

Status of Women Study

on the part of labour unions. The report cites the example of the experienced female fish worker who receives \$2.15 an hour, while an experienced male fish worker receives \$2.83 an hour. The report adds, at page 72:

We were even more mystified when we were told that an inexperienced male fish worker was receiving \$2.37 an hour.

Female nursing assistants who must have received in addition to grade 10 education a training course of about ten months duration as well as special provincial licensing, are often paid less than male nursing orderlies who have no qualification requirements to meet and get their training on the job. As a matter of fact, the commissioners had to look no further than the publication of Canada's own Department of Labour, economics and research branch, whose 1967 table of wage rates for male and female knitters in the hosiery and knitted goods industry showed glaring differences in pay scales.

In some cases it appears employers go out of their way to differentiate duties as between women and men so they may be within the letter of the law but outside its intent. But employers are not the only villains on the scene. Labour unions have been markedly slow to fight on behalf of women employees, not only in the matter of pay but with respect to all other fringe benefits. However, since we are dealing with the principle of equal pay and not with other matters pertaining to the welfare of worker I will confine myself to quoting only that portion of the union brief received by the commission which deals with pay. The brief in question states bluntly:

It has unfortunately been impossible, we must admit, to secure real implementation of the principle of equal pay for equal work in certain sectors.

This type of discrimination does not exist only at the social level of the labourer, blue-collar and white-collar worker. For once the discrimination is not discriminatory along class lines. Professional women are not excluded from the misery of their less educated sisters. The average salary of women in the academic professions was \$2,262 less than men in 1965-66, and only about half of the difference could be explained away by age, degrees held, field of specialization, university, region or academic rank. Difference in women's salaries ranged from \$433 for associate professor to \$2,790 for dean. In other professional fields similar tendencies were tabulated, the greatest differences being in the field of medicine.

We are therefore looking at the most classic and reprehensible form of injustice, the injustice which makes mockery of the law and civil and criminal codes. We are looking at the type of injustice which has been well documented in the case of the southern American negro who, when accused of a crime, finds that the ordinary processes of law are subverted by the prejudices of the white juries who sit in judgment. We are looking at the type of injustice experienced by the Russian peasant whose recourse against excessive taxation in the courts is non-existent, although it is given usual lip service in the statute books.

When a law to prohibit discrimination exists in our legal codes but does not exist in fact, then we are eroding our own legal system and the eventual victims of such a

[Mr. Howard (Okanagan Boundary).]

course can only be each one of us. The reason for the continuation of this type of discrimination is not any concerted effort on the part of masculine oppressors to keep women in economic subservience, in spite of what the women's liberation movement might think. On the contrary, it is male legislators by and large who have drafted the laws outlawing discrimination on the basis of sex. The main reason for the breakdown of these laws is that the onus of proof is on the aggrieved person.

As the commission points out, many employers go to considerable lengths to make identical jobs slightly different. Another example which they cite is worth repetition. A large manufacturing firm with union representation has two wage scales for the virtually identical job of janitor and janitress. The male janitor's wage is 5 per cent higher than that of the janitress. The only small difference in the two jobs is that the janitor is required to wheel the garbage from his work area to the disposal area, while the janitress places the garbage from her work area outside the washroom. Despite this deliberate circumvention of the intended law, one further factor makes it almost impossible for the female worker to seek redress under present legislation.

• (8:40 p.m.)

Under the existing legislation, with the exception of the provinces of Ontario and Nova Scotia any complaint has to be lodged by the person aggrieved. In what position does this put a female worker if she has to lay a complaint that will get her fired in the long run, even if she succeeds in getting her complaint heard and acted upon? To compound this unfairness, where a woman has been willing to risk the wrath of her employer the penalties for breaking the law have been so low that the employer has often felt it more financially beneficial to continue to break the law and pay a small penalty than to worry about being charged with discrimination. Obviously, a law that demands unreasonable proof on the part of the complainant, which threatens the complainant with the loss of her livelihood if she seeks redress under it and which has so few teeth that any convictions are not a deterrent in the future, is a poorly drafted and unjust form of legislation.

As members of the federal Parliament, it behooves us to give serious consideration to the recommendations on pages 76 and 77 of the commission's report concerning the federal Female Employees Equal Pay Act and the federal fair wages and hours of work legislation, just as it is to be hoped that provincial legislatures will also incorporate the intent of these recommendations in their legislation.

In detail, the commission recommends, first of all, that the concepts of skill, effort and responsibility be used as objective factors in the determination of what is equal work. This first recommendation is obviously designed to stop the dishonest practice of making some slight change in the female and male work categories in order to justify salary differences. It seems to me that the interpretation of this provision could well be handled by unions wherever there is union representation, in co-operation with governmental agencies, so that the union