to the link between child care provision and women's employment opportunities, the proposed Canada Child Care Act made no reference to this at all. The preamble to Bill C-144 simply stated that the government recognised the 'need to improve the availability, affordability, quality and accessibility of child care spaces throughout Canada' by helping to finance the creation and maintenance of at least 200,000 spaces over the following seven years.⁹⁰

The Bill proposed a new system of federal-provincial-territorial cost-sharing that enabled the provinces either to remain within the child care provisions of CAP or to negotiate agreements consistent with the National Strategy. In this case the federal government would pay 75 per cent of the capital costs for non-profit spaces and subsidise the operating costs of child care spaces in commercial or non-profit centres on a 50-50 basis with the provinces.⁹¹

The important distinction between this new system and that linked to CAP is that although it appeared more generous, it was not an open-ended cost sharing program in which the federal government matched the provincial output. Indeed, it placed a ceiling on federal child care spending of \$4 billion over seven years.⁹² Moreover, although the Bill would have placed quite strong reporting requirements on the provinces, in terms of accounting for the way in which the federal block grant was spent it left the process of licensing child care spaces clearly in provincial hands.⁹³

The Minister's Introduction of Bill C-144: Fiscal and Jurisdictional Imperatives

When the Bill received its second reading in the House of Commons on August 11, 1988, the Minister of National Health and Welfare outlined the fiscal and jurisdictional imperatives that had shaped the legislation. He emphasised

that 'in contributing to the resolution of a social issue, government must always find the proper balance between direct intervention and a laissez-faire approach.'⁹⁴ Moreover, he explained that the government's decision to match the 'operating funds to both the "not-for-profit" and commercial sectors' had been made in recognition of 'the fact that about 40 per cent of the existing number of [child care] spaces are in the commercial sector.'⁹⁵ Indeed, he went on to say that 'we would have a great deal of trouble meeting our twin goals of improved quality and availability if we were to ignore almost half of the existing system.'⁹⁶ What he failed to point out, as Phillips makes clear, is that the new funding formula was designed to 'spur expansion of child care spaces and ...remove funding from the open-ended CAP before costs sky-rocketed under greatly increased spending by Ontario and Quebec.'⁹⁷

On the jurisdictional front the Minister stressed that if federal social policies were to be effective 'they had to be flexible and involve provincial co-operation.'⁹⁸ Indeed, the federal government's decision not to interfere with provincial licensing arrangements and only hold the provinces accountable for their use of federal child care grants reflected the concessions that the federal government had to make to the provinces to ensure this co-operation. ⁹⁹

Activists' Response: Preservation of Publicly-Funded Child Care in the Canadian Welfare State

Child care advocates and activists in NAC were enraged by the Bill because it enhanced the role of the commercial sector in the provision of child care and relied on the system of tax relief that Cooke had condemned in the Report of the Task Force on Child Care.¹⁰⁰ For child care advocates and activists in NAC the Bill was a travesty. It would finally produce national child care legislation, for which women had been lobbying since the Royal Commission on the Status of Women. At the same time it would create a new national system of funding child care that was a very far cry from the system of publicly-funded, universally

accessible child care for which activists in NAC and the Canadian Day Care Advocacy Association (CDCAA) had long fought.

It is interesting to note that at this point in the history of child care politics in Canada, although activists in NAC and the CDCAA continued to pursue their distinct strategies of lobbying for child care for the benefit of women, in the first case, and children in the second, they clearly worked closely together in trying to block the passage of Bill C-144. Their distinct objectives were reflected in statements issued by each organisation during their campaigns to try and stop the legislation being introduced. For example, NAC's brief to the Legislative Committee on Bill C-144 emphasised, at the outset, how 'women's social and economic opportunities are determined by good access to child care.'¹⁰¹ By contrast, a critique of the Bill, issued by CDCAA, indicated that it would 'be a major step back for children and families in Canada.'¹⁰² Beyond this rhetoric, however, it is clear from both organisation's briefs to the Legislative Committee on Bill C-144 that they shared three principal concerns about the proposed legislation. First, they recognised that the legislation would not lead to the creation of sufficient child care spaces. Second, they feared that far from facilitating a national system of universally-accessible child care, it would put at risk the existing welfare-based provision under CAP and encourage the growth of non-profit child care. Finally, both organisations were concerned that the federal government's fear of invading provincial jurisdiction meant that the proposed legislation meant it had evaded the important issue of ensuring quality child care services at the point of delivery.¹⁰³

At one level, the coincidence in the views of these organisations reflects how key activists within the child care movement were concurrently working on child care issues for NAC.¹⁰⁴ More significant, however, was the shared -- and urgent -- concern of activists in both organisations about the potential

dismantling of the Canadian welfare state, first, through privatisation and, second, through the harmonisation of social programs that might follow if the proposed Free Trade Agreement was signed with the United States.¹⁰⁵

In the period before the 1988 general election, when the debate about Bill C-144 was at its height, the shared concerns of activists in NAC and in the child care movement were, first, to protect child care from commercialisation through individual tax relief and subsidies to the profit-led sector and, second, to stop the replacement of open-ended cost-sharing with federal block grants, allocated for a seven year period.¹⁰⁶ During the 1988 election, which was dominated by the question of free trade, activists in both movements became completely absorbed with the impact that the Free Trade Agreement might have on Canada's social programs. The fear they shared with many activists on the Left was that social programs would be increasingly privatised in order to ensure harmonisation with the United States.¹⁰⁷ Indeed, their concern during the election was that if the Conservatives were returned to power and child care legislation was reintroduced, it could be the first social program in Canada to fall victim to this process of harmonisation.

Even though the Free Trade Agreement was signed with the United States, the focus of activists concern about the potential privatisation of child care took on a new guise in the wake of the 1988 election. As the problems inherent in the Meech Lake Accord began to surface, activists in both NAC and the CDCAA became concerned that if the proposed child care legislation was reintroduced, it might become the first social policy in Canada to fall prey to the provincial opt out clause in Section 106A of the Accord.¹⁰⁸ In the end, activists fears about the 'meeching' of child care were never put to the test. Despite Mulroney's promises in the 1988 election debate that his government would reintroduce child care legislation if elected for a second term of office, neither this legislation nor the

Meech Lake Accord ever came to pass. The Conservatives retreated from their promises on child care through a series of fiscal announcements.¹⁰⁹ And despite every effort of the Prime Minister to save his constitutional 'package', the Meech Lake Accord finally 'went down' on June 23, 1990 in a dramatic provincial filibuster that was reported around the world.¹¹⁰

What is interesting about this period from the vantage point of someone concerned with the way that questions about women's employment opportunities and the provision of child care were driven apart in the federal policy process is that it was not just the conscious decisions of Conservative politicians that encouraged this process. It is clear, as indeed Phillips has noted, that 'few voices in the debate, even the feminist ones, [were] vocally arguing the fundamental point raised by the Royal Commission on the Status of Women and by Judge Abella: Women will never be able to achieve equality without a comprehensive, affordable child care system.'¹¹¹ In short, it appears that the fiscal, continental and constitutional politics which characterised the Mulroney era so absorbed activists in the feminist and child care movements that their energies were consumed by rearguard actions to prevent the under-funding and commercialisation of child care.

Conclusions

Shortly after being elected to office, the 1984 Conservative government was presented with royal commission recommendations that argued very strongly for the need to link the development of employment equity measures with the provision of publicly-funded child care. The Conservatives did not maintain this link in the development of public policies on either issue. Indeed, in addressing the RCEE's recommendations, they not only reverted to the narrow idea of employment equality that the Liberal government had originally encoded in the mandate of the RCEE, but recast the policy options on child care in

conservative rhetoric about the relationship between the family, the market and the state.

In certain respects, however, the Conservatives perpetuated an approach to developing public policies on women's employment that was similar to that pursued by their Liberal counterparts. Despite the fact that women had, once again, used a royal commission to reinforce the links between the development of gender equality in the workplace and the provision of child care, the Conservatives, like the Liberals, failed to acknowledge this link in the subsequent development of public policies. Indeed just as their predecessors had done, the Conservatives claimed that institutional, jurisdictional and fiscal imperatives made it impossible for them to do so.

In short, and like the Liberals before them, the Conservatives found it altogether easier to develop and implement policies concerned with employment equity than those relating to child care. In constitutional terms it remained much easier for the federal government to address issues about introducing employment equity into a federally regulated workforce, than acting in any way that might seem *ultra vires* by invading provincial jurisdiction on questions of child care. In institutional terms the familiar pattern of employment equity being addressed by the Minister of Employment and Immigration, while questions of child care fall within the Health and Welfare portfolio, recurred and helped drive the federal response to Abella's twin concerns further apart. Implicit in the Conservatives' attempt to put a lid on the spiralling costs of child care was a clear recognition that employment equity, particularly in its report-based form, was altogether cheaper than policies concerned with financing the full- or part-time care of Canada's youngest citizens.

However, beyond this series of pattern repeats, the chapter has demonstrated how the Conservative government responded to the RCEE with a framework rooted in neo-conservative ideas about the economy and the family. Deregulation, rather than more regulation, was the order of the day and it was this philosophy that in many respects shaped the Conservatives' response to employment equity and child care. In the case of employment equity, concerns about deregulating the private sector meant that flexibility in designing employment equity plans to meet the business objectives of federally regulated companies was given a higher priority than the development of policies to eradicate employment discrimination within federal organisations. In the case of child care, deregulation took on both a federal-provincial and a state-citizen dynamic. In the first case, the Conservative government ensured the provinces were given complete freedom to set their own conditions for licensing non-profit and commercial child care. In the second, the government subsidised individual parents through tax relief so that they were given the 'choice' to purchase child care or stay home and care for their children themselves.

While the patterns of deregulation appear to be consistent across these two areas of public policy, the Conservatives' approach to questions about women's employment seems to have been contradictory in some respects. On the one hand, they enacted employment equity programs to reduce employment discrimination against women and encourage federally regulated employers to think about the goals and timetables they could reasonably set themselves to increase the representation of women in their organisations' workforces. On the other hand, they developed a National Strategy on Child Care that was rooted in rhetoric about the value of the family as the centre-piece of child care and, despite ministerial lip-service to the contrary, ambivalent about developing policies that would encourage women to abandon the care of their children and take up employment outside their homes.

From the position of the political scientist who has analysed the development of employment equity and child care policies through a period that was dominated by Liberal governments, it has been fascinating and frustrating to see how a Conservative government responded to the recommendations of the RCEE. Fascinating because it has brought to the fore a different set of questions about the extent to which the market and the family should mediate the relationship between the state and its worker-citizens. Frustrating, nonetheless, because we can only speculate about whether a Liberal government might have responded differently to the recommendations of the RCEE. The tensions within the Liberal government that surrounded the Commission's establishment, and the evidence of the Liberals' record on employment equity and child care since they returned to power in 1993, provide some clues. These suggest that although the Liberals might have developed a model of employment equity that made employers slightly more accountable about the anti-discrimination measures they were implementing, they would have kept questions about employment equity and child care firmly apart.¹¹² In addition, the Liberals would have been more reticent than the Conservatives about implementing a National Strategy on Child Care.¹¹³ Steven Lukes would be the first to remind me that 'it is extraordinarily difficult to justify the relevant counterfactual.'¹¹⁴ Nonetheless my argument is reinforced by policy developments in the 1990s, which I discuss briefly in the final chapter.

ENDNOTES TO CHAPTER SEVEN

1. Abella secured two extensions to complete her inquiry. The first, granted on December 22, 1983, extended the RCEE's original time frame of six months through April 30, 1984 (P. C. Order in Council, 1983-4048). The second, granted on April 18, 1984 gave Abella until October 31, 1984 to complete her inquiry (P.C. Order in Council 1984-1390). Correspondence between John Roberts, then Minister of Employment and Immigration, and Rosalie Abella confirmed his reluctance to seek Cabinet approval for this second extension, given that the findings of the Report might then not be released before the next general election was announced. While the formal section of Roberts' letter stated 'I do not feel that I should be going back to my Cabinet colleagues to seek a further extension...in all frankness, I am anxious, as are I know many others, to have the debate begin on your findings and recommendations,' a personal note at the bottom of the letter reinforced the reasons for his concern. It simply said 'Rosalie - We've got to get this out for public discussion or otherwise we risk losing the whole momentum after the election - John'(Roberts, 1984). Some years later, Roberts suggested that Abella may well have sought the additional extension in order to ensure that her report was presented to an incoming rather than an outgoing government (author's interview with Hon. John Roberts, Former Minister of Employment and Immigration, 1983-84, Toronto, April 1997). For discussions of the Conservative's 1984 election victory in which the party won the largest number of seats ever won by a single party in Canadian history, with a majority of seats in every province, see Penniman, 1988 and Feigert, 1996:546-547.

2. Brian Mulroney made this infamous statement in his first major public speech as Prime Minister, delivered to the Economic Club in New York, where he confirmed the demise of the Foreign Investment Review Agency, its replacement with Investment Canada and his government's intention to rescind the National Energy Program (Clarkson, 1985:358). For an analysis of 'The Mulroney Outlook,' that addresses the range of his concerns on taking office, see Bashevkin, 1996: 216-219.

3. Author's interview with Michael Sabia, Policy Adviser to Hon. Flora MacDonald, Minister of Employment and Immigration, 1985-86, Ottawa, September 1986. For more general discussions of the pro-family lobby in Canada, and its operation both inside and outside the federal Parliament see Teghtsoonian, 1993:118-120 and Erwin, 1988. Teghtsoonian also notes that 'the emergence of groups such as the anti-feminist group R.E.A.L. Women and new political parties such as the Christian Heritage Party (at the federal level) and the Family Coalition Party (at the provincial level) in Ontario and, more recently, in British Columbia' reflects patterns inherent in the religiously based new-right in

the United States (Teghtsoonian, 1993:105).

4. Senate of Canada, Proceedings of the Standing Committee on Social Affairs, Science and Technology Issue No.15, October 1, 1988, (Ottawa: Senate of Canada).

5. For a discussion of the Mulroney brand of neo-conservatism see Gollner and Salée, 1988 and Teghtsoonian, 1993; for a discussion of the concept of red-toryism see Christian and Campbell, 1996.

6. Author's interview with Hon. Flora MacDonald, Minister of Employment and Immigration, 1984-86, Leeds, England, December 1990.

7. This leaders debate was held on August 15, 1984. The fact that it was possible for women to bring this debate about (in 1988 their time slot was reduced to one hour in the three hour debate) is indicative of the influence that the organised women's movement had in Canadian politics in the early 1980s. For a fuller discussion of the debate see Kome, 1985:142-146; Bashevkin, 1996:219. For analysis of the equality issues discussed during the debate see Lynch, 1984:B1.

8. The following statement was included in an Ottawa (CP) press wire - for 20 November 1984, reporting the release of the RCEE: 'Prime Minister Mulroney said before the summer election campaign that a Conservative government would ensure that private-sector firms seeking federal government contracts prove they would hire increasing numbers of women to do the work' (CP 1751ES:1).

9. For a fuller discussion of Mulroney's clear commitment to improving the political position of women in both his government and party see Sharpe, 1994: 111-127.

10. Again, in this respect, Mulroney was very different from both Reagan and Thatcher. For a discussion of Reagan's cut backs in the EEOC and Thatcher's marked lack of sympathy for the promotion of women's rights at work see Meehan, 1985.

11. Interview with Michael Sabia.

12. Interview with Michael Sabia.

13. The British comedy to which I refer is Yes Prime Minister by Johnathan Lynn. Quotation from interview with senior cabinet minister conducted by Donald J. Savoie, Ottawa, April 1992. Cited in Savoie 1994:268.

14. As Robert Fulford has noted, in his analysis of the Meech Lake negotiations,

'compromise has been the speciality of Canadian prime ministers for 120 years -- without it they couldn't have kept the country in one piece -- but none of them has compromised with the breathtaking audacity of Mulroney' (Fulford, 1987:5).

15. Aucoin, 1986:17.

16. For further discussions of these three way contrasts see Bashevkin, 1994 and 1996; Savoie, 1994.

17. Interview with Flora MacDonald.

18. Interview with Flora MacDonald. The 1984 General Election saw a larger number of women elected to Parliament than ever before. Even though women accounted for just 10 per cent of the total membership of the House of Commons, the number of female MPs increased from sixteen (in 1980) to twenty-eight (in 1984). The election of more female Conservative MPs was particularly marked. While only two Conservative women candidates had been elected in 1980, a total of nineteen were returned to the House in 1984 (Young, 1997:84).

19. In making this claim I do not wish to insinuate that the employment opportunities of other target groups have been completely overlooked in the process of developing employment equity legislation. However, it is clear from my examination of speeches by politicians who were concerned with the development of employment equity that although the needs of the other three target groups (visible minorities, aboriginals and disabled people) were addressed, they never got as much attention as those of women.

20. This point was reinforced by Flora MacDonald when she described the challenge that faced her as Minister of Employment and Immigration: 'I was trying to come up with a different kind of jobs strategy, but in doing that I wanted to incorporate employment equity all the way' (interview with Flora MacDonald).

21. Canada, Government of Canada, 1985d: 5,10.

22. Ibid.:1.

23. Interview with Flora MacDonald.

24. Canada, Treasury Board, 1985:3.

25. Ibid.

26. Kome, 1985:187.

27. On the separation of pay equity and employment equity at both federal and provincial levels see McDermot, 1986.

28. Canada, Treasury Board, 1985:3.

29. Canada, Government of Canada, 1985:2, 4.

30. Ibid.:4.

31. Ibid.:2. Emphasis added.

32. Figures in parentheses refer to the appropriate section of Table 7.1.

33. As Marsden notes 'more and more firms are contracting out the many aspects of their business which were previously internal -- the newsletter for the company, the personnel process, accounting, research, wordprocessing, catering -- to individuals or small businesses' (Marsden, 1985:15). However, she fails to note that these areas tend to be those in which women are concentrated in low paid, part-time, poorly protected employment and subject, as a result, to several dimensions of systemic discrimination.

34. For details of the four different models see Chapter Six, endnote 120.

35. Canada, Employment and Immigration Canada, 1985b:2. The emphasis that MacDonald placed on public opinion was very different to Abella's argument that public opinion would be insufficient as a method for ensuring enforcement of employment equity (Canada, Royal Commission on Equality in Employment, 1984: 214). However, the reporting requirements in the EEA have given the CHRC the data it needs to identify persistent forms of systemic discrimination in federally regulated organisations (author's interviews with Hanne Jensen and Mr Peter S. Doyle, Commissioner (Employers), Canadian Employment and Immigration Commission, Hull, PQ, December, 1988).

36. Analyses of the implementation of the EEA at a micro-organizational level can be found in Leck, 1990

37. Interview with Michael Sabia. Emphasis in the original.

38. My interpretation of the fact that MacDonald was sympathetic to the idea of developing broad anti-discrimination legislation is derived from her description of the preliminary negotiations with Abella about the type of report she should submit: 'she came to the new government and said 'look I'm in a terrible quandary - I've gone beyond my mandate from the previous minister and I've

done that with nobody riding herd on me. And so I'm out there operating on my own. But I have to prepare a report. You would have the right to say prepare the report under the terms of reference.' And I said 'by all means carry on with what you're doing.' I gave full approval to Rosie, whom I knew well, to take it as broad across the spectrum as she wanted to. So when she brought in her report it covered not just the eleven crown corporations but all federally regulated businesses in Canada, which is what the Bill grew out of.' (Interview with Flora MacDonald).

39. Canada, Royal Commission on Equality in Employment, 1984:257-258 (Recommendations 15-21).

40. *Ibid.*: Recommendations 18-21.

41. Abella's proposals for building pay equity into employment equity can be found in recommendations 32 and 33 (*ibid.*:261). Her concerns about the protection of part-time and domestic workers can be found in recommendations 103 and 107 (*ibid.*: 268). It is interesting to note that the RCEE Recommendation 105 on recognising homework and volunteer work as legitimate employment experience was also a recommendation in the RCSW (*ibid.*; Canada, Royal Commission on the Status of Women, 1970:49). Recommendation 107 of the RCEE argues for the development of processes to deal with sexual harassment in the workplace (*ibid.*:268). Finally, recommendation 83 of the RCEE addresses the need to improve training programs for women re-entering the labour market (*ibid.*:266).

42. This review was carried out in 1991, see Canada, House of Commons Special Committee on the Review of the Employment Equity Act, 1991.

43. Canada, Employment and Immigration Canada, 1986b:2.

44. Canada, Employment and Immigration Canada, 1986d:1.

45. Kornberg, 1985:17.

46. Canada, Employment and Immigration Canada, 1986d:9-10.

47. Bashevkin, 1996:227.

48. Kornberg, 1985: 17; McDermott, 1996:96; Cohen, 1985; Marsden 1985:14.

49. Interview with Flora MacDonald.

50. As Hum has noted, the establishment of the Special Committee meant that

'the Conservative government could safely remain silent on the Cooke Report's recommendations upon its release. By waiting for the House of Commons Committee to conclude its examination of the same questions, the government could chart its course in private while appearing appropriately judicious in public' (Hum, 1989:153).

51. To date, analyses of the Mulroney government's child care proposals have overlooked the question of the extent to which these failed to respond to the recommendations in the RCEE, preferring instead to see the establishment of the Special Committee and the development of the National Strategy on Child Care as a way of recasting the recommendations in the Cooke Report (Phillips, 1989; Hum 1989; Teghtsoonian, 1993). While I would agree that the Conservatives' decision to set up the Special Committee was indicative of their wish to devise policy proposals that differed from those expected from the Cooke Report, the fact that they did this after they had responded to the RCEE by developing employment equity legislation and not developing child care policies does need consideration.

52. Publications highlighting the discrepancy between the Reports of the Cooke Task Force and the Special Committee include Friendly, Mathien and Willis, 1987; Phillips, 1989; Hum, 1989; Teghtsoonian, 1993 and Friendly, 1994. Both Phillips and Friendly make a brief mention of the way that the Report of the RCEE reinforced the demand for child care, but the more general assumption in the literature is that the Special Committee was 'in large measure, a delayed reaction to the 1986 Report of the Task Force on Child Care' (Hum, 1989:154). The impact of the Cooke Report cannot be overlooked in an analysis of the development of the Conservative's child care strategy and has therefore been included in this chapter. The links between the RCEE, the Cooke Task Force and Special Committee also demand exploration.

53. It is important to note that the Liberal (Lucie Pépin) and New Democratic Party (Margaret Mitchell) members of the Special Committee did not wish the Committee to shift the policy agenda away from the recommendations in the Report of the Cooke Task Force. Their differences with the Conservative members of the Committee (whose report forms the basis of my analysis of the Special Committee's recommendations) are recorded in two minority reports Pépin, 1987; Mitchell, 1987.

54. Recommendation 92 of the RCEE stated that 'the ideal childcare system should be publicly funded, of acceptable quality, and universally accessible, though not compulsory' (Canada, Royal Commission on Equality in Employment, 1984:267). Recommendation 1 of the Cooke Report suggested that 'the federal, provincial and territorial governments jointly develop complementary systems of child care and parental leave that are as

comprehensive, accessible and competent as our systems of health care and education' (Canada, Status of Women, 1986:373).

55. Recommendation 93 of the RCEE argued that 'the Canada Assistance Plan is an inappropriate funding mechanism for childcare as it perpetuates the suggestion that childcare is part of the welfare system' (Canada, 1984:267). Similarly, recommendation 16 in the Cooke Report argued that 'the Canada Assistance Plan provisions applying to child care should be subsumed under legislation that governs the new cost-shared financing' (Canada, 1986: 374-5).

56. Recommendation 10 of the Special Committee's Report suggested that 'the federal government introduce a Family and Child Care Act, complementing the Canada Assistance Plan, to provide federal funds for licensed child care centres' (Canada, House of Commons, 1987:87). Indeed, its report emphasised the need to encourage provincial and territorial governments to use of CAP's matching federal funds to promote public provision of child care for low-income parents and ensure that potential beneficiaries were made aware of this program. Recommendation 9 of the Special Committee's Report suggested that 'Health and Welfare Canada encourage the provinces and territories to use existing matching funds available under the Canada Assistance Plan for high-quality, developmental head-start programs for disadvantaged children' (Canada, House of Commons, 1987:86). Recommendation 8 suggested that 'Health and Welfare Canada discuss with the provinces and territories ways and means of publicizing the income levels that currently determine eligibility for day care subsidies under the Canada Assistance Plan' (ibid.).

57. Canada, Royal Commission on Equality in Employment, 1984:267-268.

58. Canada, Status of Women, 1986:373.

59. Canada, Royal Commission on Equality in Employment, 1984:268.

60. Canada, Status of Women, 1986:375. Emphasis in the original.

61. Canada, House of Commons, 1987:3 (Recommendation 2).

62. Ibid.: 85 (Recommendation 3).

63. Ibid.

64. However while the reports of the RCEE (Recommendation 98) and the Cooke Task Force (recommendations 45,50,53) both argued that employers should allow either parent to take five days annual paid leave for child care or family responsibilities, the Special Committee Report made no such recommendation.

65. Recommendation 20 of the Cooke Report suggested that 'all capital costs of child care facilities incurred either by employers on behalf of employees, or by owners of revenue producing property shall form a new and separate class of depreciable property under the Income Tax Act, with a capital cost allowance rate of 100 per cent' (Canada, Status of Women, 1986:375). Recommendation 21 of the Cooke Report suggested that 'the provision by an employer of a child care benefit to employees (whether in the form of cash payments, facilities or services) should *not* be considered a taxable benefit so long as (i) the services are provided in a licensed program; and (ii) the benefit is available to all employees, of whatever rank, within the employer's organization, whether or not all such employees avail themselves of the benefit' (ibid). Recommendation 25 of the Special Committee Report suggested that 'amendments be introduced to the *Income Tax Act* to authorize for a period of three years from the date to be specified by the Minister of Health and Welfare, a 100 per cent Capital Cost Allowance for expenditures to provide new child care spaces by employers for their employees in the year in which such costs are incurred, with the provision that should these spaces not remain available for their intended purpose for a period of five years, this Capital Cost Allowance may be revoked in full' (Canada, House of Commons, 1987:90).

66. Recommendations 22 and 23 of the Cooke Report called upon the federal government 'to provide an example to other Canadian employers by announcing a policy of establishing child care centres in federal government buildings wherever numbers warrant [and ensure that] new resources be provided to departments to fully equip these new centres'(Canada, Status of Women, 1986:375). Recommendation 24 of the Cooke Report called on the Minister of National Defence to 'establish licensed child care programs on each Canadian armed forces base in Canada and abroad, and to provide at least the same level of financing to these programs as is provided for other government employees' (Ibid). Recommendation 25 of the Cooke Report suggested that 'when a member of the armed forces, who is also a single parent, is serving in a capacity that requires him or her to be separated from his or her children, the Department of National Defence underwrite the *full* cost of care for that member's children during the period of duty' (ibid.:376). Recommendation 27 of the Special Committee suggested that Treasury Board 'encourage establishing and equipping child care centres in federal buildings where feasible and where there are sufficient numbers of employees who will need and use the service' (Canada, House of Commons, 1987:90). Recommendation 22 of the Special Committee proposed that 'the Department of National Defence promote, where needs warrant, the establishment of family resource programs on armed forces bases' (ibid.:89).

67. Canada, Health and Welfare, 1987:6.

68. Ibid.

69. Ibid.

70. Canada, Health and Welfare, 1987:2.

71. Ibid.:5.

72. Ibid. This increase was to be phased in at \$100 per year in 1988 and 1989.

73. Ibid:2.

74. The range of projects for which this fund was intended included 'child care problems related to shift-work, part-time employment and entry or re-entry into the labour force' as well as those concerning services to Native children, 'headstart' programs for children with special needs and the development of non-profit, community based child care services' including parent resource centres (ibid.:4).

75. Ibid.:5.

76. Ibid. An additional \$940 million was added to this budget in July 1988.

77. Ibid.

78. Ibid.

79. Ibid. The National Strategy claimed that this statement was important because 40 per cent of existing licensed child care spaces in Canada were in the commercial sector.

80. Ibid.:1.

81. Ibid.

82. Ibid.

83. Canada, Employment and Immigration Canada, 1987a:2.

84. Canada, Status of Women,1987: 2.

85. Ibid.

86. Canada, Health and Welfare 1987b:3.

87. As he noted, in his analysis of the National Strategy, 'first, it would appear that working parents have no greater claim to consideration than parents in general, including those who choose to stay at home with their children, or those who employ informal day care and do not have receipts. Second, the federal government can remain agnostic on the issue of whether the child-care strategy is to address the needs of the working parent or the custodial requirements of the child. By accommodating all parents without distinction, the strategy is conveniently left standing as a matter of parental choice whether one chooses to work or not, and whether one chooses formal child care or not' (Hum, 1989: 161).

88. For further details of these initiatives see Hum, 1989:160, Phillips, 1989:174-80.

89. The extra \$60 million to Indian reserves was introduced in direct response to the Native community; the extra \$940 million for the Canada Child Care Act budget was allocated after preliminary negotiations with Ontario revealed gross underestimate of costs for funding 200,000 places (Phillips, 1989:167, 199).

90. Canada, House of Commons, 1988:1.

91. In the case of very poor provinces or territories the federal government was, for a temporary period, prepared to provide up to 90 per cent of the capital costs to help create new non-profit spaces (Phillips, 1989:183).

92. As Phillips has noted 'this ceiling convert[ed] the open-ended cost-sharing arrangement of CAP into the equivalent of negotiated block funding grants' (Phillips, 1989:183).

93. Canada, House of Commons, 1988:5.

94. House of Commons, *Debates*, August 11, 1988: 18184.

95. *Ibid.*: 18187.

96. *Ibid.*

97. Phillips, 1989:173.

98. House of Commons, *Debates*, August 11, 1988: 18187.

99. The resistance of provincial ministers is recorded at *Ibid.*: 18186. In view of this it is interesting that no provincial ministers openly criticised the National Strategy or Bill C-144, although, as Phillips notes, Connie Osterman, the Social

Services Minister in Alberta did express some concern about federal infringement on provincial jurisdiction when the Bill was introduced into Parliament (Phillips, 1989:199).

100. Author's interviews with Sue Colley, Director of the Ontario Coalition for Better Child Care Ontario Coalition on Child Care, Renée Edwards, Member of the Cooke Task Force and Martha Friendly, Director of the Ontario Childcare Research and Resource Unit, Toronto, December 1988.

101. National Action Committee 1988b:1

102. Canadian Day Care Advocacy Association, 1988:1.

103. National Action Committee on the Status of Women, 1988b; Canadian Day Care Advocacy Association, 1988b.

104. When Bill C-144 was introduced, Sue Colley, a key activist in the Ontario Child Care Movement, was serving as Treasurer of NAC and became one of the principal spokespeople for NAC on child care issues (National Action Committee on the Status of Women, 1988a). Similarly, Tricia Willis, an activist in the child care movement co-authored NAC's brief to the legislative committee on Bill C-144 (National Action Committee, 1988b).

105. On the broader debate about social programs during the 1988 election see Hum, 1989:152.

106. See National Action Committee, 1988b; Friendly, 1994:175.

107. Opening Remarks, Annual Conference, Ontario Coalition for Better Child Care, Delta Inn, Toronto, October 1988. Interview with Martha Friendly.

108. Section 106A was the clause of the MLA which proposed that provincial governments could opt out of national shared-cost programmes with appropriate financial compensation to develop their own social policies within broad national objectives. For discussions of this point see Phillips, 1989; Hum, 1989 and Teghtsoonian, 1993.

109. In the first budget following the re-election of the Conservative government Minister of Finance, Michael Wilson, announced a deferral of the Conservative government's pledge to create new child care spaces. On the grounds that the government would make a saving of \$175 million in 1989-90 and a further \$195 million in 1990-91 he declared that 'the government is not in a position to proceed with [the National Strategy on Child Care] at this time' (Bach and Phillips, 1997). The government's final decision to abandon the National Strategy was made in

February, 1992 (Harder, 1995).

110. On the failure to ratify the Meech Lake Accord see Russell, 1993.

111. Phillips, 1989:197-198.

112. See, for example, Canada, House of Commons Special Committee on the Review of the Employment Equity Act, 1991 and Canada, House of Commons, 1996.

113. Bach and Phillips, note how 'in its 1996 self-report card, *A Record of Achievement*, the Chrétien government acknowledged child care as an unfulfilled promise' (Bach and Phillips, 1997:235).

114. Lukes, 1974: 46.

CONCLUSIONS AND DIRECTIONS FOR FUTURE RESEARCH

This thesis has examined the emergence and construction of employment equality and child care policies during a period of Canadian history that witnessed the development and institutionalisation of a federal welfare state. While it has considered the forces in post-war Canadian society that foregrounded the development of these two policy issues in recent decades, it has focused on their emergence and construction in the twenty-one years between 1967 and 1988.

This period was characterised by significant changes in the way that Canadians defined their political community, and in the relationship between citizens and the federal state. It not only witnessed the hey-day and crisis of the Canadian welfare state, but saw the emergence and institutionalisation of second-wave feminism.¹ While organised feminism arose within the context of a broader social project to achieve universal welfare guarantees, assured by the federal state, it also challenged the concept of worker-citizenship that underscored this state form. In particular, it challenged the liberal conception of equal opportunity on which ideas about worker-citizenship were grounded, arguing that gender equality in the sphere of employment would never come about if male-defined norms about equal opportunity and anti-discrimination were simply extended to include women. Rather, and in many respects foregrounding the contextualised approach to sex equality that feminists developed in the 1980s after the Charter of Rights and Freedoms had been introduced, feminists argued that the particular context in which most women assumed employment had to be acknowledged before they could enjoy the

benefits of worker-citizenship to the same degree as men.²

While the institutionalisation of second-wave feminism was crucial to the advancement of this critique, I have argued that it was the federal government's decision to set up royal commissions -- on the status of women and on equality in employment -- that opened up a critical space in which women could publicly articulate how workplace discrimination and the limited provision of child care worked, in tandem, to constrain their employment opportunities. However, despite the fact that women advanced this double-edged critique in briefs submitted not only to the Royal Commission on the Status of Women (RCSW) in the late 1960s, but also to the Royal Commission on Equality in Employment (RCEE) in the early 1980s, the federal government has never allowed the connection between these two issues to be fully absorbed into public policy.

I have shown that despite women's repeated efforts to link the issues of employment equity and child care together in briefs to these commissions, they have not only been driven apart in the federal policy process, but received uneven treatment from the federal government. Women's concerns about sex discrimination in the workplace and the inequality of their employment opportunities vis-à-vis those of men have been addressed by federal governments through the gradual development of equal opportunity, anti-discrimination and employment equity policies. By contrast, their concerns to ensure that policy innovations in these areas were matched by the development of a national system of quality child care have not been realised. Despite the development of universal social policies in the fields of education, family allowances, old-age security and health care, demands for universal child care have consistently fallen on stony ground.³ Even though most young children now experience non-parental care, because one or both of their parents are engaged in paid employment or training, the vast majority of Canadian children

receive this care in unregulated child care spaces. Moreover, the child care 'system' that has evolved is one that, although subsidising child care provision for low-income families, rests primarily and increasingly on tax relief and tax credits to assist individual parents with the purchase of care for their children.⁴

The rest of this conclusion is divided into six parts. The first offers readers a post-script that outlines the key developments in the fields of federal employment equity and child care policies since 1988. The next two sections highlight the major contributions this thesis makes to feminist critiques of the welfare state and our understanding of the role of royal commissions as critical sites in which citizens construct their priorities for policy change. The fourth part considers the factors that have shaped the federal policy response to women's demands for employment equality and child care showing not only why these two issues have been driven apart in the federal policy process, but also why they have received such uneven treatment from the federal government. The fifth section reviews the principal questions this thesis raises for future research, and my concluding reflections consider two implications of this study.

Policy Developments since 1988

The development of federal employment equity and child care policies since 1988 has occurred in an era that has seen significant downsizing of the Canadian welfare state. Nonetheless, the distinctive and uneven development of policies in these two policy fields has continued, reflecting the pattern of policy evolution identified in the main body of this thesis. The uneven pattern of policy development -- whereby employment equity policies command a higher profile in the federal policy arena than those concerned with child care -- is not

surprising, given the pattern of policy development prior to 1988. However, the federal government's continuing inability to link these two areas of public policy together is particularly unfortunate given that both policy areas were embraced within the new super-department of Human Resources Development Canada (HRDC).

The Development of Employment Equity Policies 1988-97

The incremental development of federal employment equity legislation over this nine-year period has occurred in three phases. First, as mandated by section 13(1) of the 1986 Employment Equity Act (EEA), the provisions and operation of the legislation were reviewed by a special parliamentary committee in 1991, five years after the act had come into force. Second, the passing of the 1992 Public Service Reform Act made employment equity mandatory in the federal public service (FPS). Finally, unlike on questions of child care, the Liberal government actually kept their 1993 election promise to amend the EEA, a process that was completed when Bill C-64 received royal assent on December 15, 1995.⁵

The 1991 Review of the EEA set a number of reforms on course. Chaired by John Redway, the House of Commons committee that conducted the review recommended that the federal government expand the remit of the EEA to cover most government employees and federally regulated organisations with more than seventy-five employees.⁶ More significantly, it laid the groundwork for the eventual introduction of a process whereby employers would be required to report, not just on their goals and timetables for implementing employment equity, but also on the procedures they were developing to realise them.⁷ However, while the parliamentary review process was set up by a Conservative government, in accordance with the stipulations it had encoded in the EEA, 'the

politically charged atmosphere in which the Committee's recommendations [were] received' meant that the government ignored its own committees recommendations.⁸ Indeed, Monique Vezina, who was Minister of Employment and Immigration when the Redway Report was published, did 'nothing more than perpetuate the status quo.'⁹

Ironically, it was Lloyd Axworthy, in his new capacity as the first ever Liberal Minister of Human Resources Development, who brought about his government's promised amendments to the EEA by overseeing the development of Bill C-64. Although this chapter of employment equity history has gone unheeded in the academic literature, a brief comparison of the original legislation (Bill C-62) and Bill C-64 reveals both the nature and the extent of the amendments the Liberals made to the Conservative government's legislation.

The Liberals did introduce some of the changes that the 1991 parliamentary review had suggested. The most obvious of these was the expansion of the remit of the EEA. While Bill C-62 had been limited to federally regulated organisations employing 100 or more people, Bill C-64 included the FPS, the Royal Canadian Mounted Police, and the Canadian Armed Forces. Contract compliance measures were kept distinct. However, as with the federally regulated employers included in Bill C-64, expectations about their duties to implement employment equity changed quite significantly.

Fundamental to Bill C-64 was an expectation that employers would not simply set and report their achievement of numerical goals for the hiring of 'target group' members (as Bill C-62 had required), but also identify and report their progress in implementing policies and practices to remove barriers to their

hiring and promotion. While clearly an improvement on Bill C-62, in the sense that it linked the projection of quantifiable goals to the implementation of organisational policies, the legislation still made employers the key agents for developing and implementing employment equity programs. Only when the 1997 Employment Equity Reports are released will we be able to tell whether the emphasis on qualitative as well as quantitative goals makes any difference to the way that federally regulated employers tackle employment equity.¹⁰

While the passing of Bill C-64 means that federally regulated employers are required to be more self-conscious in the design, implementation and monitoring of employment equity measures, it is also clear that the government's expectation of what employers could achieve was shaped by the culture of restructuring and the backlash against employment equity that had taken hold since the introduction of Bill C-62. It is a sign of the times in which Bill C-64 was developed that the legislation protects employers against having to introduce measures that would cause economic hardship or (in the FPS) negate the principle of appointment on the basis of qualification and merit. In addition, the legislation did not require employers to meet any form of quota or have to develop employment equity targets that were out of line with labour market projections.¹¹

The other important way in which Bill C-64 superseded Bill C-62 was to clarify the roles of the Canadian Human Rights Commission (CHRC) and the Minister of Human Resources Development. As I mentioned in Chapter Seven, clarification did seem to be necessary as certain conflicts had begun to emerge between CHRC and the Canadian Employment and Immigration Commission in the course of developing their work in response to Bill C-62. Specifically, Bill C-

64 gave the CHRC systematic powers for reviewing reports, securing compliance and, in cases where this failed, referring the matter to a special Employment Equity Tribunal. By contrast the Minister for Human Resources Development was given powers to publicise the new legislation, research its impact and oversee the Federal Contractors Program.

Despite these amendments the fundamental goal of the legislation did not change. The second clause of each bill stated that the principal objective of the legislation was to 'achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability.'¹² Moreover, both bills declared that they were designed to 'correct the conditions of disadvantage experienced by women, aboriginal peoples, persons with disabilities and persons who are, because of their race and colour, in a visible minority in Canada by giving effect to the principle that *employment equity means more than treating people in the same way but also requires special measures and the accommodation of differences*.'¹³ However, despite this lip-service to difference, no specific measures to recognise the particular context in which women or members of the three other target groups took up and continued with paid employment were built into the legislation.¹⁴ Indeed, as I turn now to consider the development of child care policies in the late 1980s and 1990s, it is clear that even though a considerable time had elapsed since the connection was first made in the Royal Commission on the Status of Women (RCSW), neither Conservative nor Liberal governments were prepared to recognise how the provision of child care would affect the degree of employment equity that women in all of these target groups could enjoy.

Child Care Policy 1988-1997

While the Conservative and Liberal responses to the development of employment equity policies during this period can be distinguished, their actions in the field of child care have proved to be remarkably similar. Despite the fact that both parties issued election promises to create more child care spaces through increased federal funding, neither the Conservatives nor the Liberals were able to stand by their promises. The second Mulroney government beat a gradual retreat from its 1988 election promises to implement the National Strategy on Child Care during its second term in government. In the first budget after the election the Minister of Finance, Michael Wilson, announced that in view of its deficit-reduction priorities 'the government is not in a position to proceed with [the National Strategy] at this time.'¹⁵ In March 1990 the federal government reduced the amount of money made available to the three wealthiest provinces under the Canada Assistance Plan (CAP).¹⁶ Finally, in February 1992 the Minister for Health announced that on grounds of fiscal restraint the Tories had no option but to abandon the National Strategy on Child Care.¹⁷

Although the Liberals came to power in 1993, declaring that 'Canadians with young families need a support system that enables parents to participate fully in the economic life of the country,' their promise to allocate \$720 million to a federal-provincial shared cost program in order to expand child care spaces by over 150,000 never materialised.¹⁸ Although the Liberals claimed to be developing 'a fiscally responsible program to increase the number of child care spaces in Canada' they indicated that the funding would be allocated over a specified three-year period, and emphasised that this objective could only be realised if the federal government secured a 3 per cent annual growth rate and

'the agreement of the provinces'.¹⁹ In addition, the Liberals promised 'to work with the provinces and the business community to identify appropriate incentives for the creation and funding of child care spaces in the workplace,' an objective that could in part have been addressed in Bill C-64.²⁰

Although, as Bach and Phillips have noted, the allocations for child care in the 1994 federal budget made it seem that the Liberals' election promise would be realised, in fact the restructuring of federal-provincial fiscal relations that accompanied the 1995 budget announcement of the Canada Health and Social Transfer (CHST) meant that most of the allocations were subsequently withdrawn.²¹ Moreover, even though the Red Book proposals had, initially, been designed as a top-up to CAP, the Liberals shortly replaced CAP altogether.²²

Even though the plan was never realised, Bach and Phillips suggest that Lloyd Axworthy, in his capacity as Minister of Human Resources Development, tried to ensure its implementation. Whether or not his announcement of this plan on December 13, 1995, two days before Bill C-64 received royal assent, was an attempt finally to make some kind of symbolic link between employment equity and child care, is a question for future research. In any event, as Bach and Phillips argue, his departure to Foreign Affairs and his replacement at HRDC by Doug Young meant that the political will to keep child care high on the department's agenda disappeared.²³ Moreover, the possibility of any such shared-cost program being realised receded when the Liberals announced in the 1996 Throne Speech that 'the Government will not use its spending power to create a new shared-cost jurisdiction.'²⁴

With the creation of the CHST, the Liberals embarked on a radical restructuring of the federal welfare state. The CHST shifted child care funding for poor children away from the open-ended scheme of CAP to block grant funding for provincial welfare services. The fears amongst child care activists, when the National Strategy was announced, that funding for child care would actually be reduced when block-funding superseded cost-sharing have become a reality. Not only have federal transfers to the provinces declined in real terms under the CHST, but child care has been adversely affected because the transfer covers a number of services and does not require the provinces to spend these funds on specified services.²⁵

While the Conservatives were in office, activists and members of the Liberal opposition berated the government for not taking up some of the major recommendations of the RCEE and the Task Force on Child Care.²⁶ However, when the Liberals returned to power in 1993, they followed some aspects of the previous Conservative government's Strategy on Child Care. Notably, they began to advocate the creation of child care spaces in the commercial as well as the state sector:

The objective of the Liberal policy on child care is to create genuine choices for parents by encouraging the development of regulated child care alternatives. In addition, Liberals support the principle of basing fees on the parents' ability to pay.²⁷

The Liberals have encouraged this process through four policy developments. First, they have maintained the Child Care Expense Deduction (CCED), raising the age limit to 16 in 1996.²⁸ Second, they have replaced the Conservative government's Child Tax Credit with the Canada Child Tax Benefit in order to lay 'the preliminary foundation for...a national benefit system in Canada that will

eventually integrate federal and provincial benefits.²⁹ Third, they have increased the Working Income Supplement to 'encourage people to move from welfare to work by offering income supplements to working-poor families.'³⁰ Finally, they have introduced the Young Child Supplement to give 'direct child care assistance [of \$213 per child] to parents with children under the age of seven who have not claimed child care expenses under the CCED.'³¹

Although the balance between them has varied slightly, three factors have underscored the Conservative and Liberal tax initiatives. First, both governments have increased the role of parents as purchasers of child care, subsidising them directly to carry out this role. Second, both governments have mixed progressive and regressive forms of taxation to achieve this goal. Third, even though their policy statements have not been matched by the dollar injection that would be necessary to bring about its eradication, both governments (and indeed their provincial counterparts) have emphasised the importance of using child care to address child poverty. However, what this new focus on child poverty masks is that behind every poor child there is, more often than not, a poor, badly paid mother experiencing the ramifications of employment inequality.

Although Axworthy's actions as Minister of Human Resources Development indicate that the current Liberal government will do little more than pay lip-service to the link between employment equity and child care, the creation of HRDC does merit brief attention. This super-department, which was conceived by the Conservatives and came into effect under the 1993 Liberal government, not only absorbed the welfare functions that formerly belonged to the Department of National Health and Welfare, but also the functions of

Employment and Immigration Canada, which then ceased to exist.³² While the politics behind its creation suggest that the department was created to draw labour market policy and unemployment insurance into one ministerial portfolio, the Minister, almost by accident, also has significant control over the development of employment equity and child care policies. Therefore, the Liberals, more than any previous federal government, now have the institutional capacity to link issues of women's employment and child care together. I suspect, however, that the jurisdictional imperative of not invading areas of provincial control, the fact that responsibility for employment equity is now shared with the CHRC, the bureaucratic divides that emerge in any super-department and the residual resistance to seeing child care as a public service rather than a welfare resource, particularly in an era of intense fiscal restraint, will pre-empt such an outcome. The one ray of hope is that now that child care, higher education, training and employment issues are all located in one department, it is possible that federal governments will come to see young children as potential worker-citizens, who are worth investing in before they reach school-age.

The Gendering of Worker-Citizenship in the Canadian Welfare State

My analysis of employment equality and child care policies in Canada enhances current understanding about the gendering of the Canadian welfare state and the paradigm of worker-citizenship that was ascendant at the point of its creation.³³ In addition, it brings to light the problems that Canadian women experienced when they sought to transpose their civic status from one that focused on their role as mother-citizens to that of worker-citizens.

Although the development of a welfare state took longer in Canada than in some other liberal democracies, when this new state form took root immediately after the Second World War, it was designed to pre-empt a return to the devastation of the Depression and forge links between individual citizens and the federal state. Both objectives were to be met through the development of universal social policies which, in principle, could be enjoyed by all citizens regardless of their class or region. However, despite the universality of the income maintenance policies developed after World War II, the duties that citizens were called on to undertake were gender-specific. Male citizens were expected to *go out to work* in order to earn a family wage and create the wealth to underwrite the welfare state. By contrast, even though the generalisation did not hold true for single and working-class women, female citizens were expected to *stay home and care*, not only for their children, but also for their husbands when they returned home from paid work.

I have argued that a variety of factors gradually worked together to undermine the gendered assumptions about citizenship that underscored the creation of welfare states. First, the domesticisation of female citizenship did not reflect the reality of all women's lives. Second, the very creation of welfare states soon began to generate a demand for female labour to service them.³⁴ Third, women's collective memories of the benefits of working for pay (with child care support) during the war, combined with the increasing need for them to help generate the family wage, encouraged more and more women to seek paid work outside the home. Finally, though expressed to date as the frustration that 'the second sex' experienced in being confined by 'the feminine mystique,' there was a growing awareness amongst women that their construction as mother-citizens prevented them from enjoying the benefits attached to worker-citizenship.³⁵

Indeed, I would argue that the intensification of this awareness, in the early 1960s, explains why women's demands to be able control their reproduction and enjoy the same employment opportunities as men figured so prominently in the early stages of second-wave feminism.

While many of these arguments are well established in feminist critiques of welfare states, I have highlighted how Canadian women's demands for equal employment opportunities with men were rooted in their desire for inclusion in the paradigm of worker-citizenship that was ascendant in the 1950s and 1960s and underscored the development of liberal welfare states. This held that male citizens had to work, not only to support their families, but also to underwrite the new welfare provisions that the state would provide to those who for reasons of age, gender, health or unemployment were unable to engage in paid employment.

The argument I advanced in Chapter Two expands current wisdom about the origins of Canadian women's demands for equal employment opportunities with men. To date, most analyses of contemporary policies to promote gender equality in employment locate their origin in the demands voiced by women during the Royal Commission on the Status of Women (RCSW). While my analysis affirms the significance of this Commission in the articulation of women's demands, it also situates the RCSW, for the first time in the Canadian literature, within broader debates about the extension of worker-citizenship. In so doing I demonstrate how Canadian women's demands for equal employment opportunities with men were shaped and constrained by the gendered assumptions that underscored this paradigm.

I show how women sought equal employment opportunities with men in order that they, too, could assume the rights and responsibilities attached to worker-citizenship. In addition I clarify just how difficult it was for women to insert their particular demands for child care into a policy framework that sought, first, to ensure the equal treatment of worker-citizens and, secondly, to extend civic rights to newly recognised groups of worker-citizens on terms that had already been framed by a white, male norm. Moreover, by situating the RCSW within this broader debate about extending worker-citizenship I bring to light one of the key, historical reasons why policies to promote the equal treatment of men and women within the workplace have been developed so much more easily than those concerned with acknowledging how the context in which men and women enter the world of paid work can make their employment opportunities unequal.

The final way in which the thesis contributes to feminist critiques of the welfare state is that it has demonstrated how women's linked demands for equal employment opportunity and child care policies have been kept apart in the two worlds of employment policy and family policy.³⁶ While developments in the first sphere have shown that the Canadian state was prepared to respond to some of the demands from women so that they could become more like men in the world of paid work, policy developments in the second sphere reveal the federal government's ambivalence -- for fiscal, jurisdictional and, at times, ideological reasons -- about encouraging women to relinquish the care of their children in order to work outside the home.³⁷ Indeed the pattern of policy development highlights how the Canadian federal government has been more willing to promote equal employment opportunities for men and women by regulating the labour market than by intervening in the domain of the family to promote the

provision of child care.

Engendering Royal Commissions

At the core of this thesis is an analysis of the critical role that both the RCSW and the RCEE played in transposing women's concerns about the gendered nature of their employment opportunities into the federal policy arena. I have shown not only how women used these commissions to link together their concerns about employment opportunity and child care, but also how the commissioners who conducted these inquiries actively encouraged this process. In each case women made strong claims that in order to participate in the paid workforce and enjoy the status of worker-citizenship to the same degree as men, assumptions that they were, first and foremost, mother-citizens had to be revised. Moreover, by including in each report clear recommendations that the federal government link the development of employment opportunity policies for women with the provision of a national system of child care, the Commissioners pushed the federal policy agenda well beyond the mandates they had originally been given.

The federal government's failure to respond to the double-edged recommendations of both the RCSW and the RCEE does raise serious questions about the ability of royal commissions to reset the federal policy agenda. Both these Commissions were designed to ascertain how governments might develop policies that would not only enhance the status of women as worker-citizens, but also improve the country's economic productivity. I have shown how, in each case, the Commissioners took the federal government's concern about linking the pursuit of gender equality with the promotion of economic efficiency and argued that -- in the case of women -- neither of these objectives could be

achieved unless governments considered how women's responsibilities for child care shaped their employment opportunities. In the process the Commissioners not only radicalised and engendered the federal policy agenda but undermined established assumptions about the best way to include women within the male-defined paradigm of worker-citizenship.

This conclusion reinforces Jenson's observation that royal commissions have often 'taken on a life of their own and produced recommendations not at all to the liking -- or the expectations -- of the government that appointed them.'³⁸ However, it also raises serious problems about the way that federal governments ignore or deflect the more radical recommendations of royal commissions through a series of non-decisions.³⁹ My own conclusion, drawn from examining the policies that were developed in the wake of the RCSW and the RCEE, is that the federal government kept its policy response narrowly framed within the equity-efficiency paradigm in which the commissions' mandates were rooted. While this was a double-edged response of a kind, it was certainly not one that traversed the boundaries of the public and domestic domains in the way that the Commissioners had recommended.

In many respects these conclusions reinforce the arguments that were advanced by Bachrach and Baratz when they first examined the two faces of power.⁴⁰ However, my examination of the way that women's concerns about employment inequality have been channelled into the federal political arena through royal commissions broadens previous understanding about issue emergence and construction in three significant ways. First, it emphasises the importance of examining the processes of issue-raising and agenda-setting at national as well as local community levels. Second, it has demonstrated how

even though royal commissions are established with fairly specific mandates to explore and set agendas around particular policy issues, they can become political arenas in which the multi-dimensional nature of those very issues is brought to light. Finally, it has demonstrated the value of revisiting the ideas contained in the community power debate and evaluating them through a feminist lens. Built into the community power literature was an assumption that the researcher had to establish who gained and lost out at each stage in the policy making process. My research has indicated that women have lost out because the double-edged recommendations of royal commissions were deflected away from the federal policy agenda through a series of non-decisions. Nonetheless, it has also shown how the commissions themselves served as critical public arenas in which women were able to challenge their construction as mother-citizens and put on record their own understanding of the pre-conditions for enjoying worker-citizenship with men.

Although royal commissions do not always lead to the policy outcomes that their commissioners recommend they, nonetheless, provide textual coherence to policy connections that might otherwise not be made. Indeed, returning to the arguments by Lukes that I discussed in Chapter One, it is interesting to note that while royal commission recommendations can be deflected away from the government's policy agenda, royal commissions themselves can actually encourage people's awareness of inequalities and their desire to challenge them. Although, as I suggest later in this chapter, this is an area for future research, I would argue that these connections are advanced through royal commissions, first, because they are established to examine policy problems that cannot be resolved or developed through the normal channels of federal policy making and, second, because they enable citizens who might otherwise be marginalised

in policy development to be directly involved in the shaping of policy agendas that affect their daily lives.

While my research provides grounds for optimism about the potential of royal commissions to empower citizens and engender public discourse, it also signals specific ways in which the role of royal commissions needs to be re-evaluated. First, greater attention needs to be paid to the question of whether by encouraging citizens to provide oral and written testimony royal commissions have a contradictory impact on Canadian democracy. On the one hand -- while their inquiries are in process -- royal commissions can act as crucial mechanisms to affirm the relationship between citizens and the state. On the other hand, they may raise citizens' expectations about potential policy developments beyond a level that can be realised either within the ideological framework of the government that receives their reports or within the jurisdictional, fiscal and institutional parameters of the federal (or provincial) policy system.

My research suggests that the federal government needs to pay greater attention to the mechanisms through which the recommendations of royal commissions are processed. Whatever the limitations of its response to the RCSW in the 1970s, the establishment of the Interdepartmental Committee (IDC) to consider the implementation of the Report did have a significant impact on the extent to which different policy recommendations were addressed in Ottawa.⁴¹ In addition, Paltiel's insistence that citizens and bureaucrats work together on questions of policy development and innovation may be a way of preventing the civic disjuncture between participation in royal commissions and non-participation in the subsequent development -- or non-development -- of public policy. While it is frustrating that the IDC did not maintain the links

between employment opportunity and child care that Florence Bird and her colleagues had established in the Report of the RCSW, the institutional model would be worth reviving in order to improve federal responsiveness to the recommendations of royal commissions.

The relationship between the recommendations of a royal commission and their impact on public policy is not, however, simply the responsibility of the federal government. Royal commissioners themselves need to pay more attention than they appear to do at present to the institutional, fiscal and jurisdictional ramifications of their recommendations. The point is particularly important when we consider how the links between employment equity and child care, which were made explicit in the Reports of both the RCSW and the RCEE, were quickly severed after each report was submitted to the federal government.

Royal commissions provide wonderful opportunities to bring disparate ideas together in a coherent narrative. In short, while it may be healthy for any democracy to have periods when the potential policy agenda is broadened out in order to be honed down with the benefit of new insights, greater attention needs to be paid to the most effective and democratic way in which their recommendations can be addressed within the policy-making process. It may, indeed, be time to have an inquiry into the process of royal commissions themselves.⁴²

Explaining why questions of employment equality and child care have been driven apart in the federal policy process.

One of the central concerns of this thesis has been to explain why questions about employment equity and child care have been driven apart in the federal policy process and, despite the recommendations of two royal commissions, received such uneven treatment by the federal government. In this section I draw conclusions about the institutional, interest-based and ideological explanations for these patterns of policy development.

Institutions: Federalism and the Federal Policy System

Although this thesis has focused exclusively on the federal government's response to questions about employment equity and child care, it has inevitably run headlong into the interaction between federalism and federal policy development.⁴³ One of the primary reasons why the federal government found it so much easier to address questions of employment equity than those of child care was that the former policy area could be neatly contained within its own jurisdiction.⁴⁴ By contrast, although they approached the problem in different ways, both Liberal and Conservative governments found that their potential to act on questions of child care was constrained by jurisdictional factors: child care, whether defined as welfare or education, is a provincial responsibility. The federal government's role is therefore limited to the use of its spending power.

Issues of jurisdictional control certainly made it easier for the federal government to develop equal opportunity and anti-discrimination policies within its own sphere of influence than to negotiate cost-sharing agreements for state-subsidised child care with ten provincial and two territorial governments. However, I would argue that this jurisdictional imperative masks fiscal sources

of resistance to child care at work in both Liberal and Conservative governments. Child care remains a much more expensive policy area to develop than that of employment equity. This point is especially true if we consider how the development and implementation of employment equity programs has been downloaded so that individual employers, rather than the federal government, are responsible for both aspects of employment equity policy. Fiscal factors also explain why both parties have used individual tax relief rather than the direct subsidisation of services as a method of financing child care provision for the majority of children.

Institutional forces within the federal government have also encouraged the distinct rather than related treatment of these two policies. With the exception of the Interdepartmental Committee that followed the RCSW, it has been individual federal government departments that have or have not responded to the recommendations of the royal commissions. As we saw in Chapters Four and Five, the driving force behind the development of equal opportunity and anti-discrimination policies, within the federal arena, came either from Employment and Immigration Canada (CEIC) or from the Canadian Human Rights Commission (CHRC), the two agencies within the federal policy system that almost embody the tension between the economic and developmental strands of Canadian liberalism that has so often shaped the federal policy response to issues raised in these royal commissions. Indeed, as I demonstrated there and intimated in my postscript, the competition to develop policy innovations that seems to characterise the bureaucratic relationship, first, between CEIC and the CHRC and, more recently, between HRDC and the CHRC, has spurred on the development of federal employment equity policies.⁴⁵

By contrast, despite the efforts of activists and royal commissioners to broaden the provision of child care beyond the realm of welfare policy, until recently it was the Department of National Health and Welfare that retained control over this area of federal policy. While public statements issued by Ministers Responsible for the Status of Women suggest that Status of Women Canada attempted to serve as the link between departments pursuing these different policies, the power of that department within the federal government was never strong enough to keep issues of employment equality and child care connected together in the federal policy process.⁴⁶ Moreover, as my post-script on developments since 1988 revealed, even with the absorption of employment equity and child care programs into HRDC, the two policy areas have been kept distinct within the super-department. Indeed they are likely to remain so given the way that Bill C-64 clearly set the primary responsibility for implementing employment equity within the CHRC.

Interests: Women's Demands and Women's Organisations

I have also shown, in a way that has not been suggested before, that although individual and organised women have repeatedly articulated the link between employment equality and child care, the distinction between these two issues was reinforced in the federal policy process by the way that activists came to organise themselves. In the early stages of second wave feminism, when the organised women's movement first began to lobby the federal government on these two issues, the links between questions of gender equality in the workplace and the provision of child care were easily maintained. While this reflects, in part, how the Report of the RCSW gave the nascent women's movement 'a bible around which to organize' it also reflects the fact that in the 1970s the focus of the emergent Canadian child care movement was almost entirely provincial.⁴⁷ By

contrast, in the 1980s, when a new, national child care organisation -- the CDCAA -- emerged to link provincial activists together in the pursuit of a national child care policy, questions about gender equality in employment and the development of child care became increasingly differentiated, not only in political campaigns but also in the way that organisations presented their concerns to government.

There are two explanations for this. First, while feminists involved in both the women's movement and the child care movement share a concern about the link between child care and women's employment opportunities, the primary concern of activists in the child care movement is to bring about a universal child care service *for children*. Second, activists in these two movements are astute enough to recognise that because women's demands about employment equity and child care have been acknowledged by federal governments at different points in time, and been absorbed to greater and lesser degrees into distinct parts of the federal policy system, their impact on the federal policy agenda -- between elections -- is likely to increase if they take account of the way that responsibilities for employment equity and child care have been divided up within the federal bureaucracy.⁴⁸

Ideas: Reconsidering Canadian Liberalism and Conservatism

While the institutional, fiscal and jurisdictional factors that I have highlighted in this conclusion all help to explain why questions about employment equity and child care have been driven apart in the federal policy process, it is important not to allow these explanations to mask the ideological factors in Liberal and Conservative governments that have shaped the process of policy development.

Both governments were much more willing to regulate employment equity than to engage in the development of child care. Nonetheless they severed the connection between these two issues in different ways. Liberal government policies have been characterised, primarily, by a desire to contain questions about employment equality for men and women within the public sphere, allowing royal commission mandates and policy developments to be shaped by the pushes and pulls of developmental and economic liberalism. While the forces of developmental liberalism have encouraged Liberal governments to engage in the creation of equal opportunity, anti-discrimination and employment equity policies, the concerns of economic liberals have, at times, acted as an impediment to this process. Even though Liberal governments have a clear record of developing equal opportunity and anti-discrimination policies, to enhance the status of women as worker-citizens it is one that has been shaped by a philosophical commitment to the idea that gender equality is best realised by ensuring that (except at the point of giving birth to and nursing infant children) women are treated in a similar way to men.

While Liberal governments have proved willing to engage in the development of equal employment opportunity policies, they have been very reluctant to enter into the field of child care, beyond the level of providing welfare-based subsidies to the provinces and tax relief to assist individual parents with the purchase of child care. This reflects Forbes' observation, to which I referred in the Introduction, namely that Liberals 'draw a strict line between the pursuit of equality and the privacy of the family.'⁴⁹ The problem, with the Liberals' approach is that although their initiatives in the public sphere are quite extensive, these fail to tackle employment problems that span the public and domestic areas of women's lives.

By virtue of being in office for only a small proportion of the time period with which this study has been primarily concerned, the Conservatives have had less impact than the Liberals on the development of policies to promote gender equality in the sphere of employment. Nonetheless, the policies they developed during the Mulroney administration were clearly shaped by the philosophical strands of Canadian conservatism. First, although like the Liberals they found themselves caught between the pursuit of gender equity and the promotion of economic efficiency they were less willing, than the Liberal governments that preceded or succeeded them to regulate the market in the interests of promoting employment equity for men and women. Given this it is amazing that the Conservatives developed employment equity legislation at all. Second, and as we might predict from Forbes' observation, that Conservatives are more willing than Liberals to enter the field of child care policy. It is important, however, to note that when they did so their policies were not motivated primarily by a desire to promote women's employment. Rather they were shaped by the competing claims of different groups within the party including: the pro-family lobby which sought to reinforce the family as a core institution within Canadian society; the pro-market elements which sought to promote commercial as well as state-funded provision of social services; and finally, the red-tory camp which wanted to ensure that low-income families could benefit from an enhanced scheme of child tax credits.

It is useful, in conclusion to this section, to assess the record of Liberal and Conservative governments against the four questions from feminist theory that I raised in the introduction to this thesis. First, the evidence reinforces feminist claims that the social contract which underscores contemporary liberal visions of rights and citizenship is in fact a highly gendered contract based on a male-

defined norm of worker-citizenship. Second, it shows that, as a result federal policies to promote women's employment opportunities have failed to recognise how the domestic context of women's lives impacts on their capacity to realise these opportunities. Third, the record reveals how employment equity and anti-discrimination policies in Canada have been developed in a way that marginalises considerations of care that worker-citizens face when they assume paid employment, a pattern that will prove increasingly problematic as workers increasingly face the demands of child care and elder care in a downsized welfare state. Finally, it reveals that although the Conservatives have been less reluctant than the Liberals to enter the field of child care, the policies that each party has implemented, in government, have been more concerned to promote the role of parent-citizens than to ensure that the particular needs of women as mother-citizens and worker-citizens are reconciled.

Directions for Future Research

This thesis has thrown up a number of questions for future research, not only on the role of royal commissions in Canadian politics, but also on questions arising in the areas of employment equity and child care policy.

Royal Commissions

In my opinion the most interesting area of prospective research that emerges from this thesis relates to my arguments about the engendering of royal commissions. Although there is a substantial literature analysing the value of royal commissions as policy instruments, there is very little analysis either of the way that royal commissions engender political demands and potential policy issues, or of the way that women's experience of participating in royal commissions -- whether as commissioner, researcher, administrator, expert

witness or testifier -- affects both their sense of political efficacy and their civic identity.⁵⁰ Yet, as my research has demonstrated, royal commissions are important sites in which women not only weave their own stories and perspectives into the policy process, but in the process recognise more fully than they might otherwise have done how aspects of their lives are structured. The texts that are produced as a result of this testimony are rich and complex narratives. In my opinion, however, they remain under-researched by analysts of Canadian public policy.

I would like to pursue this issue further, by looking at how royal commissions engender politics and policy making in Canada from two different dimensions. First, I would analyse texts produced in the course of major federal royal commissions, established since the RCSW, looking specifically at the way that women's interests have been articulated and interpreted, not only in commissions that are established with women's particular interests in mind, but also in commissions with less clearly gendered objectives. Second, I would like, if possible, to interview a sample of the various participants in each royal commission, not only to glean their perspectives on how the relevant commission addressed questions of gender, but also to try and understand how the process of participating in a royal commission shaped their own understanding of the issues, their own political development and their expectations of the federal policy process.

Employment Equity

Three potential research projects on questions of employment equity emerge from my research. First, there is little academic literature analysing the politics behind the Liberals' amendment of the EEA. A comparison of the way that the

recommendations in the RCEE were or were not transposed into legislation through Bills C-62 and C-64 would be useful, but the more interesting question would be to take up my analysis of the politics behind Bill C-62 and compare this with the politics that led to the creation of Bill C-64. The process would not only facilitate comparison of the way that Conservative and Liberal governments develop employment equity legislation, but would highlight the broader economic and political factors that shaped the legislation in each case.

The second lacuna in the literature is that to date no one has compared the recent creation and demise of employment equity legislation in Ontario with the creation and incremental improvement of employment equity legislation at the federal level. Such a comparison would be valuable, not only because these developments occurred within the same time frame, but also because the study of their development would enhance our understanding of the diffusions of policy innovations amongst federal and provincial governments.⁵¹ In addition, such a study would facilitate comparison of the way that Conservative, NDP and Liberal governments responded to questions of employment equity.

Despite the recent backlash against employment equity, the concept is likely to become ever more salient in a restructured economy. However, the policy models that have been developed to date were created at a time when employment was more stable. Evidence of the problems that employers have already faced implementing employment equity in an era of labour market restructuring were apparent in some of the amendments to the Employment Equity Act. Research, however, needs to be done that takes account of restructuring: first, by analysing how employers adapt their employment equity practices in an era of labour market restraint; second, by considering how

employment equity should be developed in an era when work has become increasingly contract-based, short-term and part-time; and third, identifying whether this restructuring of paid work generates new forms of gender discrimination that in certain areas of work affect men more badly than women.⁵²

Child Care

Turning finally to the field of child care, two research questions emerge from this thesis. First, although federalism is by no means the only factor to have constrained the development and integration of equal employment opportunity and child care policies in Canada, the fact that it has produced a policy stalemate on a number of occasions does need consideration. Work needs to be done by academics *and* practitioners to consider how policy makers who work in policy fields that span federal and provincial jurisdictions cope with the various constitutional constraints this situation creates. Even in the current era, when the federal government is increasingly granting the provinces autonomy in key areas of public policy, it seems that the Canadian public policy literature would benefit from a comparative analysis of different policy areas to explore, more systematically than I have been able to do here, the political forces that allow jurisdictional imperatives to block policy development and the factors that allow these constitutional difficulties to be overcome.

Finally, the thesis generates a research question for the future. Current data on out-of-home child care reveal that, despite the failure of the child care movement's campaign for a universal system of child care, most children now experience non-parental care because one or both of their parents are out at work.⁵³ This was not the case when questions about child care were first raised in

the RCSW. The interesting question in the future, therefore, will be to analyse how the current generation of young people, most of whom have first-hand experience of non-parental care, address the question of provision if services are still so under-funded and under-regulated when the time comes for them to provide care for their own children. Despite the focus of this thesis, my hope would be that men would become as involved in this process as women of my own generation have been.

Final Reflections

In many respects the conclusions of this research are depressing. Despite the persistent attempts of female citizens, political activists and royal commissioners to highlight the importance of developing a contextualised approach to employment equality, federal governments have developed policies that not only maintain a sharp division between the public world of employment and the domestic world of the family but prioritise two forms of public policy to keep these issues apart. First, they have adhered, with greater or lesser degrees of regulation, to promoting employment policies that prioritise the equal non-discriminatory treatment of individuals and groups over the recognition of the particular circumstances in which any worker-citizen enters the labour market. Second, despite establishing an extensive welfare state in the fields of education, income maintenance, welfare and health care, federal governments have resisted anything more than the subsidisation of child care services. Rather than working with the provinces to develop a national system of child care that could fundamentally reshape the lives of many working women, the federal government has focused its energies on developing employment equity and anti-discrimination policies that regulate the working conditions of a very small percentage of the female labour force. At the risk of being accused of essentialism

it has, in my mind, failed to encourage the conditions that would bring about the realisation of worker-citizenship for adult women.

At the same time, my research into royal commissions has provided enormous grounds for optimism. For all their limitations -- and these are real and recorded -- the royal commissions that I have examined suggest that they are significant political arenas in which women have been able, through written and oral testimony, to piece together different aspects of their working lives and bring out the multi-dimensionality of employment inequality. In the process women have helped to develop frameworks of policy analysis which have fundamentally challenged liberal assumptions that the key goal of an equal employment opportunity policy must be to ensure the similar, non-discriminatory treatment of all worker-citizens. The fact that governments disregarded the more radical insights of these royal commissions because they did not fit with their own political or ideological perspectives does need to be addressed -- particularly as this process negated reflections that citizens had rooted in their own experiences. Nonetheless, even though my research has demonstrated the federal government's resistance to linking the public and domestic facets of women's labour, it has also emphasised the capacity of royal commissions to provide a civic space that bridges this very divide. Their potential, therefore, to continue defining the contours of female citizenship in a way that makes sense to women should not be ignored.

ENDNOTES TO CHAPTER EIGHT

1. For an analysis of the different phases in welfare state development and decline during this period see Tuohy, 1993.
2. For discussions of the contextualised approach to sex equality, developed by the Women's Legal Education Action Fund after the Charter came into effect, see Razack, 1991; More, 1991 and Gotell, 1993.
3. For further discussion of policy developments in the field of education see Manzer, 1994; for policy developments in other the other fields see Tuohy, 1993.
4. Recent analyses of federal and provincial developments in the field of child care policy can be found in Friendly and Oloman, 1996 and Bach and Phillips, 1997.
5. In their 'Red Book' manifesto for the 1993 election the Liberal Party promised that: 'among the changes Liberals will implement to strengthen the Employment Equity Act is to include the federal public service and federal agencies and commissions. We will also give the Canadian Human Rights Commission the legislative authority to initiate investigations of employment equity issues. Federal contractors should be subject to mandatory compliance with the principles of the Employment Equity Act' (Liberal Party of Canada, 1993:86-87).
6. The report recommended that employment equity legislation should be extended to cover the Federal Public Service, the Royal Canadian Mounted Police (RCMP) and the Armed Forces (Canada, House of Commons, 1991: 39 (recommendation 1.1). Although these recommendations were eventually taken up by the Liberals in Bill C-64, those suggesting expansion of employment equity to include Parliament and federal agencies were not (ibid.). In addition, the Liberals did not take up the Redway Report's recommendation that organisations with more than seventy-five employers should be covered by the amended act (ibid.: recommendation 1.2).
7. Ibid.:42 (Recommendation 3.5).
8. Canada, House of Commons, 1992:63. The politically charged atmosphere presumably refers, amongst other things to the backlash against employment equity emerging through REAL women and the rise of the Reform Party in federal politics.

9. Ibid.

10. The reason for this is that employers were given two years after Bill C-64 came into effect to change their procedures for monitoring employment equity.

11. Moreover, although Bill C-64 respected the principles of seniority, and the right of individual employees right not to situate themselves in one of the four target groups, it also made sure that collective agreements were equally subject to employment equity regulations.

12. Bill C-62, Clause 2; Bill C-64, Clause 2.

13. Ibid. My emphasis.

14. It is worth noting that the four target groups did not change as they might have done, for example, to include gay and lesbian worker-citizens. For more recent discussion of this issue see Rayside, 1997.

15. Wilson argued that this would enable the government to make a saving of \$175 million in 1989-90 and a further \$195 in 1990-91.

16. The three wealthiest provinces at this point in time were Ontario, Alberta and British Columbia.

17. Phillips and Bach, 1997: 236.

18. For reference to the campaign promise see Liberal Party of Canada, 1993:38-40. For reference to the way the promise was never realised see Liberal Party of Canada, 1996:35.

19. Liberal Party of Canada, 1993: 38, 40. Emphasis in the original.

20. Liberal Party of Canada, 1993:40.

21. The CHST combined the existing federal block-grant for health and post-secondary education with the shared-cost grant for welfare programs into a new super block-grant (Bach and Phillips, 1997:239-240).

22. CAP was completely abolished on April 1 1996.

23. Bach and Phillips, 1997: 243.
24. Canada, House of Commons, *Debates* Vol.134, February 27, 1996:4, cited in Bach and Phillips, 1997:245.
25. Bach and Phillips, 1997: 248. Cash transfers to the provinces have declined by 33 per cent, from \$18.6 billion (1995-96) to \$12.5 billion in 1997-98 (Ibid.:241). Moreover, as Bach and Phillips note 'in 1997 the federal government is spending approximately one-third less (\$105 million) on child care services for the general population than it was in 1993; and roughly \$274 million less than it had promised in the Red Book. These enormous reductions are due to the CHST cuts, which abolished the \$300 million portion of CAP directed annually to child care' (Ibid.:247).
26. The evidence for this point is extensive, but includes Friendly, Mathien and Willis, 1987; Pépin, 1987.
27. Liberal Party of Canada, 1993:39.
28. Bach and Phillips, 1997:249.
29. Bach and Phillips, 1997:249. Eventually the Canada Child Tax Benefit will be 'integrated with provincial child tax assistance and welfare benefits to form the National Child Benefit System' (Ibid.: 251).
30. The scheme was initially introduced in 1992 by the Conservatives as the Earned Income Supplement to offset the costs of working for low income workers (Young, 1992:***). The Working Income Supplement was increased from \$500 per family, in 1996, to \$750 per family in 1997 and \$1,000 per family in 1998 (Bach and Phillips, 1997:249).
31. Ibid.
32. HRDC has absorbed the work of (i) Employment and Immigration Canada; (ii) the Welfare component of Health and Welfare Canada; (iii) training functions from the Department of Labour; (iv) education and student loans from Secretary of State and (v) literacy from the Ministry of Multiculturalism. My thanks to Elizabeth Shea, Senior Policy Advisor, HRDC for clarifying this for me. For further discussion of the politics behind the creation of HRDC see Bakvis, 1996:138.

33. These critiques took root with Caroline Andrew's presidential address to the Canadian Political Science Association in 1983 (Andrew, 1984) and has been developed, in recent years, by Brodie, 1995; 1996a; 1996c, 1997 and Pulkingham, 1996.
34. See Chapter 1: Endnotes 36-38.
35. De Beauvoir, 1949**; Friedan, 1963.
36. Though used in a different sense, this idea of the 'two worlds' of Canadian social policy, is derived from Tuohy, 1993.
37. For discussions of the schizophrenic nature of the welfare state, with different emphases see Tuohy, 1993 and Banting 1982: 47-58.
38. Jenson, 1994:54.
39. For further discussion of this point see Aucoin, 1990:198.
40. Bachrach and Baratz, 1962 and 1963.
41. Author's interviews with Senator Florence Bird, Chief Commissioner, Royal Commission on the Status of Women, Ottawa, September 1986 and Martha Hynna.
42. Globe and Mail,** March ** 1997.
43. As Kenneth McRoberts notes 'it seems to be impossible to discuss matters of public policy without first addressing the perennial question: In which government's jurisdiction does it lie? Moreover, given both the ambiguities of the constitutional text and the ingenious ways in which Canadians (or their governments) can interpret it, the answer often is far from clear' (McRoberts, 1993b:150).
44. Indeed the federal government's fear of invading areas of provincial jurisdiction helps to explain why contract compliance measures were contained within a cabinet directive rather than integrated into the employment equity legislation.
45. This point was confirmed in my interviews with Neil Gavigan, Employment Equity Division, HRDC and Ms Marguerite Keeley, Pay and Employment Equity

Director, CHRC, Ottawa, September 1995.

46. Author's interview with Maureen O'Neil, Secretary General, Canadian Human Rights Commission, Ottawa, September 1986.

47. Author's interview with Chaviva Hosek, President, National Action Committee on the Status of Women, 1984-86, Toronto, August, 1986.

48. For evidence of the way in which these issues are brought back together again in public debate at election time see National Action Committee on the Status of Women, 1997.

49. *Forbes*, 1991:12.

50. General analyses of royal commissions that do not take up questions of gender include Doern, 1967; Courtney, 1969; Wilson, 1971; Pross, Christie and Yogis, 1990. The ramifications of this lacuna for public policy analysis, though not discussed specifically in relation to royal commissions are discussed in Burt, 1995. Analyses of royal commissions that adopt a gendered perspective have begun to appear, including work by Bégin, 1992; Arscott, 1995; Freeman, 1995 and the contributions to the edited collection by Andrew and Rodgers, 1997.

51. On the diffusion of policy innovations see Walker, 1967 and Meehan, 1985.

52. This question has been raised in a recent television series in Britain which showed how in the North West of the country recent industrial restructuring has led, not only to the closure of businesses that traditionally employed men, but to the growth of part-time, service sector jobs for which employers prefer to hire women. Indeed, in an analysis that reached very similar conclusions to Hagen and Jenson's discussion of how, in the heyday of the welfare state women, as a group, had more job opportunities open up for them than men, the British journalists found that women's employment opportunities were greater than those of men precisely because the work that became available was, more often than not, low paid and associated with traditional feminine talents (The Barras Company, 1996; Hagen and Jenson, 1988:8). While this reflects the multiple ways in which the labour force can become feminised, it also awakes the question of how men as well as women can experience systemic discrimination in the sphere of employment.

53. Bach and Phillips, 1997: 237.

APPENDIX A

Content Analysis of the Index of Briefs Submitted to the Royal Commission on
the Status of Women Showing Number of Times Each Issue Identified*

1. Marriage (228)	
General	9
Minimum Age	30
Preparation for Marriage/Family Life	88
Property Agreements	23
Other Legislation	34
Marriage as Business Partnership	3
Family Planning	41
TOTAL	<u>228</u>
2. Divorce, Separation and Desertion (214)	
General	19
Legislation	33
Grounds	55
Alimony and Maintenance	74
Domicile	16
Property Rights	7
Welfare	10
TOTAL	<u>214</u>
3a. Day-care (332)	
General	94
Personnel	52
Sponsors and Fees	110
Location	45
Participants	31
TOTAL	<u>332</u>
3b. Household Help (53)*	53
4. Abortion and Birth Control (187)	
Abortion	116
Birth Control	71
TOTAL	<u>187</u>

5. Welfare (133)	
General	30
Old Age Assistance	8
Canada Pension Plan	20
Family Allowances	26
Unemployment Insurance	9
Guaranteed Income for Married Women	17
Other Pensions	23
TOTAL	<u>133</u>
6a. Legislation - General: Economic Rights (18)	
Fair Employment Legislation	2
Equal Rights	11
Anti Discrimination	4
Economic Rights	1
TOTAL	<u>18</u>
6b. Legislation - General: (56)	
Married women's names/titles	16
Jury duty	10
Consent in sexual acts	2
Age of majority	4
Homosexuality	2
Credit	4
Québec legislation	5
Gender neutral legislation	1
Children's names	3
Women and children	3
Rape /Violence	2
Legal Issues	1
Property	1
Multiple Issues	2
TOTAL	<u>56</u>

7. Labour Force (548)	
General	74
Equal Pay	101
Minimum Wage	15
Maternity Leave	98
Unions and Syndicates	15
Civil Service Employment	49
Hiring	35
Promotion	39
Labour Force Insurance	7
Part-Time Work	88
Labour Protective Legislation	27
TOTAL	548

8a. Education: Training and Retraining (172)	
Training and Retraining: General	19
Training and Retraining: Sponsors and Fees	37
Training and Retraining: Courses	82
Training and Retraining: Publicity	22
Training and Retraining: Location	12
TOTAL	172

8b. Education: General	
General	63
Vocational Guidance	57
Sex Education	32
University level	68
High School level	27
Primary level	11
Adult education	40
Educational TV and Radio	60
Women in the Professions: Nursing, Teaching	11
TOTAL	369

9. Taxation (308)	
General	39
Estates and Succession	52
Housekeeper Deductions	101
Household Help	12
Chi'd Care Deductions	74
Pensicns	6
Business Partnership Between Spouses	24
TOTAL	308
10. Mass Media (37)	37
11. Political Activity (67)	67
12. Volunteer Work (72)	72
13. Citizenship and Immigration (37)	
General	16
Integration into the Community	13
Integration into the Labour Market	8
TOTAL	37
14. Public Attitudes (57)	57
15. Specific Groups (432)	
Women at Home	42
Unmarried Mothers	63
Sole Support Mothers	93
Widows	21
Senior Citizens	15
Single Women	15
Farm Wives	20
Female Offenders: General	13
Female Offenders: Prison Conditions	10
Female Offenders: Rehabilitation	42
Indians, Métis and Eskimos: General	52
Indians, Métis and Eskimos: Health	24
Indians, Métis and Eskimos: Housing	5
Indians, Métis and Eskimos: Labour	17
TOTAL	432

16. Information Services (62)	62
17. Ombudsman (8)	8
18. Standing Committee on Women (13)	13

. Source: Royal Commission on the Status of Women (1970) Index to Briefs Submitted to the Commission (Ottawa: Royal Commission on the Status of Women).

APPENDIX B
Number of References to Employment Opportunity and Child Care in Briefs Submitted
to the RCSW from Women's Organisations and Informal Groups of Women.^a

Type, Submission Number and Name of Organisation	Employment Opportunity	Child Care
University Women's Clubs		
29. University Women's Club of North York	-	-
77. CFUW - Grand Falls	-	-
82. University Women's Club, Edmonton	-	1
103. The Windsor Club: CFUW, Windsor	-	-
141. CFUW New Brunswick	5*	1
165. The Richilieu Valley University Women's Club, Beloeil	-	-
192. CFUW, Sudbury	3	-
209. CFUW, St John's	2	3
217. UBC Committee of Mature Women Students	-	4
220. University Women's Club of Woodstock	-	1
234. University Women's Club, Vancouver	-	3
294. University Women's Club, Regina	-	-
343. L'Association des Femmes diplômées des Universités, Ste. Foy	1	-
349. L'Association des Femmes diplômées des Universités, Montreal	-	7*
Business and Professional Women's Clubs		
86. Soroptimist Club of Halifax	3	-
142. Business and Professional Women's Club, Medicine Hat	2	-
147. Business and Professional Women's Club, Ottawa	7*	-
219. Dawson Creek Business and Professional Women's Club	-	1
244. Charlottetown Business and Professional Women's Club	-	1
260. St John's Club: Business and Professional Women's Club	-	-
261. Business and Professional Women's Club, BC and the Yukon	-	1*
413. Business and Professional Women's Club, Whitehorse	-	-
Local Non-Affiliated Groups of Women		
8. Group of Women, St Catherines	2	-
17. Group of Women, Roberval	1	1
124. Group of Women, Ste. Thérèse	-	-
167. Group of Women, Ottawa	-	2
170. Group of Women, Outrement	1	1
245. Group of Women from a Canadian Indian Reserve	-	-
247. Group of Women, Ottawa	-	6*
251. Group of Business Women, Terrace	-	4
321. Group of Women, Montreal	4*	1
360. Group of Women, Montréal	-	-
377. Group of Women, Edmonton	-	2
396. A Group of Mothers, Montreal	-	-
443. Group of Women, Ottawa	-	-

^a Briefs analysed and included in Table 3.2 are asterisked (*).

Religious Groups

1. Catholic Women's League of Canada, Whitehorse	-	-
49. L'Association féminine d'Éducation et d'Action sociale, Richelieu	-	1
52. Commission on Women's Work, Anglican Church of Canada	-	-
56. Catholic Women's League of Canada, Ottawa	1	2
79. Sisterhood Congregation Beth Israel, Vancouver	-	-
84. Canadian Woman's Christian Temperance Union	1	-
107. B'nai B'rith Women	-	-
110. Salvation Army, Canada, Women's Organisation	1	-
119. Mothers' Union, Etobicoke	-	-
129. L'Ordre des Dames Hélène-de-Champlain Inc.	1	1
160. Young Women's Christian Association of Canada, Toronto	-	1
166. Group of Women, St Andrew's United Church, Beloeil	-	-
174. St Mark's Women's Association, St Laurent	-	-
282. Driver United Church Women, Driver, Saskatchewan	2*	-
303. L'Association féminine d'Éducation et d'Action sociale, Montreal	1	6
312. Women's Federation Allied Jewish Services, Montreal	-	-
313. Women's Section of the Canadian Religious Conference	2	10*
361. National Council of Jewish Women of Canada, Willowdale	-	-
366. National Council of Jewish Women of Canada, Montreal	1	-
371. B'nai B'rith Girls	2	-
378. National Council of Jewish Women, Vancouver	-	-
461. YWCA, Halifax	-	-
452. Canadian Federation of Christian Reformed Ladies Societies	-	-

Professional and Trade Associations

26. Alberta Association of Registered Nurses	1	1
43. École des infirmières, Verdun	-	-
87. New Brunswick Association of Social Workers	-	-
91. Canadian Association of Hospital Auxiliaries	-	-
94. Canadian Women's Press Club	2	-
109. Saskatoon Women Teachers' Association	-	-
149. Association of Administrative Assistants or Private Secretaries	-	-
197. The Canadian Physiotherapy Association	-	-
231. Edmonton Women Teachers' Club	1	-
239. Canadian Dietetic Association	5*	-
243. Ontario Association of Social Workers, Western Ontario, London	1	2
246. Women's Auxiliary, UAW Local 360, London	1	-
275. Le Cercle du Femmes Journalistes	1	1
286. L'Assn. féminine d'Éducation et d'Action Sociale, Boucherville	1	-
296. Women's Ad Hoc Committee, Saskatchewan Federation of Labour	1	4*
302. Federation of Medical Women of Canada	1	2
301. Canadian Teachers' Federation, Ottawa	-	1
306. Association of Registered Nurses of Newfoundland	-	1
309. Canadian Nurses' Association	-	-
326. L'Association des Religieuses enseignantes du Québec	2	2
328. Canadian Women's Press Club, Regina	2	2
342. Federation of Women Teachers Association of Toronto	2	2
380. Victorian District Registered Nurses Association BC	-	1
432. New Brunswick Association of Registered Nurses	-	-
441. Canadian Air Line Flight Attendants Association	-	-

Women's Institutes and Home Economics Associations

25. North Shushwap Women's Institute	-	-
30. Cariboo District Women's Institute	-	-
31. Nova Scotia Home Economics Association	-	1
57. British Columbia Women's Institute	-	-
68. Visiting Homemakers Association, Toronto	1	-
74. Association of Homemakers Clubs of Saskatchewan	-	1
83. Regina Home Economics Club	-	1
101. New Brunswick Home Economics Association	-	1
104. Calgary Home Economics Association	-	-
175. Women's Institutes of Nova Scotia	-	1
179. Alberta Home Economics Association	-	-
181. Canadian Home Economics Association	1	1
190. Home Economics Association, Edmonton	-	4*
196. Toronto Home Economics Association	-	-
249. Alberta Women's Institute	-	-
287. Saskatchewan Home Economics Association	-	3
299. Federated Women's Institutes of Canada	3*	2
356. Newfoundland Home Economics Association	1	1
427. Nova Scotia Federation of Home and School Associations	-	-

Family Planning and Family Service Associations

5. Planned Parenthood of Toronto	-	-
15. Family Planning Federation Montreal	-	-
39. Children's Aid Society of Winnipeg	-	1
55. Single Parents Association, Social Action Committee	-	-
70. The Family Service Association, Edmonton	-	2
78. Family Life Education Council, Edmonton	-	1
128. Marriage Counselling Centre	-	7
169. Association for Modernization of Abortion Laws, Ottawa	-	-
172. La Gulde familiale du Domaine St-Suplice	1	3
189. Society for Protection of Women & Children, Montreal	1	3
256. La Fédération des Service sociaux à la Famille du Québec	9*	16*
298. The Family Bureau of Greater Winnipeg	-	2
319. Parents without Partners.	1	3
325. La Fédération des Unions de Familles	-	-
327. Association des Veuves de Montréal Inc.	-	-
368. Le Centre de Planification familiale	-	3
442. Le Service social de l'Institut Albert-Provost	-	-

Day Care Organisations

168. Victoria Day Care Services, Toronto	1*	3
191. Board of Directors, Day Nursery Centre, Winnipeg	-	6
198. Ottawa Nursery Schools Association	-	5
324. Day Care Section of Citizens' Committee on Children	-	11*
436. The Nursery Education Association of Ontario	-	-

National and Provincial Women's Organisations

65. Pioneer Women's Organization of Canada	1	10*
67. Provincial Council of Women of Saskatchewan	-	-
131. National Council of Women of Canada	-	4
139. Congress of Canadian Women, Toronto	3	2
155. The Québec Federation of Women, Montreal	2	4
178. Canadian Committee on the Status of Women, Don Mills	-	-
194. Association of United Ukrainian Canadians, Women's Committee	-	3
213. Provincial Council of Women, New Westminster	2	1
229. Canadian Polish Women's Federation in Canada, Toronto	-	1
263. La Ligue des Femmes du Québec	-	-
273. La Fédération des Femmes canadiennes-françaises, Ottawa	3	-
310. Alberta Native Women's Conference	-	-
311. Imperial Order Daughters of the Empire, Toronto	3	2
318. Manitoba Volunteer Committee on the Status of Women	4*	6
339. Québec Provincial Council of University Women's Clubs	-	-
362. Committee on the Status of Women, University of Alberta	-	-
404. Groupe de Femmes francophones e la Région de Moncton	-	-
454. The Provincial Council of Women, Halifax	-	-

Voluntary Community Groups

27. Saskatchewan Jaycettes	2	2
54. Alberta Jaycettes	3*	6*
89. Ontario Jaycettes	-	1
115. Tri-Vettes, Scarborough	-	2
35. La Symphonie Féminine de Montréal	-	-
183. Montreal Council of Women	-	1
242. Moncton Jaycettes	-	2
315. Local Council of Women, Windsor	-	-
363. BC and Yukon Jaycettes	-	3
430. Volunteer Bureau of Montreal	-	-

Young Women's Associations

98. Junior Leagues of Toronto	-	-
120. Conseil étudiant des filles, Collège de Ste-Anne, La Proactière	-	1
122. Alpha Chapter of Beta Sigma Phi, Yellowknife	-	2
217. UBC Committee of Mature Women Students, Vancouver	-	-
232. The Delta Kappa Gamma Society, Toronto	1*	-
237. The Delta Kappa Gamma Society, Burnaby	1	-
267. Nursing Students of St Joseph's Hospital Class of '69, Hamilton	-	-
314. Young Men's and Young Women's Hebrew Association, Montreal	-	9*
333. The Junior League of Montreal Inc	-	6
350. Mount Saint Vincent University	-	-
469. Three Students from the O'Leary High School, Edmonton	-	-

International Organisations

58. UN Association Women's Section	-	2
97. Canadian Clubs of Zonta International	1*	-
221. St. Joan's International Alliance, Canadian Section, Toronto	-	-
238. Women's International League for Peace and Freedom	-	12*
433. The Zonta Club of Montreal	-	-

Political Parties

133. NDP Provincial Women's Committee, Saskatchewan	1*	2
176. Women's Group of London & Middlesex NDP Riding Associations	-	6*
224. Group of Women, NDP Workshop, Saskatoon	-	6
288. Alta Vista Women's Progressive Conservative Association	-	6*
292. Alberta Women's Liberal Association	-	1
295. Women's Organisation of the NDP	-	2

Voice of Women

137. Westmount-Notre-Dame-de-Grâce Branch, Voice of Women	-	-
159. Voice of Women, Edmonton	1	1
173. Voice of Women, Regina	-	-
225. Voice of Women, Calgary	-	-
248. Voice of Women, Victoria	-	-
348. Voice of Women, Montreal	1*	2*
429. Voice of Women, Halifax	-	-

Farm Women's Unions

102. Cercles de Fermières de la Province de Québec	2	
156. Farm Women's Union of Alberta, Edmonton	2*	1
271. Women of Saskatchewan Farmer's Union		
323. Cercle des Fermières, Alma		4*

APPENDIX C
Nature of Support for Affirmative Action in Briefs Submitted to the RCEE by
Organisations concerned with Women's Employment

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
Business and Professional Women's Clubs					
Business & Professional Women's Clubs, BC & Yukon	Mandatory	Goals and timetables	-	Reporting compulsory; inspect if below par.	-
Canadian Association of Women Executives, Calgary	Voluntary	Goals	-	Cost-sharing to set up affirmative action; publicise best practise.	-
Child Care Organisations					
Canadian Day Care Advocacy Association	-	-	-	-	-
Infant Formula Action Coalition	-	-	-	-	-
Community Organisation					
Battlefords Interval House Society, Saskatchewan	Voluntary will appeal to employers; mandatory more effective	Goals related to job seekers; quotas too costly	Reporting essential; Monitor and protect data	Contract compliance; costs shared with government	Conflict if job to non-union over union worker
Contemporary Women's Program, Regina	Government must take initiative	-	-	-	Unions must allow percentage of target groups
Fernie Women's Resource and Drop-In Centre, B.C.	-	-	CEIC promote affirmative action more in the regions.	-	-

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
Human Development Center, Winnipeg	Take account of regional labour force in programs	Make program easy to introduce	-	Contract compliance	-
Ottawa Women's Lobby	Mandatory in federal public service	-	Affirmative Action Commissioner	Contract compliance	Seniority works against women
Réseau d'action et d'information pour les femmes, Sillery, Québec	Mandatory in public sector and companies with 100+ employees	Quotas especially in sectors with under 50% women	-	Contract compliance where quotas not respected	-
Women's Crisis Centre, Elliot Lake, Ontario	-	-	-	-	-
Women's Emergency Centre, Woodstock, Ontario	-	-	-	-	-
Labour Movement Groups Bread and Roses, Vancouver	-	-	-	-	-
Equal Pay Information Committee, Vancouver	-	-	-	-	-
Federation of Women Teachers' Associations of Ontario	Mandatory	Goals and timetables	Data collection essential!	Economic incentives and contract compliance	Complex problem
Femmes au travail	-	-	-	-	-
Manitoba Teachers' Society	Reassess voluntary approach	-	-	-	Should not be affected by parenting
Organised Working Women	Mandatory in public and private sectors	-	-	-	Last hired first fired; seniority protection during maternity leave

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
Native Women's Groups BC Native Women's Society	Mandatory essential	Quotas and timetables	Reporting requirement	Tax incentives do not work; contract compliance	Unions are a stumbling block
Native Women's the NWT	Optional; opposed to mandatory	-	-	Economic incentives for training	Protect affirmative action posts
Native Women's Pre-Employment Training	Voluntary preferable	-	Periodic program review using data base	Economic incentives only good if well monitored	Conflicts about seniority only resolved over time
New Brunswick Native Indian Women's Council	-	-	-	-	-
Nova Scotia Native Women's Association	Mandatory in public sector/crown corporations; voluntary in private sector	Goals and timetables set by employer	Legislation	Encouraged by wage subsidies	-
Ontario Native Women's Association	Mandatory in public sector; voluntary in private sector	Goals and timetables set by employer	Monitoring of programs	Wage subsidies for native employment.	-
Quesnell Tillicum Society, Quesnell BC	Mandatory with consultation	Adjustable timetables		Crown Corporations must report numbers	Existing principles should apply
Yukon Indian Women's Association	Affirmative action in federal public service and communities	-	-	-	-

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
National Organisations					
Canadian Association of Gerontology	-	-	-	-	-
Canadian Jewish Congress	Merit better than affirmative action; equal opportunity in public sector	Set date for ending systemic discrimination	Cabinet to oversee monitoring	-	-
Federation of Junior Leagues of Canada	-	Short term quotas	-	-	-
Status of Women Organisations					
Canadian Advisory Council on the Status of Women	-	-	-	-	-
Manitoba Action Committee on the Status of Women	Mandatory in federal public service	Goals	-	-	-
National Action Committee on the Status of Women	Mandatory timetables	Goals and timetables	CHRA to enforce and create data base	Contract compliance	-
Nova Scotia Advisory on the Status of Women	Mandatory in public sector; voluntary for private sector	Goals and timetables	Mandatory if voluntary programs fail; create data base	Contract compliance costs less than tax incentives	-
Status of Women, Justice and Public Services, NWT	Mandatory	Goals and timetables	Regular monitoring;	Contract compliance create data base	Problem for unions

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
Trade/Professional Associations					
Agricultural Institute of Canada	No extra pressure on private sector	-	CHRA and existing infrastructure	-	-
Canadian Psychological Association	Reward led affirmative action programs	-	Adequately staffed enforcement agency	-	-
National Household Careers Corporation	-	-	-	-	-
Professional Secretaries International	Mandatory in Crown Corporations	-	-	-	Apply prior to quota
Training /Education Groups					
Association féminine d'éducation et d'action sociale	Mode not specified	-	-	-	-
Canadian Congress for Learning Opportunities	Mandatory	-	Report to enforcement	Contract compliance agency	-
Times Change Women's Employment Service	Mandatory	-	-	-	-
Vancouver Women in Trades Association	-	Quotas reduce focus on training	-	-	Ensured by entry into non-traditional jobs
Windsor Women's Incentive Centre	Develop without playing one group off against another	-	-	-	-
Women in Science and Engineering, Ottawa	Mandatory	Goals and timetables	Monitoring, enforcement,	No tax incentives data base.	-

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
University Women's Clubs					
Canadian Federation of University Women, Ontario	-	-	-	-	-
University Women's Club, Ottawa	-	-	Create data base	Educational financial and tax incentives	No discrim- ination for women working part-time
Women's Institutes and Home Economics Associations					
Association des femmes collaboratrices	-	-	-	-	-
Federated Women's Institutes of Canada	Mandatory with merit system	-	Reporting, monitoring, sanctions, create data base	Tax incentives contract compliance	-
Visible Minority Women's Organisations					
Black Women's Association of Alberta	Mandatory in public and private sectors	Specific goals	Follow up reports	-	-
Congress of Canadian Women	Immediate and mandatory	Precise quotas and schedules	-	-	-
Focus on Black Women, Ottawa	Fair , merit based affirmative action; government should be model employer	Concrete plan of action in public sector	Systemic reviews by departments crown corporations and CHRC	Tax incentives; contract compliance	-

	Voluntary or Mandatory	Goals or Quotas	Mode of Enforcement	Business Compliance	Seniority
Political Parties					
Federal PC Women's Caucus of Calgary	Non mandatory	Anti quotas	CHRC to collect data	Positive incentives	-
Federal Progressive Conservative Caucus, Ottawa	Eliminate discriminatory barriers	-	-	Financial incentives	-
Federal Progressive Conservative Caucus, Peel-Hamilton	Anti affirmative action	-	-	Governments should not force employers	-
National Women's Liberal Commission	Mandatory	-	Reporting, monitoring, create data base	Contract compliance	-

APPENDIX D

Nature of Concerns about Flexible Employment and Child Care in Briefs Submitted to the RCEE by Organizations concerned with Women's Employment

	Flexibility	Child Care
Business and Professional Women's Clubs		
Business & Professional Women's Clubs, BC & Yukon	Flexible work with pro-rated benefits	Workplace day care; government subsidize low income parents
Canadian Association of Women Executives, Calgary*		
	-	-
Child Care Organizations		
Canadian Day Care Advocacy Association	-	Universal 24 hour child care; National Task Force; Child Care Act
Infant Formula Action Coalition	-	Workplace conditions must be conducive for breast feeding
Community Organizations		
Battlefords Interval House Society, Saskatchewan	Important for single parents and working mothers	Employers should be compelled to provide child care at or near workplace; costs split between employer, employee and state; Legislation on child care benefits
Contemporary Women's Program, Regina	-	Federal lead in developing workplace day care for single parents; tax concessions and grants to employers developing day care
Fernie Women's Resource and Drop-In Centre, B.C.	-	-
Human Development Center, Winnipeg	-	On site day care
Ottawa Women's Lobby	Flexible work patterns	Day care needed

	Flexibility	Child Care
Réseau d'action et d'information pour les femmes, Sillery, Québec	-	-
Women's Crisis Centre, Elliot Lake, Ontario	-	-
Women's Emergency Centre, Woodstock, Ontario	-	-
Labour Movement Groups Bread and Roses, Vancouver	-	-
Equal Pay Information Committee, Vancouver	-	-
Federation of Women Teachers' Associations of Ontario	Good if combining parenting and work	Responsibility of government, employer and parent achieved through benefits, leaves or facilities
Femmes au Travail	-	State responsibility
Manitoba Teachers' Society	-	Improved day care in community and workplace
Organized Working Women	-	Free universal day care; paid parental leave at birth or adoption
National Organizations		
Canadian Association of Gerontology	-	-
Canadian Jewish Congress	-	-
Federation of Junior Leagues of Canada	-	Child care facilities and benefits needed.

	Flexibility	ChildCare
Native Women's Groups		
BC Native Women's Society	Good idea	Government must fund provision with crown corporations
Native Women's Pre-Employment Training	-	Workplace child care where numbers warrant. Jointly financed by tax payer and parent
Native Women's Association of the NWT	-	Day care essential for reinforcing linguistic and cultural identity; high priority.
New Brunswick Native Indian Women's Council	-	Child care should be considered.
Nova Scotia Native Women's Association	-	Child care services immediate requirement.
Ontario Native Women's Association	-	Child care should be part of affirmative action plans.
Quesnell Tillicum Society Quesnell BC	-	Child care essential; part of education; ideally funded by the federal government, city and parent.
Yukon Indian Association	-	-
Political Parties		
Federal Progressive Conservative Women's Caucus, Ottawa	-	Public and private affordable 24-hour, tax-deductable child care
Federal Progressive Conservative Women's Caucus, Calgary	-	Day care centres at job sites; Better child care tax deductions
Federal Progressive Conservative Caucus, Peel-Hamilton	-	-
National Women's Liberal Commission	-	-

	Flexibility	Child Care
Status of Women Organizations		
Canadian Advisory Council on the Status of Women	-	Problem of women with family responsibilities entering male-defined employment
Manitoba Advisory Committee on the Status of Women	-	-
National Action Committee on the Status of Women	-	Day care essential for women to gain equality in the workplace.
Nova Scotia Advisory Council on the Status of Women	Desirable for women who are combining roles; not possible in all industries; should not lead to more part-time jobs;	Need for more public, private and corporate child care, especially where large numbers of women employed
Status of Women, Justice and Public Services, NWT	-	Child care responsibility of government, employer and parent
Trade/Professional Associations		
Agricultural Institute of Canada	-	-
Canadian Psychological Association	-	Adequate, affordable accessible child care crucial; government fiscal support for corporate child care initiatives
National Household Careers Corporation	-	-
Professional Secretaries International	-	Child care parental responsibility

	Flexibility	Child Care
Training /Education Groups		
Association féminine d'éducation et d'action sociale	-	-
Canadian Congress for	Learning Opportunities	Government sponsored 24-hour child and infant care
Times Change Women Employment Service	-	Free universal child care for the under 12s
Vancouver Women in Trades Association	-	Government funded 24-hour child and infant care
Windsor Women's Incentive Centre	-	Child care for employed women
Women in Science and Engineering, Ottawa	Part -time flexible work	Federal government responsible for access to care benefits and facilities; provincial & local governments/ enterprises run them
University Women's Clubs		
Canadian Federation of University Women, Ontario	-	Develop day care provision
University Women's Club, Ottawa	Flexible employment with pro-rata benefits	Universal, affordable tax-deductable 24-hour child care
Women's Institutes and Home Economics Associations		
Association des femmes collaboratrices	Part-time work with benefits	Develop model day care with parent participation; revise child care tax-deduction so as not to penalize women who work at home
Federated Women's Institutes of Canada	Flexible employment	Subsidized child care for poor; if not poor costs must be borne by woman who chooses to work

	Flexibility	Child Care
Visible Minority Women's Organizations		
Black Women's Association of Alberta	-	-
Congress of Canadian Women	-	Free, universal, 24-hour child care
Focus on Black Women, Ottawa	-	-

APPENDIX E

Organizations Concerned with Women's Employment that Submitted Briefs to the RCEE Responding to Abella's Questions on Affirmative Action and Child Care

	Affirmative Action	Child Care
Business and Professional Women's Clubs		
Business & Professional Women's Clubs, BC & Yukon	•	•
Canadian Association of Women Executives, Calgary	•	
Child Care Organizations		
Canadian Day Care Advocacy Association		•
Infant Formula Action Coalition		•
Community Organizations		
Battlefords Interval Hous Society, Saskatchewan	•	•
Bread and Roses, Vancouver		
Contemporary Women's Program, Regina	•	•
Fernie Women's Resource and Drop-In Centre, B.C.	•	
Human Development Center, Winnipeg	•	•
Ottawa Women's Lobby	•	•
Réseau d'action et d'information pour les femmes, Sillery, Québec	•	
Women's Crisis Centre, Elliot Lake, Ontario		
Women's Emergency Centre, Woodstock, Ontario		

	Affirmative Action	Child Care
Labour Movement Groups		
Equal Pay Information Committee, Vancouver		

Federation of Women Teachers' Associations	•	•

Femmes au Travail		•

Manitoba Teachers' Society	•	•

Organised Working Women	•	•

National Organizations		
Canadian Association of Gerontology		

Canadian Jewish Congress	•	

Federation of Junior Leagues of Canada	•	•

Native Women's Groups		
BC Native Women	•	•

Native Women's Association of the NWT	•	•

Native Women's Pre-Employment Training	•	•

New Brunswick Native Indian Women's Council		•

Nova Scotia Native Women's Association	•	•

Ontario Native Women's Association	•	•

Quesnell Tillicum Society	•	•

Yukon Indian Women's Association	•	

	Affirmative Action	Child Care
Political Parties		
Federal Progressive Conservative Caucus, Ottawa	•	•
Federal Progressive Conservative Caucus, Peel-Hamilton	•	
National Women's Liberal Commission	•	
Status of Women Organizations		
Canadian Advisory Council on the Status of Women		•
Manitoba Action Committee on the Status of Women	•	
National Action Committee on the Status of Women	•	•
Nova Scotia Advisory Council on the Status of Women	•	•
Status of Women, Justice and Public Services, NWT	•	•
Trade/Professional Associations		
Agricultural Institute of Canada	•	
Canadian Psychological Association	•	•
National Household Careers Corporation		
Professional Secretaries International	•	•
Training /Education Groups		
Association féminine d'éducation et d'action sociale	•	
Canadian Congress for Learning Opportunities	•	•
Times Change Women's Employment Service	•	•

	Affirmative Action	Child Care
Vancouver Women in Trades Association	•	•
Windsor Women's Incentive Centre	•	•
Women in Science and Engineering, Ottawa	•	•
University Women's Clubs		
Canadian Federation of University Women, Ontario		•
University Women's Club, Ottawa	•	•
Women's Institutes and Home Economics Associations		
Association des femmes collaboratrices		•
Federated Women's Institutes of Canada	•	•
Visible Minority Women's Organizations		
Black Women's Association of Alberta	•	
Congress of Canadian Women	•	•
Focus on Black Women, Ottawa	•	

APPENDIX F

A Comparison of the Recommendations on Child Care in the RCEE, the Cooke Task Force (TFCC) and the Special Committee (SCCC)¹

Nature of Provision

- RCEE Ideally child care should be publicly funded, of acceptable quality and universally accessible for children from birth until the age when they can legally stay home without an adult (92).
- Child care provision should be as flexible as possible, and, at the very least accommodate average training and work schedules (96).
- Range of delivery systems supported by subsidies and flexible standards; Child care can be in school, neighbourhood or parent's workplace (97).
- 'Childcare' is preferable to 'daycare' as it reflects the need for a system that cares for children whenever parental absence requires it (91).
- TFCC Federal-provincial and territorial governments should develop complimentary systems of child care that are as comprehensive, accessible and competent as health care and education systems (1).

Value of the Canada Assistance Plan (CAP)

- RCEE CAP is an inappropriate mechanism for funding child care as it perpetuates the idea that child care is an aspect of the welfare system (93).
- TFCC CAP provisions should be subsumed under new cost-sharing formula. Thereafter variable cost-sharing formula to child care subsidies based on income (16).
- SCCC Health and Welfare Canada should work with provincial/territorial counterparts to develop mechanisms to evaluate and monitor the day care subsidy programs under CAP (7).
- Health and Welfare should work with the provinces and territories to publicize the income levels that currently determine eligibility for child care subsidies under CAP (8)
- Health and Welfare Canada should encourage provinces and territories to use existing matching funds under CAP for high quality, developmental head-start programs for disadvantaged children(9)

National Child Care Legislation

- RCEE A National Childcare Act should be enacted in consultation with the provinces, territories and interest groups to guarantee consistent national standards (94). The Act should take account of appropriate child/staff ratio; urban and rural needs; special needs of native children and children from minority and disabled groups (95).
- TFCC No specific legislation recommended
- SCCC Federal government should introduce a Family and Child Care Act, complementing CAP, to provide federal funding to licensed child care centres, family day care homes and family support services through cost-sharing with the provinces and territories (10).

Child Care Tax Deductions and Credits

- RCEE Child care expenses should be fully deductible by either parent (102).
- TFCC Child care expense deduction should only be continued in the short and medium term, with present limits intact (17).
- New child care financing should not take the form of tax relief since tax measures in any form cannot provide the basis for development of a new child care system (17).
- SCCC Existing Child Care Expense Deduction should be replaced by a Child Care Expense Credit of up to 30% of expenses - not to exceed \$3,000 per child under 14 and \$12,000 per family, current eligibility maintained (2).
- A Refundable Child Care Tax Credit of \$200 for the first child, \$100 for the second and \$50 for each subsequent child should be introduced concurrently for families with children aged 0-5 to provide financial recognition where a spouse stays home and to assist other families who may not be eligible for the Child Care Expense Credit (3).

Child Benefits

- RCEE -
- TFCC -
- SCCC Existing elements of child benefits system should be retained (1).

Funding for Capital and Operating Costs of Licensed Child Care

RCEE Federal government should develop an appropriate mechanism for funding childcare with the provinces and territories (93).

TFCC Federal government should initiate a nation-wide system of child care through a new federal-provincial/territorial cost-sharing mechanism (2,8) to licensed services monitored by provincial/territorial governments (5,6).

Capital Grants for New Child Care Spaces

Minister of Health and Welfare should begin offering grants towards the capital costs of creating new child care space:

- \$400 per space for those under 6;
- \$200 for spaces for school-aged children;
- \$100 for spaces in licensed family home care programs
- 20% of cost of new spaces for disabled/special needs children (7,8).

Operating Grants for New Child Care Spaces

Minister of Finance should budget for operating grants to licensed programs at:

- \$4 per day for infant, disabled, special needs children,
- \$2 per day for each full-day space for pre-schoolers
- \$2 per day 6-12 year olds during vacation,
- \$1 per day for each after-school place
- \$1 per day for each half-day pre-school place (3,4)

SCCC A new Family and Child Care Act, complementing CAP, should develop a cost-sharing mechanism with the provinces/territories on a 50-50 basis (except in low income provinces, where the federal government will pay a greater percentage) on the following basis:

Capital Grants for New Child Care Spaces

- \$100 for children 0-5; \$200 for 6-12;
- additional \$200 for each disabled child age 0-12 (10).

Operating grants for all spaces of:

- \$3 per day for infants; \$2 per day for children aged 3-5
- \$0.50 per day for children age 6-12,
- additional \$3 per day for each disabled child between 0-12;

Child Care Development Program (\$15m p.a.) to assist with equipment and operating costs of licensed family support services, parenting programs for adolescent mothers, support programs for single mothers and school-age programs (10).

Child Care Facilities and Benefits Provided by Employers

RCEE

- TFCC Capital costs of child care facilities provided by employers should be tax deductible under the Income Tax Act (20).
- Employees should not be taxed for child care benefits provided by employers so long as benefit is for place in licensed service and available to all employees (21).
- SCCC Income Tax Act should be amended for a three year period to allow a 100 per cent Capital Cost Allowance in year expenses incurred by employers to provide new child care spaces for their employees. Allowance to be revoked in full if spaces do not remain available for five years (25).

Federal Government Provision of Services to Employers

RCEE

- TFCC Federal government to act as an example to employers by establishing child care facilities in federal government buildings where numbers warrant (22) and providing resources to departments to establish these new centres (23).
- Ministry of Defence to establish license child care facilities on each armed forces base in Canada and abroad (24). Ministry of Defence to underwrite full cost of child care for children separated from their parents (25).
- SCCC Treasury Board should encourage the establishment and equipping of child care centres in federal buildings where there are sufficient numbers of employers who need and will use this service (27).
- Department of National Defence should promote the establishment of family resource programs, where needs warrant, on armed forces bases (22).

Child Care Workers

RCEE Adequate training should be made available for childcare providers (99), who should be adequately paid (100) and actively recruited from both genders and from minority groups (101).

TFCC Minister of Revenue should issue expense claim guidelines for self-employed caregivers (18).

CEIC should give priority and increased resources to specialized training for child care staff (26).

SCCC Employment and Immigration Canada should use the Skills Shortage component of the Canadian Jobs Strategy to fund and promote full- and part-time training courses in child care to upgrade the skills of formal and informal care givers (16).

Secretary of State should assist community associations to provide caregiver training in either language (20).

Role of Provinces in Providing Child Care Services

RCEE

TFCC Federal government should use every means to persuade provincial and territorial governments to make more subsidized child care spaces available (14).

SCCC The provinces and territories should develop the highest possible standards to ensure quality child care across the country (17).

Provinces and territories should use tax revenues gained from implementation of child care expense/tax credits to extend availability of child care subsidies to low- and middle-income families and to improve licensed child care services (4).

The provinces and territories should encourage educational authorities to provide space and equipment for school-age child care, in conjunction with parents and volunteer groups (18).

Provincial governments co-operate with school boards to develop programs, sensitive to local mores, that discourage adolescent pregnancy; to assist adolescent mothers to complete their high school education and provide quality care for their children (36).

Family Responsibility Leave

- RCEE Employers should permit either parent to take a fixed number of days off work annually for child-related reasons (98).
- TFCC A minimum standard of five days' annual paid leave for family-related responsibilities should be built into the Canada Labour Code (45), five days per year should be allocated to all public servants (50), and members of the Armed Forces (53).

Services to Native People

- RCEE The National Child Care Act should take account of the special needs of native children(95).
- TFCC
- SCCC Indian and Northern Affairs Canada should (i) work with Indian peoples' groups to examine child welfare, child care and other support services to strengthening families and reducing the removal of children from their homes; (ii) give higher priority to the funding of family and children's support services; (iii) report to Parliament within a year of the SCCC report on its progress with implementation (28).
- Health and Welfare Canada should provide additional training for its Community Health Representatives to identify child care and family needs to prevent family break up and promote health child development (28).
- Secretary of State provide funds to native organizations to establish off-reserve family support and child care programs that are sensitive to native culture and values (30).
- Minister for Employment and Immigration should promote the development and extension of training programs, in suitable locations, for native people who wish to become family and child care workers (31).
-

Multicultural Sensitivity

RCEE The National Child Care Act should take account of the special needs of children from minority groups (95).

TFCC

SCCC Employment and Immigration Canada should re-examine its provision for child care services under the Immigrant Settlement and Adaption Program in order to determine their effectiveness for the new Canadian family, including at-home parents taking language courses (32).

Minister of State for Multiculturalism should promote the development and exchange of pre-school multicultural programs and materials and greater use of existing child care expertise in cultural communities (33).

Minister of State for Multiculturalism should explore with the provinces/territories ways of developing culturally sensitive early childhood programs (34).

Provision for Disabled Child Care

RCEE Until universal child care available priority should be given to children with special needs arising from disability and to children whose parents cannot look after them full-time (92). The National Child Care Act should take account of the special needs of disabled children (95).

TFCC Federal government should offer to cost-share any special costs in providing care for disabled children (12).

SCCC Health and Welfare Canada should make the prevention of disability in children a major goal of its health promotion policy; assign funding to voluntary organizations with programs aimed at this objective; take a lead role within the federal government on co-ordinating the provision of information in preventing disability (35).

Mechanisms for Review of Child Care Policies**RCEE**

TFCC Federal government should appoint Task Force in 1996 to review progress in developing the child care system with a view to extending public funding to cover the full cost of child care programs (19).

Social Sciences and Humanities Research Council should give top priority to research on the needs of families with children in the 1990s. Secretary of State and Minister for Health and Welfare should fund special Chairs in child development/family policy in each province (27).

Prime Minister should appoint a Minister Responsible for Children (29).

The National Day Care Information Centre at Health and Welfare Canada should become a national reference centre on child care (30).

SCCC Federal government should incorporate into the Family and Child Care Act an Initiatives and Research Fund of \$4 million annually to promote research into child care (12); with Minister of Health and Welfare taking responsibility for appropriating these funds prior to the Act (13).

New Secretariat should be established within Health and Welfare to administer Family and Child Care Act, monitor government's response to the SCCC and work with public, private and non-profit sectors to encourage child care initiatives, including work-related child care arrangements (14).

National Day Care Information Centre should be incorporated into the Secretariat (15).

Additional Services Relating to Child Care**RCEE**

TFCC Federal government should share with provinces/territories the cost of parent-resource services, toy lending libraries, child care information and referral services and other experimental programs (28).

SCCC Agriculture Canada should promote safety of children on farms (19).

Federal Business Development Bank should expand its services to child care centres through loans and banking provisions for capital development (21).

Canadian Broadcasting Company should give priority to the preparation, purchase and broadcast of audio and visual programs from the National Film Board and private production companies dealing with parenting skills and healthy family life (22).

Federal, provincial and territorial Ministers of Justice should ensure that all interprovincial/territorial barriers to the enforcement of support and custody are removed (24).

Health and Welfare Canada should (i) develop a national guide for child care workers outlining procedures for identifying and responding to suspected cases of child abuse; (ii) distribute inserts into Family Allowance cheques in an effort to educate parents on this issue; (iii) undertake educational programs on child abuse as advisable (37).

Health and Welfare negotiate with provinces/territories to develop appropriate child care and support services for children living in transition homes with their mothers (38).

Canada Mortgage and Housing Corporation should give favourable consideration to applications for loans from groups wishing to establish transition homes with child care facilities (39).

APPENDIX G

INTERVIEWEES and INFORMANTS

Methodology

I conducted a total of forty open-ended interviews, in Ottawa, Toronto, Montreal, Vancouver, London, Leeds and Belfast between August 1986 and April 1997. Key social movement activists and policy makers involved in the development of employment equity and child care policy were identified, initially by me and then by the recommendation of the interviewees themselves. In order to distinguish these two groups, people identified by me, without the assistance of the interviewees, have been asterisked (*). A list of the key activists and policy makers who were not available for interview at the point I was visiting their city is also provided.

Interviews averaged one hour in length. Each interviewee was contacted, first by letter and then by telephone to arrange an appointment. Follow up letters, thanking individuals for their time, were also sent to all respondents. The few interviewees that had to be interviewed by telephone are identified by the letter (T). While permission was sought from each interviewee to quote them in the manuscript, some interviewees requested anonymity, which I have respected. Many of my interviewees made comments, during the interview, which they asked to be kept off the record. These requests have also been honoured.

In order to make clear the rationale for interviewing various individuals I have clustered them according to their area of expertise. While interviewees were selected for their expertise in a particular area, their reflections often covered other issues addressed in this thesis.

I have also included a list of over fifty expert informants whom I consulted at various points in the course of my research, and shortly before I embarked on the project.

1. Interviewees

Interviews relating to the Royal Commission on Equality in Employment (RCEE)

Judge Rosalie Silberman Abella, Commissioner, RCEE*
Toronto, August 1986 and August 1987.

Hon. Warren Allmand, Chair of the Parliamentary Task Force on Equality*
Ottawa December 1988.

Hon. Lloyd Axworthy, Minister of Employment and Immigration, 1980-1983*
Ottawa, September 1986.

Mr Ron Collet, Senior Policy Advisor to Lloyd Axworthy, 1980-83,
Toronto, September 1986

Ms Patricia Preston, Press Secretary to Lloyd Axworthy, 1980-83; Ottawa
September 1986.

Hon. John Roberts, Minister for Employment and Immigration, 1983-84,*
Toronto, April 1997.

Ms Bernadette Sulgit, Executive Coordinator, RCEE; Toronto, August 1986

Interviews relating to the Employment Equity Act

Ms Marnie Clarke, Director, Employment Equity Branch, Employment and
Immigration, Canada, Hull, PQ, December 1988*

Mr John Bullock, Canadian Federation of Independent Business,
Ottawa, December 1988 (T)

Mr Robert Cooper, Chairman, Northern Ireland Fair Employment*
Commission, Belfast, October 1996.

Dr David Dodge, Director of the Task Force on Labour Market Development*
Ottawa, December 1988

Mr Peter S. Doyle, Commissioner (Employers), Employment and Immigration,
Canada, Hull, PQ, December 1988

- Ms Joanne De Lorentes, Canadian Bankers Association
Toronto, December 1988
- Ms Katherine Filsinger, Canadian Manufacturers Association*
Toronto, September 1986
- Mr Neil Gavigan, Employment Equity Division, Human Resources
Development Canada, Ottawa, September 1995*
- Ms Hanne Jensen, Director, Employment and Pay Equity Unit, Canadian
Human Rights Commission, Ottawa, December 1988*
- Ms Margueritte Keeley, Director, Pay and Employment Equity Director,
Canadian Human Rights Commission, Ottawa, September 1995*
- Ms Flora MacDonald, Minister of Employment and Immigration 1984-87*
Leeds, England, December 1990
- Mr Fazil Mihlar, Policy Analyst, Fraser Institute,
Vancouver, September 1995
- Dr Maureen O'Neil, Secretary General, Canadian Human Rights Commission,
Ottawa, September 1986
- Mr Rhys Phillips, Formerly at the Affirmative Action Directorate, CEIC
Hull, PQ, September 1986,
- Dr Michael Sabia, Former Policy Advisor to Flora Macdonald
Ottawa, September 1986
- Dr Michael Walker, Director, Fraser Institute, Vancouver, September 1995*
- Interviews relating to the Canadian Women's Movement and the RCSW**
- Ms Doris Anderson, Toronto, Former President of NAC and Canadian Advisory
Committee on the Status of Women, Toronto, December 1988*
- Senator Florence Bird, Chief Commissioner, RCSW*
Ottawa, September 1986.
- Professor Chaviva Hosek, President of NAC, 1984-86*
Toronto, September 1986

Ms Martha Hynna, Former Director of the Office of Coordinator of the Status*
of Women, Hull, PQ, September 1986

Professor Lorna Marsden, President of NAC 1974-76*
Toronto, August 1986

Ms Laura Sabia, Toronto, President of NAC 1972-74, Toronto, August 1986

Ms Tamra Thomson, Status of Women, Canada, Ottawa, September 1986*

Interviews relating to child care

Mr Howard Clifford, National Child Care Advisor, *
Health and Welfare Canada, Ottawa, December 1988.

Ms Susan Colley, Ontario Coalition for Better Child Care*
Toronto, November 1988

Ms Lyse Corbeil Vincent, Canadian Day Care Advocacy Association,*
Ottawa, December 1988

Ms Renée Edwards, Member of the Katie Cook Task Force
Ontario representative on Executive of CDCAA, Toronto, December 1988

Ms Kay Eastham, Director Ontario Child Care Programs*
Ontario Ministry of Community and Social Services, Toronto, December 1988

Ms Martha Friendly, Ontario Child Care Resource Centre*
Toronto, November 1988

Ms Debbie Jette, Director of Child Care Programs,
Health and Welfare Canada, Ottawa, December 1988.

Dr Elaine Todres, Ontario Women's Directorate
Toronto, December 1988

Interviews relating to Women and the Labour Movement

Ms Julie Davis, Ontario Federation of Labour*
Toronto, November 1988

Ms Linda Gallant, Women's Directorate, Canadian Labour Congress
Ottawa, December 1988*

2. Interviews requested but not obtained

Mme Madelaine Parent, Key Labour Movement Activist, Founder of CEW
 Ms Shirley Carr, President of the Canadian Labour Congress
 Ms Katie Cook, Director of the Parliamentary Task Force on Child Care
 Professor Marjorie Cohen, Key activist in the Canadian Women's Movement

3. Expert Informants

On community power

Professor Matthew Crenson, Johns Hopkins University, Baltimore
 Professor Peter Bachrach, Chicago
 Professor Steven Lukes, European Institute Florence
 Professor Geraint Parry, University of Manchester

On concepts of female citizenship

Professor Janine Brodie, University of Alberta
 Dr Diana Coole, University of London
 Professor Lise Gotell, University of Alberta
 Professor Christine Sypnowich, Queen's University Kingston
 Professor Elizabeth Meehan, Queen's University Belfast
 Professor Vivien Hart, University of Sussex
 Professor Ian Forbes, University of Nottingham
 Dr Fiona Williams, Open University
 Professor Ruth Lister, University of Loughborough

On the Canadian Women's Movement

Dr Nancy Adamson, University of Toronto
 Professor Linda Briskin, York University
 Ms Christina Gabriel, York University
 Dr Suzanne Findlay, University of Toronto
 Professor Linda Kealey, Memorial University
 Professor Jane Jensen, Concordia University

On the British Women's Movement

Dr Sheila Rowbotham (University of Manchester)

On the Canadian Human Rights Movement

Professor Brian Howe, McMaster University

On women and the labour force

Professor Pat Armstrong, University of York
 Professor Hugh Armstrong, University of York
 Professor Barbara Cameron, Organised Working Women
 Ms Mary Cornish, Ontario Pay Equity Coalition
 Professor Pat McDermott, York University
 Dr Craig McKie, Statistics Canada

On child care

Ms Julie Mathien, Education Officer, Centre for Early Childhood Education
 Ms Patricia Schultz, Action Day Care

On employment training

Dr Tom Klassen, University of Toronto

On the creation of Human Resources and Development Canada

Professor Evert Lindquist, University of Toronto
 Ms Elizabeth Shea, Senior Policy Analyst,
 Human Resources Development Canada
 Mr Chris Gehman, Ontario Child Care Research and Resource Unit,

On Canadian-Northern Irish Comparisons

Professor Robert Cormack, Queen's University, Belfast
 Dr Richard Jay, Queen's University Belfast
 Professor Robert Osborne, Cohlrairie University, Belfast
 Dr Rick Wilford, Queen's University, Belfast

On general patterns of political and legal development

Professor David Beatty, University of Toronto
 Professor Stephen Clarkson, University of Toronto
 Professor John English, MP
 Ms Suzanne Ellenbogen, Consultant for the Government of Ontario
 Professor Rodney Haddow, St Francis Xavier University
 Ms Gillian More, University of Edinburgh
 Dr Robert O'Brien, University of Sussex
 Professor Mary Powell, Laurentian University
 Professor Peter Russell, University of Toronto
 Professor Richard Simeon, University of Toronto
 Judge Kathleen Swinton, Ontario Provincial Court, General Division
 Professor Albert Weale, University of Essex

APPENDIX H

CHRONOLOGY OF KEY EVENTS AND DEVELOPMENTS

- 1844 First creche opened in Paris, Ontario - by the wife of a mill owner.
- 1890 First day care centre for child welfare of single mothers opened by Dr J L Hughes who later opened kindergartens in the public school system.
- 1892 Toronto Day Nursery opened.
- 1893 National Council of Women tabled resolution calling for equal pay for equal work by both sexes.
- 1920 Ontario Mothers' Allowance Act introduced to enable widowed mothers to stay at home with their children.
- 1922 Federal government establishes Division of Child Welfare
- 1925 Nursery schools established as part of the child study program at McGill University and at the University of Toronto.
- 1926 Institute of Child Study established in Toronto. Ensured the idea of pre-school education was rooted in day nurseries debate.
- 1942
Mar Federal Department of Labour and the National Selective Service begin campaigns to recruit single (and later) married women into the labour force.
- July Federal Income Tax Act revised, as part of Mackenzie King's 10 point plan for drawing women into the war industries. A man's tax exemption if his wife was earning under \$750 was removed so that men could claim for their working wives as dependents, regardless of how much money their wives earned.
- July Wartime Day Nurseries Act introduced - federal-provincial cost sharing arrangement established to provide for nurseries for women working in the war industries. Initiative for cost sharing lay with the provinces.
- Oct First nursery to operate under this agreement opened in Toronto.

- 1944 Wartime Day Nurseries Act amended so that 25 per cent of spaces in nurseries could become available to women who were working but not engaged directly in the war industries.

Philadelphia Declaration adopted at International Labour Conference stating that all human beings, regardless of sex, have the right to pursue their spiritual development as well as their material well being in conditions of equal opportunity.

- 1945 Mother's allowances introduced.
Various measures introduced to benefit families with special needs.
- 1946 Income Tax regulations changed so that a husband lost tax exemption for his wife when she earned more than \$250.

- April Wartime Day Nurseries Act rescinded.

Ontario Day Nurseries Act introduced.
Shift from federal-provincial to provincial-municipal funding (end of federal funds until 1966). 11 nurseries to be inspected regularly by the Ontario Day Nurseries Branch to ensure the maintenance of standards. Provincial grants of 50 per cent of the net operating costs made available to authorised municipal day nursery programs for children under six years.

United Nations Commission on the Status of Women established

- 1948 Universal Declaration of Human Rights (UN) includes 'sex' as ground for non-discrimination

1951

- June 9 Canada ratifies ILO Convention 100

Ontario Day Nurseries Act amended to cover cost sharing arrangements for children under seven, except in Toronto where age limit was ten.

- 1952 Federal Fair Wages and Hours of Labour Regulations Act

- 1953 Federal Fair Employment Practices Act
Did not outlaw discrimination on the grounds of sex

- 1954 Women's Bureau, Labour Canada established
To promote awareness and acceptance of women's actual and potential role in the labour force

- 1955 Marriage bar for women removed in the Federal Public Service.
- 1956 Federal Female Employee Equal Pay Act introduced.
Establishes principle of equal pay for men and women performing the same or similar work under the same or similar working conditions on jobs requiring similar skill, effort and responsibility.
- 1958 ILO Convention No. 111 Discrimination (Employment and Occupational) introduced.
Member states must pursue national policies of equality of opportunity and treatment in employment. ILO begins to pressurise member states to ratify.
Canada joins United Nations Commission on the Status of Women.
- 1960 Canadian Bill of Rights introduced outlawing discrimination 'by reason of race, national origin, colour, religion, or sex'.
- 1960 Royal Commission on Government Organisation appointed
- 1964 Federal government ratifies ILO Convention No.111 (1958)
To promote equality of opportunity and treatment in Employment with the aim of eliminating discrimination.
Ontario Day Nurseries Act amended to cover cost-sharing arrangements for municipalities providing child care to children of school age.
- Sep 1 Québec Passes Employment Discrimination Act (RSQ 1964. c.142)
Outlaws 'any distinction, exclusion or preference made on the basis of race, colour, sex, religion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.'
- 1965
Apr 5 Canada Assistance Plan announced in the Liberal government's throne speech
- 1966
Mar Letter by June Menzies in CFUW Newsletter raising the question of what women should do to improve their status in society.

- Apr 18 Letter issued by Laura Sabia, chair of CFUW, to major women's organisations inviting representatives to a meeting to consider taking action around the status of women.
- May 3 Exploratory Meeting on Human Rights and a Commission on the Status of Women - attended by 50 women, representing 32 organisations and by the press. Nine member steering committee formed.
- May Steering Committee met and recommended pressing for RCSW.

Jun 28 Chatelaine editorial for July calling for RCSW.

Meeting of women's organisations established Committee for the Equality of Women (CEW) to lobby for the establishment of a Royal Commission on the Status of Women.

Jul 15 Canada Assistance Program (CAP) established.
Federal government undertakes to share with the provinces and territories the cost of subsidising day care fees for the children of low-income parents.

Provincial Mothers' Allowance programs phased out: single mothers become eligible for CAP assistance on the basis of need.

Ontario Day Nurseries Act introduced. Drawn up in response to CAP to ensure (a) comprehensive standards for day care centres and nursery schools; (b) changes in funding so that after payment of private fees, payment of the deficit was paid for by the federal (50%), provincial (30%) and municipal (20%) governments, (c) provincial government to pay 80 per cent of the costs of operating and renovating municipal day nurseries; (d) Indian bands permitted to obtain funding on the same basis as municipalities; (e) empowered municipalities and Indian bands to purchase day nursery services from private nurseries for children in need and recover 80 per cent of the fees from the provincial government; (f) permitted province to operate day nurseries and purchase day nursery services in areas where provision was not organised.

1967

Feb 16 Royal Commission on the Status of Women established.

Aug CLC - OFL conference calls for more day-care centres.

Nov7 UN General Assembly adopts declaration on the Elimination of Discrimination Against Women.

Article 10 says that women should be ensured equal rights with men in the field of economic and social life, including the right to vocational training, the right to work, to the free choice of profession and employment and advancement as well as equal remuneration with men for work of equal value.

Female Employee Equal Pay Act amended.

Public Service Employment Act introduced.

Aimed to increase the employment of natives and francophones within the Federal Public Service. No mention made of prohibiting discrimination on grounds of sex in the public service.

Adult Occupational Training Act introduced

Established manpower training programs to help unemployed or underemployed workers gain the skills necessary to maintain productive employment in a changing labour market .

1968 International Human Rights Year

To mark the 20th Anniversary of the establishment of the United Nations

1970

Sep 28 Report of the RCSW submitted to Parliament.

Dec7 Report of the RCSW published.

Interdepartmental Committee on the Status of Women established in the Privy Council Office.

1971 Office of Equal Opportunity created within the Federal Public Service.

Appointment of Minister Responsible for the Status of Women (held jointly with another portfolio).

Canada Labour Code amended establishing right of women to maternity leave and to equal pay for work of equal value.

Unemployment Insurance Act modified to provide 15 weeks maternity benefits.

National Ad Hoc Committee on the Status of Women formed (40 national organisations) to channel views to government about the implementation of the RCSW's recommendations, constituted.

Jun 20 First National Conference on Day Care in Ottawa
-23 Organised by the Canadian Council on Social Development.

Ontario Day Nurseries Act amended to permit child care in licensed private homes, allow child care centres to claim certain capital expenditures to be shared by municipal and provincial governments and to make provincial funding available to nurseries for developmentally handicapped children up to 18.

1972 National Action Committee on the Status of Women established following 'Strategy for Change' Conference in Toronto.

Cabinet discusses recommendations of the Interdepartmental Committee on the Status of Women and approves RCSW Report.

Office of the Coordinator for the Status of Women established within the Privy Council Office.

Women's Program and Native Women's Program established as part of the Citizen Participation Programme within the Office of the Secretary of State.

Child Care Expense Deduction introduced by amendment to the Income Tax Act which allows parents earning income to claim an income tax deduction for the costs associated with child care.

CAP regulations changed to allow for cost-sharing in the operating costs of day care services.

July National Day Care Information Centre established within the Department of Health and Welfare

Nov Canada ratifies ILO Convention 100 on Equal Pay for Work of Equal Value.

1973 Advisory Council on the Status of Women established. Subsequently renamed Canadian Advisory Council on the Status of Women. Katie Cooke appointed as first President.

Dec10 Minister of Justice proposes the introduction of a Canadian Human Rights Act.

1974 Ontario government establishes Advisory Council on Day Care: to advise the Minister for Community and Social Services. Made up of high profile professionals interested in day care. Produces three reports over the next 2 years.

Ontario government introduces new regulations that allow charitable and co-operative organisations to obtain provincial subsidy for child care facilities: 20 percent of the operating costs normally paid by municipality would be paid by the province. (Valuable where child care facilities lacking or where municipality unable to meet their 20 per cent contribution under 1966 Day Nurseries legislation).

Oct 8 Minister Responsible for the Status of Women introduces Omnibus Bill to prohibit discrimination on the grounds of age, sex or marital status within the public service and to include this clause in the Public Service Employment Act; to extend provisions for maternity leave under the Unemployment Insurance Act to 15 weeks and to amend the National Defence Act to allow boys and girls into the cadet service.

1975 International Women's Year.

Jean Chrétien, President of Treasury Board, announced steps to increase women's representation in the Public Service - though not through an affirmative action program

Equal Opportunities for Women Program established within the Federal Public Service.

Grace Hartman elected president of CUPE - first woman to head a major Canadian union.

Sylvia Ostry appointed Deputy Minister of Consumer and Corporate Affairs - first woman Deputy Minister in Federal Government.

Ontario government announces cut backs in all social service programs. Child Care services subject to a maximum of 5.5 per cent increase over the next fiscal year. Capital funds to start new day care centres discontinued.

1976 Federal government announces its Voluntary Federal Contractors Program to be administered by the Canadian Employment and Immigration Commission(CEIC).

Office of the Coordinator for the Status of Women given departmental status. Coordinator becomes a deputy minister.

Cabinet directive issued encouraging federal departments to integrate status of women issues into all government activities.

Ontario government disbands Advisory Council on Day Care.

1977 Canadian Human Rights Act (Bill C.25) passed.
Prohibits discrimination on grounds of sex. Embodies equal value principle with 11(2) determined by the composite of skill effort and responsibility required in the performance of the work and the conditions under which the work is performed. Effectively absorbs Federal Female Employee Equal Pay Act.

1978
Mar 1 CHRA proclaimed; CHRC established.

1979 Canadian Advisory Council on the Status of Women publishes 'Ten Years Later': a booklet outlining the extent to which recommendations of the Royal Commission on the Status of Women had been implemented.

Federal Government publishes *Towards Equality*.

International Year of the Child - Canadian Commission Report published.

CEIC Announces Voluntary Affirmative Action Program.

Dec 10-14 CHRC Tribunal hears case of Bhinder vs CNR
To establish whether religious discrimination has occurred as a result of Bhinder being required to wear hard hat rather than turban required by his Sikh religion.

1980

- Jan CEIC holds 'High Level Conference on the Employment of Women'.
- Mar Organized Working Women (OWW) holds a one-day conference in Toronto on 'Day Care and the Union Movement'.
- Apr 14 Throne Speech in which new Liberal government pledges itself to 'play a leadership role by implementing affirmative action measures in the public service'.
- Aug Treasury Board, Secretary of State and CEIC all implement voluntary affirmative action pilot projects - aimed to complete pilot project by June 1983.
- Oct Women's Committee of the OFL holds a two-day conference on day care in Toronto entitled 'Sharing the Caring'.
- Nov OFL endorses report of Sharing the Caring conference calling for publicly funded, universal child care.
- Nov CLC convention in Winnipeg endorses public day care as a policy priority.
- Nov Major policy statement on daycare presented to and ratified by OFL's 24th Annual Convention

1981

- Systemic discrimination unit established within the CHRC
- Jan 26 Report by Women's Committee of the OFL proposing campaign strategy on childcare. Followed by invitation from Cliff Pilkey to other organisations.
- Feb 6 First meeting of organisations involved in OFL Campaign on daycare.
- Feb 14 Ad Hoc Committee on the Constitution holds major conference in Ottawa on Women and the Constitution.
- Mar 5 Second meeting of organisations involved in OFL Campaign on daycare.
- Mar NAC Annual Meeting - endorsing support for OFL/CLC day care campaigns.

- Mar 30 OFL organises a series of seven province-wide seminars on child care.
 Apr 11 Over 200 briefs presented at hearings.
- Jul 7 Task Force on Labour Market Development tabled in the House of Commons
- July CHRC establishes tribunal to investigate ATF vs CNR
 Following unsuccessful conciliation.
- Sep 22 CHRC Tribunal rules in favour of Bhinder in Bhinder vs. CNR
 Tribunal rules that Bhinder, a Sikh, had suffered religious discrimination as a result of being required to wear a hard hat rather than a turban, as his religion required.
- Fall CUPE establishes a National Day Care Committee at its National Convention.
- ILO Recommendation concerning Equal Opportunities and Equal Treatment of Men and Women.
- Canada ratifies UN Convention on All Forms of Discrimination Against Women. Convention includes the establishment of Child Care facilities
- Oct 30 Report of the Interdepartmental Committee on Day Care, organised by Status of Women, Canada is published.
- Dec 7 CHRC tribunal began hearings on complaint by Action travail des femmes v Canadian National Railway
- 1982
 Apr Canada Act introduced, Charter of Rights and Freedoms entrenched in the Constitution. Section 15(1) outlaws sex discrimination and Section 15(2) permits the use of affirmative action programmes to redress past discrimination. Embargo placed on both clauses until 1985.
- Bertha Wilson, appointed first female supreme court justice.
- Public Service Commission and Environment Canada take on voluntary affirmative action projects.

- Sep Second National Conference on Child Care in Winnipeg.
23-25 Federal lobby reconvened. Committee that later became the Canadian Day Care Advocacy Association (CDCAA) established. 29 Workshops. 700 Delegates.
- Dec 17 Bill C-141 An Act to amend the CHRA and other related Acts tabled in the House of Commons
- 1983
March Canadian Day Care Advocacy Association established
- April Changes to the Income Tax Act
Men and women would now be treated equally when claiming deductions for child care expenses.
- Jun 24 Royal Commission on Equality in Employment established
Order in Council, P.C. 1983-1924.
- Jun 27 Herb Gray, President of Treasury Board, announced cabinet decision to initiate a mandatory affirmative action program for women, native peoples and the disabled in the Public Service.
- July 1 Amendments to CHRA (Bill C-141?) Proclaimed as Law
- Sep Federal-Provincial-Territorial Ministerial Conference on Human Rights
Affirmative action discussed: how to integrate programs into government mandates
- 1984
May 30 Minister Responsible for the Status of Women (Judy Erola) announced the establishment of the Task Force on Child Care
Chaired by Katie Cooke.
- Aug Action travail des femmes' complaint of systemic discrimination upheld by Canadian Human Rights Tribunal.
- Aug 1 National Action Committee organises first ever televised party leaders debate on women's issues during a national election campaign.

- Sept 4 Election of Conservative Government, led by Brian Mulroney
Landslide election victory for the Conservatives. Record number of female MPs elected to the House of Commons.
- Oct RCEE presented to the Government
- Nov 29 RCEE tabled in the House of Commons by Flora MacDonald, Minister of Employment and Immigration
- Nov Economic Council of Canada holds major three day colloquium on the Status of Women in the Labour Market, Montreal. Includes daycare.
- 1985
- Mar 8 Government's response to RCEE - Announcement of employment equity legislation
- Apr 17 Section 15 of the CCRF comes into force
Outlaws discrimination on grounds of sex and permits affirmative action to compensate for past discrimination
Mandatory Affirmative Action Program within the Federal Public Service amended to include members of visible minorities as a target group.
- May House of Commons Standing Committee on Justice and Legal Affairs Hearings of Sub Committee on Equality Rights (Chair Patrick Boyer).
- June 27 Bill C-62: An Act respecting employment equity introduced into the House of Commons.
- July Federal Court of Appeal struck down hiring requirement imposed by CHRC in the ATF vs CN case on the grounds that the CHRC had exceeded its powers under the CHRA
- Nov Special Committee on Child Care Established
- Dec 17 Supreme Court dismissed appeals by Bhinder and CHRC against CNR
Government of Ontario awards Employment Equity Achievement Awards to Manufacturers Life Insurance Company, Toronto Board of Education, Westinghouse Canada Incorporate and Mutual Life Assurance Company of Canada.

1986

Apr 23 Bill C-62 passed by the House of Commons.

Mar 8 Report of the Task Force on Child Care released

Jun 26 Bill C-62 receives final approval in the Senate.

Jun 27 Bill C-62 given Royal Assent.

Federal Contractors Program for employment equity implemented

Aug 13 Employment Equity Act came into force

Shirley Carr elected first female president of the Canadian Labour Congress.

1987

March Report of the Special Committee on Child Care released.

Mar 3 Minister for Health and Welfare, Jake Epp, announces forthcoming national child care program.

Dec 3 Minister for Health and Welfare, Jake Epp, announces National Child Care Strategy

1988 Child Care Expense Deduction (CCED) raised from \$2000 to \$4000 for each child aged 6 and below and for children with special needs. Child care expense deduction pegged at \$2000 for children aged 7-14. Maximum family limit of \$8000 for child care expense deduction eliminated.

Refundable child tax credit introduced.

Apr 1 Child Care Special Initiatives Fund launched as part of the National Strategy on Child Care: \$100m over seven years.

Jun 1 Deadline for submission of first annual employment equity reports

Special Measures Programs in the Public Service consolidated and renewed for 5 years.

- July 25 Bill C-144, Canada Child Care Act received 1st reading in House of Commons
- July Minister for Health and Welfare announces that an additional \$1 billion to the federal child care budget

National Action Committee campaigns against the proposed Free Trade Agreement with the United States.
- Aug 24 Bill C-144 received 2nd reading in the House of Commons
- Sep 13 Income Tax Act amended (Bill C-139).
: Child Care Expense Deduction doubled for preschoolers.
: Child Tax Credit increased for parents without child care receipts.
- Sep 26 Bill C-144 received 3rd reading in the House of Commons
- Oct 1 Bill C-144 died on the Senate committee order paper when federal election announced.

Women's Issues debated during 2nd hour of main three hour party leaders election debate.
- 1989
- Apr 27 First budget following re-election of the Conservative government
Minister of Finance, Michael Wilson announces a deferral of its pledge to create new child care spaces --'the government is not in a position to proceed with [the National Strategy on Child Care] at this time' -- on the grounds that this would enable the government to make a saving of \$175 million in 1989-90 and a further \$195 in 1990-91.
- May Federal court ruled that under the Charter a self-employed parent should be allowed to deduct the full costs of child care from taxable income.
- 1990 Unemployment Insurance Act amended to provide 10 weeks of parental benefits.
- March Federal budget imposed restrictions on amount of money given to the provinces under CAP.

Employment and Immigration Canada issued a discussion paper on employment equity

This set out the major issues for consideration during the forthcoming review of the Employment Equity Act.

1991

Oct Special Parliamentary Committee established to review the EEA

1992 Public Service Reform Act

Made employment equity policies mandatory in the public service under the Financial Administration Act and the Public Service Act

May 13 Rosalie Silberman Abella sworn into the Ontario Court of Appeal as Canada's one hundredth woman judge.

1993 CCED increased from \$4000 to \$5000 for each child age 6 and under, from \$2000 to \$3000 for each child age 7 to 14.

Canada Labour Code amended to provide maternity related reassignment or leave if reassignment impossible or needed for health reasons.

Ontario first province in Canada to develop Employment Equity legislation that spans public and private sectors: requires public sector employers with 10 or more workers and private-sector employers with 50 or more workers to create a plan and promoting women, visible minorities, aboriginals and peoples with disabilities.

Sept Liberals' Red Book promises to strengthen 1986 Employment Equity Act

Liberals' Red Book promised \$720 million for a federal-provincial shared-cost program to expand child care spaces by 150,000 over 3 years
Contingent on: 3% annual growth rate; agreement with provinces.

1994

Feb Budget allocated the first two years of child care federal funding: \$120 m: 1995-96; \$240m 1996-97 (most subsequently withdrawn)

Social Security Review Child Care and Development Discussion Panel emphasised the importance of developing a national framework of principles for child care.

- March President of Treasury Board tabled first annual report on employment equity in the public service
Requirement of the Public Service Reform Act
- April Special Measures Initiatives Program replaces Special Measures Program
Program place greater emphasis on innovation and flexibility in increasing the representation of designated group members and changing the corporate culture in the Federal Public Service.
- Dec 12 Bill C-64 tabled in the House of Commons
- 1995
Feb Budget: Canada Health and Social Transfer introduced to replace CAP
Interprovincial "Ministerial Council on Social Policy Reform" formed to 'improve coordination and take on a leadership role with respect to national matters that affect provincial jurisdiction.'
- June New Conservative government elected in Ontario,
Proposed Employment Equity legislation rescinded.
- Oct 30 Quebec Referendum.
- Dec 13 Lloyd Axworthy announces Liberals announced shared-cost proposal on child care - launched despite 2.5 percent GDP growth
Provincial response cool
- Dec 15 Bill C-64 -- the amended Employment Equity Act -- received Royal Assent.
- 1996
Jun 24 Revised Canadian Employment Equity Act came into effect
- Feb No extra child care funding specifically designated in budget.
Axworthy proposal abandoned because of 'lack of provincial interest' even though before any hard federal-provincial bargaining had taken place.
Like the Tories, Liberals promised to use resources to fight child poverty.

Feb 27 Throne speech "The government will not use its spending power to create new shared cost programs in areas of exclusive provincial jurisdiction without the consent of a majority of the provinces"
First time any Federal government has formally restrict its use of the spending power outside a constitutional negotiation

April 1 CAP abolished.
Produced a de facto redefinition of federal funding role in child care

October Liberals 'Record of Achievement' acknowledges child care as unfulfilled promise.

1997

Feb Government announced restructured National Child Benefit System by enriched support through tax system for poor families.

No extra child care funding specifically designated in budget.

June 3 General Election: Liberals re-elected with reduced majority.

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The bibliography is divided into three sections to show published and unpublished material consulted in the preparation of this thesis. A few works cited by other authors have been included to ensure that the bibliography is complete.

1. Submissions to the Royal Commission on the Status of Women in Canada (RCSW).

The submissions identified can be consulted in the Public Archives of Canada (original copies and microfilm) or in the Government Documents section of Robarts Library, University of Toronto (microfilm). Entries are arranged alphabetically by the name of the organisation submitting the brief. Submissions are identified by: (i) the name of the organisation; (ii) the year of submission; (iii) the title or heading of the brief (if no title given the term 'submission' is used, (iv) the number of the brief in the RCSW's records and (v) where available, the date of submission.

2. Submissions to the Royal Commission on Equality in Employment (RCEE).

The submissions identified can be consulted at the Public Archives of Canada. Entries are arranged alphabetically by the name of the organisation submitting the brief. Submissions are identified in the same way as those for the RCSW, although no numbers were allocated to briefs submitted to the RCEE

3. All other published and unpublished material.

These entries are arranged alphabetically by author and placed chronologically by year of publication. All Canadian government documents begin with the prefix 'Canada,' followed by the name of the federal government department or organisation.

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