

*Status of Women*

leave to employees under certain circumstances. We welcome the part of this amending motion which adds a new section 23 to the act, in this case dealing with the Canada Labour Code.

The other part of this amendment is the part to which the hon. member for Peace River (Mr. Baldwin) addressed himself, namely, the provisions for putting into the War Veterans Allowance Act the same definition of marriage that is in a number of other statutes and which, in the committee on this bill, was written into the Pension Act. That definition, which is now becoming common through most of our legislation, includes common law marriages under certain circumstances.

As I said on another occasion, Mr. Speaker, I am not shocked at the fact there are common law marriages. I have had the privilege of uniting a good many couples in happy, holy matrimony, but I have known of couples who had not the benefit of that kind of ceremony who have been very happy together and whose relationship one would not want to criticize.

I have known instances where the children of one or the other became more attached and more respectful of the common law partner than the legal partner. That does not justify that sort of thing, and is not condoning it. I just want to make it clear that I am not attacking the government for its humanitarianism in putting this provision into various pieces of legislation. Even so, it still annoys me that, by doing this, we are creating strange anomalies. As the hon. member for Peace River said, we recently dealt with one such anomaly which comes under the jurisdiction of the same minister, the Minister of National Health and Welfare. We dealt with it in the House; we dealt with it in the Standing Committee on Health, Welfare and Social Affairs last Thursday evening, and I suspect we have not finished with it.

● (2040)

Under that piece of legislation, the widow who was legally married to her former husband cannot get a spouse's pension if she is between 60 and 65 years old; on the other hand, the common law wife living with a husband who is a pensioner can get the pension. As I said previously, I do not intend to object to the benefit being thus accorded, but I feel unhappy about this differentiation. Under certain circumstances the common law spouse—as this year, 1975, is International Women's Year, perhaps I can say, “common law wife”—can get benefits which the widow who was legally married does not get.

With this amendment—there is a companion piece to it which was put into Bill C-16 in committee—we are carrying this principle into veterans' legislation. I am glad to see the Minister of Veterans Affairs (Mr. MacDonald) in the chamber and following this debate. We are to provide, both in the Pension Act, which provides for disability pensions, and in the War Veterans Allowance Act, that common law wives, when they become widows or even when their husbands are still alive, are to get the same benefit that a legally married wife is to get.

What bothers me is that for years many of us in this chamber have fought for more generous provisions for the widows of veterans, and we have fought in particular against the 48 per cent clause. You, Sir, are familiar with

it, as are many others. I am happy to say that the Standing Committee on Veterans Affairs filed its report a few days ago saying that it seeks an amendment with respect to the 48 per cent cut-off. We recommended that but it has not yet been implemented. That means that when we pass this legislation some women who are married to veterans will not get a pension when the veterans die, and there will be other widows who were living in a common law relationship who will get the pension. Let me be specific about what I mean.

In the one case, let us say that a woman is married to a veteran whose disability pension is 40 per cent. If he dies, that is the end of the pension. In the other case let us say that a woman is living in a common law relationship with a veteran who is on a 60 per cent pension; she will get 100 per cent of the widow's pension. I do not begrudge this to her, but I think there is a distinct element of unfairness in the legislation. It is unfair to deny the other person the pension.

As I say, the government is impelled by motives of humanitarianism for putting this definition of marriage into all statutes of this kind. Having done that, I suggest we should look again at what we are to do for the legally married person in the case of the Old Age Security Act and for the widow who was legally married in the case of the Pension Act and the War Veterans Allowance Act.

I suggest to the Minister of Veterans Affairs that when he takes that committee's recommendation to cabinet he should say, “Look, boys and girl, if we are going to provide these benefits for common law widows, should we not do something better than we are now doing for those who are legally married?” As I say, I am speaking about the amendment before us as it relates to the War Veterans Allowance Act. It is a companion amendment to one that was put into the bill in committee, an amendment for the Pension Act, which makes these same provisions for common law wives of disabled veterans.

I know of many instances of common law widows who deserve the best we can do for them, but, Sir, so do those widows who were legally married deserve the best that we can do for them. There is much to be done for them under all our legislation, under the Old Age Security Act, the Pension Act, the War Veterans Allowance Act, the Public Service Superannuation Act, and all similar acts all down the line. About the only pension legislation which does not provide for a common law relationship is the Members of Parliament Retiring Allowances Act, the legislation governing judges' pensions and lieutenant governors' pensions.

As the government has adopted a humanitarian approach in all these other areas I mentioned, I suggest that it should be equally humanitarian toward legally married wives and to widows who were legally married.

**Mr. Lalonde:** Mr. Speaker, may I take a minute to tell the hon. member something—

**Mr. Deputy Speaker:** Order, please. The minister may only speak by consent. As hon. members are aware, as the House is not discussing a substantive motion at this stage, there is no right to reply unless the House gives its consent. Does the House consent to the minister's making some comments at this time?