

"All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

(a) Equal conditions of access to, and study in, educational institutions of all types, including universities, and vocational, technical and professional schools;..." *The United Nations' Declaration on the Elimination of Discrimination Against Women, Article 9.*

Introduction

1. Changes in education could bring dramatic improvements in the social and economic position of women in an astonishingly short time. In this Report, we propose many options for women in choosing the course their lives will take. If they are to be well prepared for the choice they make, the educational system itself must be more flexible, offering them a variety of opportunities for study and training. Moreover, flexibility and adaptation to new situations must be taught as indispensable equipment for living successfully in the world of today and tomorrow. All too often education teaches only yesterday's wisdom.

2. Equal opportunity for education is fundamental. Education opens the door to almost every life goal. Wherever women are denied equal access to education they cannot be said to have equality.

3. The complexity of Canadian society requires a comprehensive understanding of the world, as well as highly specialized skills. Education is a necessity in a highly developed society, and must extend throughout the lifetime of the individual.

4. In this Chapter, we first look briefly at the past. We then examine how the courses in which girls enroll in school affect their future occupations, and discuss motivational and social factors reflected in the education of girls. Since learning is a lifelong process, we direct attention to the continuing education of women. Finally, we recommend changes in policies, programmes and attitudes to improve the status of women.

5. In a country as vast and diverse as Canada it is difficult to be precise in describing the education of women. Education in this country reflects

two national cultures and is the responsibility of 12 different jurisdictions.¹ In every part of Canada, education, which in earlier days was not always available for either sex, is now considered the right of all. Elementary and secondary schooling is compulsory for girls and boys until at least age 14, and the publicly supported schools are open to all children free of charge. Federal and provincial governments provide grants and student loans to young people of both sexes who wish to continue their education beyond the secondary level.

The Past²

6. In early French Canada, the education of girls was a matter of evident concern. By 1642 the Ursuline nuns had established a boarding school in Quebec, where daughters of officers, merchants, and magistrates were educated with daughters of farmers and workers of all kinds. Later a similar school was opened by the Ursuline nuns at Three Rivers. The *Congrégation de Notre-Dame*, founded in Canada by Marguerite Bourgeoys, opened its first school in 1658. Between 1676 and 1732 it also established nearly a dozen more schools in towns and villages. Girls were taught reading, writing, simple arithmetic, prayers and the Christian code of morals. In 1789, according to the Bishop of Quebec at that time, the number of literate women exceeded the number of literate men.³ In 1806 a traveller observed: "The women are better instructed, or at least better informed . . . Hence they generally acquire an influence over their husbands."⁴

7. The training of teachers in the Province of Quebec was authorized by law in 1836, but it was not until 1857 that the first normal schools were opened—a French Catholic school for men in Quebec City with a section for girls run by the Ursuline nuns, another for men in Montreal, and a co-educational school in the English language at McGill University. In 1899, a French Catholic normal school for women was opened in Montreal.

8. During the second half of the nineteenth century, an increasing number of women in Quebec entered the teaching profession. Between 1876 and 1888, the number of female teachers increased from 4,776 to 6,766 while

¹ Section 93 of the British North America Act, 1867, reads: "In and for each Province the Legislature may exclusively make Laws in relation to Education . . ." Today, each of the 10 provinces and the two territories has its own educational system.

² This section is based mainly upon: Phillips, Charles E. *The Development of Education in Canada*. Toronto, W. J. Gage, 1957, pp. 15–19, 375–386; and Royal Commission of Inquiry on Education in the Province of Quebec. *Report*. Vol. 2, Quebec, Government Printer, 1964, pp. 262, 264, 269.

³ Mgr. Briand, quoted by Robert-Lionel Séguin. "La Canadienne au XVIIe et XVIIIe siècles". *Revue d'Histoire de l'Amérique française*. Vol. 13, Montreal, Institut d'Histoire de l'Amérique, March 1960, p. 502.

⁴ *Ibid.* Lambert, John, quoted by Séguin, R. L. p. 502.

the number of male teachers only increased from 1,146 to 1,335.⁵ Teachers in both Protestant and Catholic schools were paid very low salaries, equivalent to those of domestic servants, but women received less than half the amount paid to men, as is illustrated in the following table of average annual salaries for the year 1899-1900.⁶

Schools	Elementary		Secondary	
	Women	Men	Women	Men
Catholic.....	\$111	\$242	\$130	\$487
Protestant.....	\$152	\$663	\$291	\$830

9. Early in the twentieth century, religious orders opened more normal schools to train women teachers for the Roman Catholic elementary schools of Quebec. The cost of tuition was low, and the schools gave many women the advantage of education beyond the elementary level. In general, they received less government support than the public normal schools where male lay teachers were trained.

10. The first classical college⁷ for women was founded in Montreal in 1908. The second was opened in Quebec City in 1925 and gradually a number of others were established throughout the province. Until 1960 they were denied the support from public funds given to classical colleges for men and so became the preserve of a small number of privileged individuals who could afford tuition. Meanwhile, a large network of government subsidized Family Institutes was developed. These schools of domestic science were designed to train girls to be good housewives. Their gradual closing since 1961 indicates recognition of the changing image of women in Quebec.

11. In 1910, the University of Montreal became the first French-language university in Quebec to give a Bachelor of Arts degree to a woman, a student in the College Marguerite Bourgeoys. By 1960, all faculties in the French-language universities had opened their doors to women.

12. In the province of Quebec, the professions were slow to admit women. A woman was accepted by the Quebec College of Physicians and Surgeons

⁵ Labarrère-Paulé, André. *Les Instituteurs laïques au Canada français, 1836-1900. Québec, Les Presses de l'Université Laval, 1965, p. 356.*

⁶ *Ibid.* p. 451.

⁷ Classical colleges are defined by the *Encyclopedia Canadiana* as "private and independent institutions, operated mostly by the Roman Catholic clergy in Quebec, providing education at the secondary and undergraduate levels." It is questionable whether the level corresponded to university graduate levels.

in 1930. A woman received a degree in law from McGill University in 1914 but it was not until 1941 that a woman was admitted to the bar. Although women were admitted to the Chamber of Notaries in 1955, it was not until 1961 that a woman was granted the right to practise as a notary.

13. In English-speaking Canada, in pioneer days, educational opportunities for young girls were also limited. Girls were less likely to attend school than boys. Among the upper classes, schools for young ladies were designed to carry their pupils to matrimony with unquestionable virtue, social graces and the air of delicacy then much admired.

14. By the middle of the nineteenth century, some people were suggesting that intellectual pursuits might widen the narrow dimension of life for which girls of the upper and middle class were prepared. Others feared that the elevation of the female mind might interfere with what they regarded as the full range of womanly tasks, such as housekeeping, child-rearing, and social duties.

15. About the time of Confederation, subsidies for education were paid according to the number of students attending school. (In Ontario high schools, a girl was counted as one-half a student). In most places, girls were admitted to high schools but girls and boys were segregated in separate classrooms. Co-education as we know it today came about gradually over the years.

16. Before 1850, women were sometimes employed as teachers but it was difficult for them to gain admission to normal schools. For example, in 1849, a young woman applied for admission to a school for teachers in New Brunswick. After being refused repeatedly, she appealed to the Lieutenant-Governor and obtained an Order in Council which granted her admission. The principal of the school set up special rules governing her conduct. She had to wear a veil, enter the classroom 10 minutes before the other students, sit alone at the back of the room, retire before the lecture ended, and leave the premises without speaking to the male students. However, the need for trained teachers was so great that by 1860 women were found in the normal schools of all provinces.

17. As early as 1858, Mount Allison University in New Brunswick admitted women to classes and in 1875 it was the first university in the British Empire to grant a Bachelor of Science degree to a woman. Women were admitted to Dalhousie University in Halifax in 1882, to McGill University in Montreal in 1884, and, after much opposition, to the University of Toronto in 1885. By 1920, the number of women students in universities was only about one-sixth of the total enrolment.

18. It took longer for women to enter the professions. In 1883-84, rather than admit women to their medical faculties, the University of Toronto and Queen's University⁸ established separate medical colleges for women. In 1891, for the first time, a woman applied to the Benchers of Ontario for admission as a student-at-law and was refused. Later the Attorney General of Ontario acted on her behalf and established the right of women to be admitted as solicitors. It was not until 1897 that a woman was called to the Ontario Bar, the first woman lawyer in the British Empire. By 1923 all provinces, except Quebec, allowed women to practise law.

19. The early vocational schools admitted women but programmes for both sexes were very limited. In 1901, the 16 vocational schools in Canada offered only manual training for boys and household science for girls. There were no apprenticeships for girls. Although the World Wars added some impetus to the establishment of vocational programmes and schools, there was little progress until the federal Technical and Vocational Training Assistance Act became effective in 1960.⁹

20. Co-education is now general in the publicly supported schools of English Canada and is being adopted increasingly in Quebec. In Ontario, however, we found a serious exception to equal treatment of boys and girls in the exclusion of the latter from the University of Toronto Schools. This institution, a training college for teachers for secondary schools in the provincial system, is a division of the College of Education of the University of Toronto and is financed largely from public funds. The average annual enrolment is 420 boys. It offers an enriched programme of study which we consider should be equally available to girls.

Present Patterns of Enrolment

Schools

21. The first significant difference in the education of girls and boys is apparent in the choice of courses at the high school level. As will be seen in Chart 1, the estimated number of girls taking commercial courses in nine of the provinces is substantially higher than the estimated number of boys. Many more boys than girls are taking vocational courses such as industrial and mechanical trades, construction trades, forestry, and agriculture. Although the percentages of girls and boys who enroll in the academic programmes

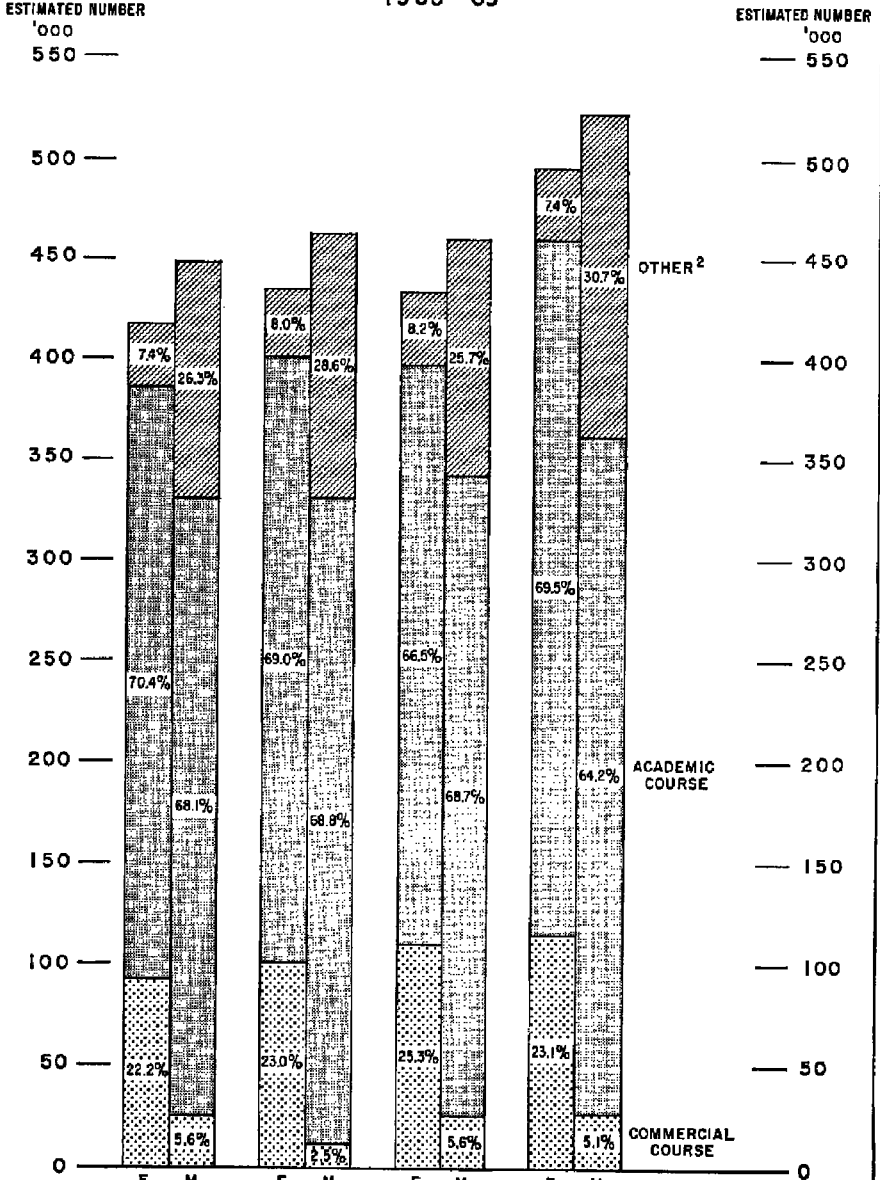
⁸ The medical college of Queen's University for women was closed in 1895 and it was not until 1942 that women were admitted to the medical faculty of the university.

⁹ Glendenning, Dr. D. E. "The History of Vocational Education in Canada". *The Canadian Superintendent*, 1966. Toronto, Ryerson Press, 1967. pp. 13-24.

CHART-1

ESTIMATED NUMBER OF GIRLS AND BOYS IN SECONDARY SCHOOLS TAKING COMMERCIAL, ACADEMIC AND OTHER COURSES OF STUDY—NINE PROVINCES¹

1965-69



¹ Excludes Quebec, Yukon and Northwest Territories secondary schools, and all private schools.

² Includes vocational courses, auxiliary classes and other secondary courses.

³ Excludes Manitoba enrolment figures.

Source: Dominion Bureau of Statistics, unpublished data, February 1970.

are roughly equal, boys predominate in the study of mathematics and science and girls tend to concentrate on social studies. Obviously options chosen at the high school level have a definitive influence on women's eventual occupational choices.

22. A second significant difference between girls and boys at the high school level relates to drop-outs. Proportionately more girls than boys stay at school until the higher grade levels. This difference is often reversed in the final grades of high school since, if boys have reached second or third year high school, they are somewhat more likely to stay on to senior matriculation.¹⁰ At the secondary level girls as a rule get better marks than boys. The fact that they leave school in greater numbers before completing senior matriculation must therefore be explained on grounds other than academic ability. Why these differences occur is discussed later in this Chapter.

23. It is obvious that there are two critical times of decision in the educational life of a girl. One is at the transition from elementary to secondary school, when she chooses the courses she will take. The other is at the completion of secondary school when she decides what she wants to do, that is, whether to go to university, enroll in a technical training or business course, or take a job. Most educators are well aware of these watersheds. We urge all those involved in the education of girls to continue to emphasize the long-term effects of choices made during high school years and to impress on girls the importance of education for women.

Universities

24. Women make up one-half of the total population but only about one-third of college and university undergraduate enrolment. Nevertheless, they have comprised a slowly increasing percentage of the total enrolment in undergraduate programmes, from 16.3 per cent in 1921 to 34.2 per cent in 1967-68. (See Chart 2).

25. The following figures¹¹ illustrate the increase in certain years in the number of women enrolled as full-time students in universities and their participation rate.¹²

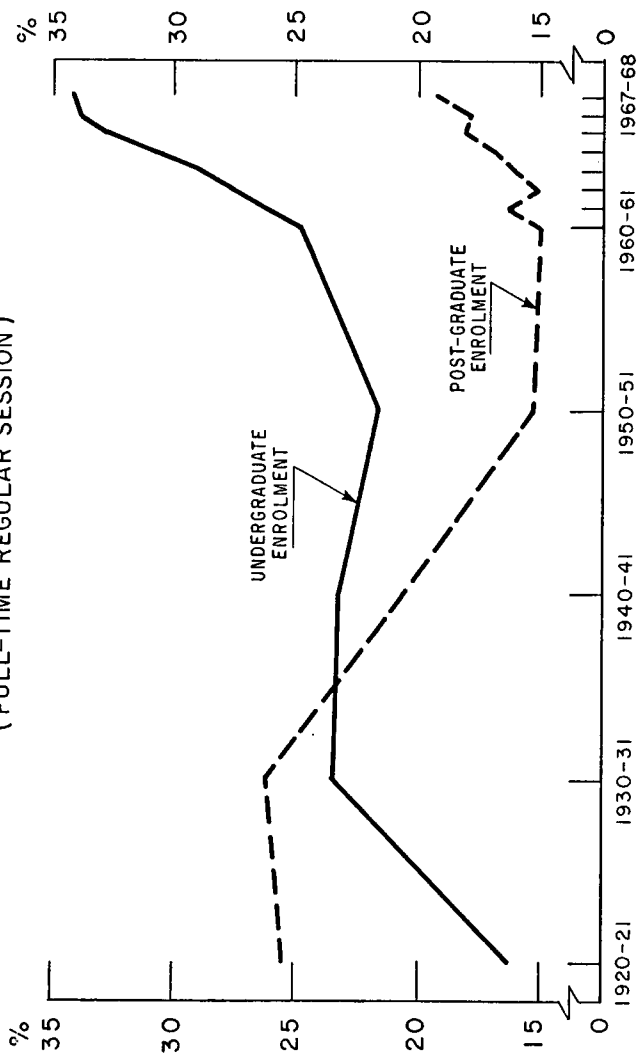
¹⁰ Dominion Bureau of Statistics. *Student Progress through the Schools by age and grade*. Cat. No 81-530, Ottawa, Queen's Printer, 1965, p. 22.

¹¹ Sheffield, Edward F. *Enrolment in Canadian Universities and Colleges to 1976/77*. Ottawa, Association of Universities and Colleges of Canada, 1966, p. 9. Dominion Bureau of Statistics. *Survey of Higher Education*. Part II, Cat. no. 81-211, Ottawa, Queen's Printer, 1965-66 and 1966-67, p. 10 and 12.

¹² The participation rate is calculated by dividing the number of full-time enrolled students of a particular sex by the number of that sex, aged 18 to 24 years, in the population.

CHART - 2

**ENROLMENT OF WOMEN AT UNDERGRADUATE AND POST-GRADUATE LEVELS
AS A PERCENTAGE OF TOTAL ENROLMENT
(FULL-TIME REGULAR SESSION)**



Source: Urquhart, M.C. and K.A.H. Buckley, ed. *Historical Statistics of Canada*. Toronto, Macmillan, 1965, pp. 601-602.
 Dominion Bureau of Statistics. *Survey of Higher Education*. Cat. no. 81-204, 1961-62, 1962-63, 1963-64, 1965-66, 1966-67, 1967-68.

	Number of Full-time Students Enrolled		Participation Rate	
	Female	Male	Female	Male
1951-52.....	13,247	46,602	1.7%	6.7%
1965-66.....	61,845	126,847	6.5	13.7

26. Since the female participation rate has quadrupled while the male rate has doubled, women are earning an increasing percentage of the bachelor degrees as is illustrated by the following percentages for selected recent years and in more detail in Table 1:

1955-56.....	22.9%
1960-61.....	25.7
1964-65.....	31.1
1966-67.....	34.5

27. At the graduate level, although there has been a gradual increase in female enrolment since 1955, the percentage of graduate students who are female has not yet reached the 1921 figure. At that time, a quarter of the graduate students in Canadian universities were women. Since 1955, the percentage of post-graduate degrees earned by women has remained fairly constant. As shown in Table 1, women earn about 20 per cent of the master's degrees and about eight per cent of the doctorates.

28. More women than men enroll in university correspondence courses. In 1967-68, of the 5,009 students taking these courses, 53 per cent were women. The largest numbers were enrolled at Queen's University, followed in turn by the University of Saskatchewan and the University of British Columbia.¹³

29. Women also predominate in the numbers enrolled in extra-mural television courses organized by universities. Five institutions reported that 1,666 students, of whom 918 or 55 per cent were women, had registered in 1967-68. Television courses at graduate level were offered only by the University of Sherbrooke.¹⁴

30. Enrolment statistics also indicate women's interest in part-time programmes particularly at the undergraduate level. In 1968-69, for example, women comprised 43 per cent of all part-time students at the undergraduate level and 22 per cent at the graduate level.

¹³ Dominion Bureau of Statistics. *Survey of Higher Education*. Cat. no. 81-204, Ottawa, Queen's Printer, 1967-68, p. 12.

¹⁴ *Loc. cit.*

Table 1. Number of University Degrees Granted in Canada and Percentage of Degrees Granted to Women, in Selected Years, 1930-31 to 1966-67

Academic Year	Bachelor and first professional degrees*		Master degrees and licences**†		Doctors (earned)		Doctors (honorary)	
	Total	Women percentage of total	Total	Women percentage of total	Total	Women percentage of total	Total	Women percentage of total
1930-31.....	5,290	25.3	468	100	46	7	95	—
1940-41.....	6,576	24.1	673	71	75	5	83	6
1945-46.....	8,192	26.9	877	99	104	12	134	6
1950-51.....	15,754	20.3	1,632	227	202	11	186	11
1955-56.....	13,770	22.9	1,459	303	266	17	200	15
1960-61.....	20,240	25.7	2,447	466	305	26	265	14
1961-62.....	23,102	27.4	2,813	603	321	26	240	11
1962-63.....	25,221	28.0	3,152	657	421	34	254	7
1963-64.....	29,084	28.8	3,490	671	481	38	244	13
1964-65.....	33,497	31.1	4,096	835	569	54	258	15
1965-66.....	38,470	32.9	5,233	996	697	76	254	20
1966-67.....	43,843	34.5	6,253	1,290	788	60	321	24

*Includes equivalent diplomas, as for example, in theology and honours degrees.

**The licence in the French language universities was the next degree after the bachelor's degree and corresponded more or less with the master's degree in the English educational system. Since 1961, licence is roughly the equivalent of a bachelor's degree.

†Excludes master and licence degrees (e.g., in law, optometry), which are in reality first professional degrees and which are included in that column.

Source: Dominion Bureau of Statistics. *Survey of Higher Education*. Part II, 1964-65—1965-66—1966-67, Cat. no. 81-211, Ottawa, Queen's Printer, Table 8.

31. Enrolment of full-time women undergraduate students as a percentage of the total enrolment in each faculty over the years 1921 to 1967-68,¹⁵ shows in most cases slightly increased percentages of women in relation to men in agriculture, architecture, dentistry, engineering, law, medicine, pharmacy, and theology. Over the same period the proportions dropped significantly in social work and in physical and health education.

32. The largest groups of women are concentrated in the faculties of Arts and Education, with a significant increase in the numbers in the faculty of Education. Of all women enrolling in undergraduate courses, the proportions enrolling in law and medicine are decreasing.

33. In summary, fewer girls than boys go on to university. Girls tend to concentrate in Arts and Education. The percentage of women is lower in post-graduate schools than in the undergraduate schools.

34. Briefs presented to the Commission stated that some universities still discriminate against women by imposing quotas on the proportion of women in certain faculties or by requiring women to have a higher academic standing than men. We referred these charges to all the university presidents in Canada. The Commission was told that, with the exception of the veterinary faculty of Nova Scotia Agricultural College, there was now no discrimination against women. In the past, some universities had required women to have a higher academic standing than men for admission to certain faculties but these requirements have been dropped, according to the information given to us by university authorities. And yet, to take the study of medicine as an example, according to a brief presented by Canadian women physicians,¹⁶ "for boys and girls coming out of grade 13 into the first pre-medical year, there are three universities that demand a 10 per cent higher academic qualification from the girls." Apart from this discrimination, the brief stated that places in Canadian medical schools are being fairly awarded, and suggested that "lack of encouragement" is the main reason for the low percentage of women medical students as compared to men.

35. However, the number of female medical students is increasing. In 1957-58, there were 259 full-time women medical students in Canada, seven per cent of the total enrolment. By 1967-68 their number had increased to 550, 12.5 per cent of the total. Women as a percentage of first-year admissions increased in the same period from 8.6 per cent to 14.4 per cent and, as fourth-year students, from 5.5 per cent to 10.2 per cent.¹⁷ In 1967-68, when 12.7 per cent of the applicants to medical schools were women, 14.4 per

¹⁵ Dominion Bureau of Statistics. *Survey of Higher Education*. 1938-40; 1950-52. Cat. No. 81-204, Part 1, 1962-63; Cat. no. 81-204, Part 1, 1967-68.

¹⁶ Brief No. 302.

¹⁷ *Loc. cit.*

cent of the new admissions were women.¹⁸ A higher percentage of women doctors undertake post-graduate work than men, and a higher percentage of women are qualified specialists.¹⁹

36. It is sometimes stated that Canada cannot afford costly advanced medical training for women, only to have them leave the labour force in order to raise children. In fact, today a great majority (almost 80 per cent) of women doctors in Canada are in active practice, as we have mentioned in the Chapter on the economy.

Vocational Training

37. Female enrolment in publicly sponsored post-secondary technical courses increased from 5.7 per cent of total enrolment (male and female) in 1961-62 to 19.4 per cent in 1967-68.²⁰ The most striking changes in specialization at this level of education from 1961 to 1968 have been an increase in the percentage of women students enrolled in medical and dental technology and a corresponding decrease in their enrolment in home economics and food technology.

38. Female enrolment in trade schools tends to be concentrated in a few areas. These schools, established and run with the co-operation of the federal government and the provincial departments of education, give retraining or refresher courses for adults and provide training for young people beyond school-leaving age who have dropped out of the regular school system. In the last two years for which figures are available (1966-67 and 1967-68), trade school courses that have attracted most girls and women were, in decreasing order: business practice, nursing aides, power sewing, hairdressing and beauty culture, accounting and bookkeeping, domestic training and homemaking, waitress training, home economics and dietetics, and commercial art.

39. Female enrolment in private trade schools, when considered as a percentage of the total, has also risen from 39.1 per cent in 1961-62 to 60.3 per cent in 1966-67. Although a wide range of courses is available in these schools, women tend to concentrate either in fashion and millinery or barbering and hairdressing. The narrow range of courses in which they enroll can in general be accounted for by the sex-typing of occupations.

¹⁸ Fish, David G. and Frances A. Neish. "Medical Students in Canadian Universities, Report of Statistics, 1967-1968." *Canadian Medical Association Journal*. Vol. 98, no. 15, 1968, pp. 715, 716.

¹⁹ Brief No. 302.

²⁰ In Canada, publicly sponsored post-secondary technical courses would cover those offered by institutes of technology and community colleges. These are usually at a higher level than courses offered in trade schools, although there is some over-lapping.

40. What are the variables that affect the educational enrolment and consequent occupational patterns of women? Why do so many girls complete junior matriculation and then drop out? Why do fewer girls than boys attend university? Do girls have educational equality of opportunity with boys? Do they have the freedom to choose occupations without undue pressure? The answers are complex, and no simple cause and effect relationships exist.

41. Although there is a relationship between academic achievement and intelligence, the higher marks of girls at the secondary school level do not necessarily mean that girls are more intelligent than boys. Nor is the preponderance of boys in the senior matriculation year and at university due to differences in capacity between the sexes. Tests measuring various aptitudes and abilities show some differences between the sexes but the scores also indicate wide differences among members of each sex group, and there is extensive overlapping between the groups.²¹ Differences and similarities observed from objective measurements do not permit valid predictions of individual behaviour on the basis of sex alone. We must therefore look elsewhere to account for the different educational patterns of the sexes.

Education and Stereotypes

42. As we pointed out in Chapter 1, society moulds children's perceptions of the world and of themselves. Boys are expected to be interested in sports, girls in cooking and babies and so dishes and a doll carriage are given to the little girl and a baseball glove to the little boy. Inevitably a nurse's outfit is given to the girl and a doctor's case to the boy.

43. Parents usually have the strongest influence on the sex-role development of their children. Mothers, who generally have the closest day-to-day contact with young children, are particularly influential. Studies²² indicate that they may be more permissive with their sons than with their daughters. They may allow sons more freedom to engage in active, aggressive behaviour, while expecting their daughters to avoid verbal and physical aggression and to express dependency, passivity, and conformity.

44. The girl can learn what a woman is expected to do by watching her mother. The boy usually cannot watch his father's occupational activities which are in any case harder for a small child to understand than the mother's housework. While the girl readily sees her future career as wife

²¹ Maccoby, Eleanor E. (ed.). *The Development of Sex Differences*. Stanford, California, Stanford University Press, 1966; Tyler, Leona. *The Psychology of Human Differences*. New York, Appleton-Century Crofts, 1965; Lewis, Edwin C. *Developing Women's Potential*. Ames, Iowa, Iowa State University Press, 1968.

²² *Ibid.* Lewis, Edwin C. p. 22.

and mother, the boy must be more imaginative or aggressive in learning the scope of expected male roles. The boy may be influenced by the attributes of a male who combines the attitudes of his father and other men he knows or has read about.²³ Mothers at home all do the same thing, while fathers do many things. As a result, the boy may not identify with one particular activity as the girl does with the occupation of housewife and mother. Girls from families where mothers work outside the home often seem to have a less traditional concept of the woman's role.

45. By about the age of two, children are able to distinguish between male and female roles. By the time a girl starts school she has a relatively clear idea of what is considered feminine and knows what kind of behaviour is expected of her as a girl.²⁴ We urge Canadian parents to be especially sensitive to the individuality and aptitudes of both girls and boys. Parents must realize the importance of expanding the horizons of their daughters and learn to respect their aspirations and encourage their initiative.

46. Formal education further reinforces the sex-role differentiation established in early childhood. Schools and teachers, like parents, play an important part in this process. Although the elementary school curriculum is similar for both sexes, as a rule boys are segregated in shop and girls in home economics courses.

47. Common stereotypes of sex roles are reinforced in other ways at school. To investigate the models presented to children in elementary schools, we examined the sex-typing in some textbooks used in the teaching of reading, social studies, mathematics and guidance courses.

48. In the *Young Canada Reading Series*, used in Ontario and Alberta, the more versatile characters are almost invariably males. Pirates, Eskimos, Bible figures—interesting individuals in general—are seldom women. Boys in the stories are typically active and adventurous but the girls are not. In another series, the *Language Patterns Program*, used in Ontario, the father is often shown as an understanding and kind person who takes his children on interesting expeditions. The mother, on the other hand, stays at home to prepare the meals and to tell the children what is best for them. We found the reprimanding function of mothers in a variety of Canadian school books. It would be much more desirable if all the family were shown sharing expeditions, and both parents disciplining children.

49. Even in arithmetic textbooks there are examples of sex-typing. In one series of books for Grades 3 to 8, questions such as the following are asked:

²³ *Ibid.* p. 29.

²⁴ *Ibid.* p. 27.

"A girl can type about 48 words per minute. She has to type 2,468 words. Can she do this in 45 minutes?" or "A girl spent one-quarter of an hour sewing and one-quarter of an hour reading. What number of hours did she spend sewing and reading?"

50. In some specialized textbooks further evidence of sex-typing exists. In *Time for Gym*, a supplementary book sometimes available in Grades 1 and 2, only boys are shown in the gym. In another book recommended for Grade 2 level, in which various professions and social activities are illustrated, most of the professions refer only to men. The occupations shown as being open to women are: typist, secretary, school teacher, waitress, and librarian.

51. In some French-language textbooks used in Quebec, there is a similar portrayal of men's and women's roles. For example, in *Epine en fleur*, a reader for beginners, short sentences accompanying the illustrations differentiate sharply between the activities of boys and girls: "Olga is knitting a scarf", "Ida is rocking her doll", "Rene is climbing the wall", "Oscar will be a pilot". Girls are preparing to be only mothers and housekeepers, and are portrayed as passive, self-sacrificing and submissive. On the other hand boys are occupied in a variety of activities and are portrayed as adventurous and aggressive. Other textbooks for older children present similar ideas. In the French-language arithmetic textbooks, as in their English-language counterparts, the examples concern women and girls preoccupied with domestic affairs, and men and boys involved in a variety of activities. In textbooks used for family life education in Grades 6, 7 and 8, the maternal and domestic future of a girl is spelled out explicitly. She is almost exclusively concerned with housekeeping, cooking, and bringing up her children.

52. This analysis of sex role imagery in a representative selection of elementary school textbooks clearly indicates that a woman's creative and intellectual potential is either underplayed or ignored in the education of children from their earliest years. Although such influence may seem insignificant to an adult reader, it is important to remember that the readers are children and that they learn through models whom to imitate. The sex-roles described in these textbooks provide few challenging models for young girls and they fail to create a sense of community between men and women as fellow human beings.

53. The Commission deplors the use of textbooks that provide so little recognition of the capabilities of women. Therefore, **we recommend that the provinces and the territories adopt textbooks that portray women, as well as men, in diversified roles and occupations.**

54. The young girl identifies early with the traditional female role of wife and mother, reinforced as it is by social approval. At adolescence, when she learns of possible careers, she is often not ready to consider them seriously, partly because she has not grown up in the expectation of having a career of her own and partly because of the personal conflict of interest at this age between study and popularity with the opposite sex.

55. Although the attitudes of young people are changing, sometimes a girl still regards success in terms of appearance and personality rather than in terms of intelligence and ambition. The goal of marriage often becomes an alternative to aspirations in other fields and so she is much concerned about attracting boys. She is inclined to be careful about competing with them and to play down her intelligence and her ambitions. Early engagements or the marriage of friends may be envied. She accepts the popular conviction that, if a woman is not married, she would prefer to be while a man is a success whether or not he marries. The words bachelor and spinster elicit very different responses in our society. These attitudes are likely to be reinforced by her peer group which tends to be the most influential force in her life at this stage.

56. The Commission believes that the adolescent girl should be made aware of the fact that, in this day and age, marriage will not be the exclusive pre-occupation of her life. In the interests of a more equal partnership between women and men—in the family, at work and in the community—a girl needs an education which will open a wide range of options for her.

57. The educational level of a girl's parents and their socio-economic status also influence her opportunities for education. The education of the mother is particularly pertinent. In a 1966 study,²⁵ it was found that if both parents had completed no more than elementary school, only five per cent of their children completed university. If both father and mother had attended university, 51 per cent of their children attended university, and their other children completed secondary school. If only the father had gone to university, the majority of the sons did so, whereas the majority of daughters obtained only a secondary school education. The education of a mother has greater influence on a daughter than the education of a father: 49.7 per cent of the daughters of university educated mothers attended university while only 37.1 per cent of the daughters of university educated fathers attended university.

²⁵ Dominion Bureau of Statistics. *Special Labour Force Studies No. 7*. Cat. no. 71-512, Ottawa, Queen's Printer, October 1968, pp. 27 and 17.

Financial Aid for Students

58. It takes determination to undertake higher education without some guaranteed financial support. A 1956 study²⁶ showed that, on an average, female university students came from higher income groups than their male counterparts. A 1962 study in one community²⁷ reported that girls from non-manual workers' homes stayed in school in about the same proportion as boys, but proportionately more girls from the homes of manual workers dropped out before senior matriculation. Only 18 per cent of the girls whose fathers were in manual occupations reached Grade 13 compared to 38 per cent of the boys.

59. Prevailing attitudes are responsible for these differences. Many people still question a girl's need for education, assuming that "she is only going to get married." In most families, if finances make it necessary to choose between further education for a girl and boy, the boy is given preference. In fact, the girl herself may consider it only fair that her brother should be the one to go on to university or professional school. If education is seen as a relative luxury for a girl when she could be out earning money, only girls from well-to-do families are likely to attend institutions of higher education.

60. A survey by the Dominion Bureau of Statistics, still in progress, indicates that, apart from higher costs for married students and some others at the graduate level, there is no substantial difference between the essential expenses of men and women students. Scholarships, bursaries and loans are available from various sources for students in institutions of higher learning. The same percentages of men and women receive scholarships and grants, but the men receive proportionately higher aggregate stipends.²⁸ Thirteen per cent of females and 19 per cent of males receive stipends in excess of \$600; four per cent of females and nine per cent of males receive stipends in excess of \$1,500.

61. The federal government moved into the field of financial aid for students in 1964 when, in conjunction with the provinces, it set up the Canada Student Loans Plan. Under this Plan, a student may borrow up to \$1,000 for one academic year and up to a total of \$5,000 for the entire educational

²⁶ Dominion Bureau of Statistics. *University Student Expenditure and Income in Canada, 1956-57*. Cat. no. 81-509, Ottawa, Queen's Printer, 1959.

²⁷ Canada Department of Labour, Research Program on the Training of Skilled Manpower. *Report No. 10, December 1962, Transition from School to Work*. Ottawa, Queen's Printer, 1963.

²⁸ Caron, Louise. *Post-Secondary Student Income and Expenditures in Canada, 1968-69*. A Report prepared for the Federal-Provincial Committee on Canada Student Loans, Department of Secretary of State, March 24, 1970.

period. The loan is interest free until six months after graduation, when repayments begin. A loan of \$5,000 is expected to be repaid within nine and a half years, and smaller loans in shorter periods.²⁹

62. Some young women are reluctant to take advantage of student loans which have been called a negative dowry for those who marry before the debt to the government is paid. Nevertheless, Canadian women are increasingly borrowing under the Canada Student Loans Plan (see Chart 3). Their participation in this programme has increased from 25.7 per cent of the total in 1964-65 to 31.4 per cent in 1967-68. This latter figure is close to the proportion of women in the total enrolment of the universities.

63. Wise counselling is needed to convince young women hesitant to apply for loans that advanced education is the best dowry a bride can bring to her marriage since it constitutes a long-term investment for the future.

64. Young people are often handicapped by lack of information about possible financial aid for further education. Even at the elementary school level this information should be advertised to pupils and their parents.

65. The most striking difference between the finances of women and men students occurs in "total personal revenue", that is, income from part-time work, summer savings, gifts from relatives other than parents, and spouses' income. Men are more likely than women to have personal revenue and to have it in greater amounts.

66. Earnings from summer employment, which account for a substantial part of this difference, reflect women's greater difficulty in obtaining jobs. A survey of summer earnings, made by the Department of Manpower and Immigration in 1969, showed that 10 per cent of female students compared with five per cent of male students were unable to find summer jobs.

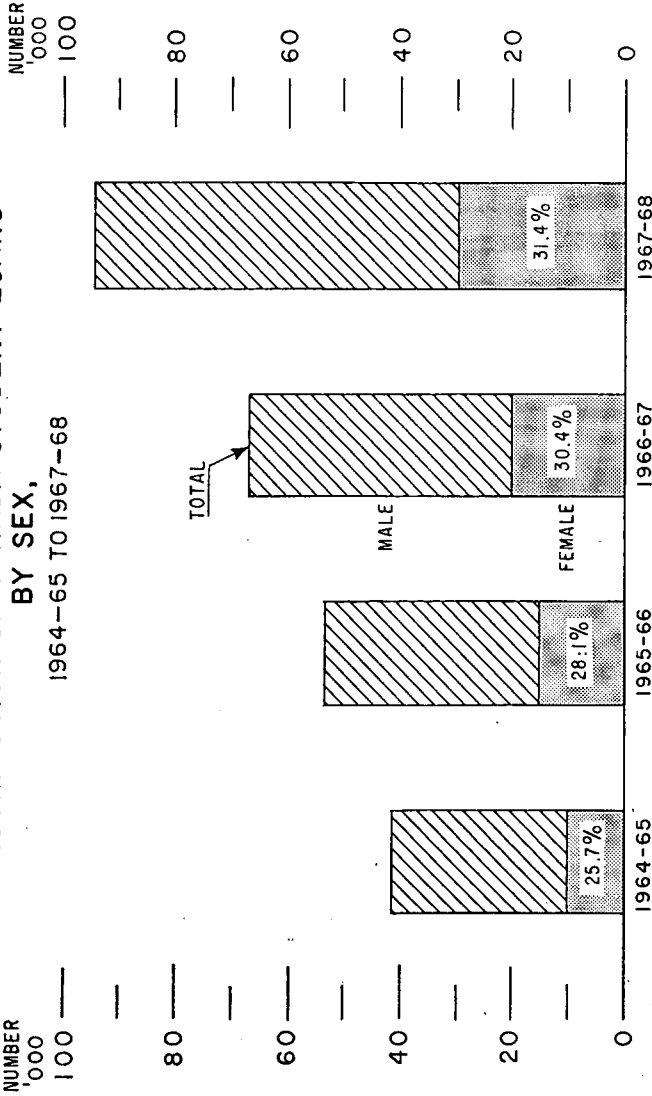
67. Parental contributions are the one source of income that shows a higher median value for women than for men. Sixty-two per cent of women compared with 48 per cent of men receive cash contributions from their parents. The median contribution to women is \$54 higher than that to men. In short, women students earn less during the summer than their male counterparts and are more dependent on their parents for financial support.

68. For many years, the Department of National Defence has operated military colleges where thousands of young men in training as officers for the Armed Forces have received free university education in arts, science or engineering, including living expenses. They graduate with an officer's commission. They are committed to serve four years after graduation, except

²⁹ Department of Finance. *Canada Student Loans Plan*. July 1969.

CHART-3

DISTRIBUTION OF CANADA STUDENT LOANS
BY SEX,
1964-65 TO 1967-68



Source: 1. Department of Finance, *Canada Student Loans Plan Annual Report 1964-65*. Table 7. Distribution of Student Borrowers by Age, Sex and Marital Status, p. 16.
 2. *Ibid.* 1965-66. Table 4. Distribution of Certificate Holders by Age and Level of Study, Sex and Marital Status, pp. 14-15.
 3. *Ibid.* 1966-67. Table 4. Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 16-17.
 4. *Ibid.* 1967-68. Table 4. Distribution of Certificates by Age and Level of Study, Sex and Marital Status, pp. 18-19.

for pilots who serve five years after acquiring wing standards. Currently, every year about 450 men, but no women, are admitted to these colleges. **Therefore, we recommend that women as well as men be admitted to the military colleges operated by the Department of National Defence.**

69. The Canadian Forces also offer subsidized training in universities with the requirement that the student remain in the Services for a stated period after graduation. The number of students who enroll in this type of training yearly varies between 100 and 300, depending on the needs of the Services. A few women have received training under the plan.

70. Canada has found it worthwhile to pay a high price for the benefit of having the trained officers necessary for its national defence. Young women and men could be trained by the government to render other services. For example, it might be possible to organize a system to train specialists for work in the Canadian north or other developing areas at home or abroad. The advantage for society would be comparable and the length of service equivalent. **Therefore, we recommend that the federal government provide special funds for young women and men to acquire university education, such as is provided for young men who attend military college, leading to a degree in fields designated to be of special interest for aid to developing areas, the terms to include commitment to some specified national or international service.**

Motivation

71. The desire to succeed also affects educational and occupational attainment. Research into what leads to high motivation indicates that child-rearing practices and family values are relevant. Training a child to be independent and self-reliant is an encouragement to high achievement.³⁰ When children succeed, they usually expect to do so again and are likely to set a still higher goal. Failure has the opposite effect. Social approval, in the form of praise, also encourages further achievement.

72. The existence of inspirational models also affects a child's desire for achievement. Men in high positions in business and public life serve as models for boys, but there are few such models for girls. The expectations of girls are consequently limited.

73. While they are still in school, girls tend to have low occupational expectations, even when they express interest in more challenging fields. Responses to a recent survey³¹ based on a national sample showed, for

³⁰ Secord, Paul F. and Carl W. Backman. *Social Psychology*. New York, McGraw-Hill, 1964, pp. 568-9.

³¹ Breton, Raymond and John C. McDonald. *Career Decisions of Canadian Youth*. Vol. 1, Department of Manpower and Immigration study, Ottawa, Queen's Printer, 1967, p. 117.

example, that although only 18 per cent of fourth-year high school girls preferred sales and clerical careers, 32 per cent seemed to assume that they would eventually work in these fields. According to the results of the survey, the careers boys want are closer to those they expect to have.

74. Another reason for the interruption of a girl's education is the ease with which she can get a job even though she may have relatively little formal schooling. Employers will often employ girls more readily than boys in low-paid industrial or office jobs that require limited training.³²

75. The educational decisions and occupational choices of girls are influenced by the sex-typing of occupations. In most societies, certain practices tend to support the patterns set by custom and tradition. Rewards and punishments of various kinds may be brought into play. Ridicule may be a penalty: a girl may be called unfeminine if she chooses a field of study or work traditionally considered masculine. It will probably be difficult for her to get a job or promotion in an occupation in which men predominate. On the other hand, if a girl chooses a traditionally female occupation she does not encounter criticism and is readily accepted at work.³³

76. Girls need special help in overcoming these pressures of society. Early in their lives they must be shown the implications of educational choices, the wide options from which they can choose, and the way that custom has created divisions of work between men and women. This help should come from their families, teachers and guidance counsellors.

77. Although guidance specialists are increasingly employed in high schools and to a lesser extent in elementary schools, there are not nearly enough of them. During the hearings of the Commission, we were told repeatedly that girls needed better counselling and more up-to-date occupational information for career planning to help them plan long range educational programmes. Throughout Canada, there is a shortage of competent, trained counsellors at all levels. In 1968, none of the provincial Directors of Guidance felt that there were enough counsellors at either elementary or secondary levels. For example, in Nova Scotia in 1968 we were told that three times as many counsellors were needed as were available.

78. Students also seem dissatisfied with the quality of the existing guidance programmes: Many girls have been encouraged to consider either marriage or a career but not both. Others thought that the guidance teachers were

³² *Loc. cit.* *Transition from School to Work.*

³³ Hall, Oswald. "Gender and the Division of Labour". *Report of a Round Table Conference on the Implications of Traditional Divisions between Men's Work and Women's Work in our Society.* held on March 12, 1964, Ottawa, Women's Bureau, Canada Department of Labour, 1964, pp. 18-32.

oriented towards academic courses and had limited experience in technical programmes. Others felt that some guidance specialists agreed with traditional patterns of male and female roles and discouraged girls from considering a greater range of possibilities. In some schools, female counsellors saw only girls and male counsellors only boys, but this practice of assigning counsellors according to sex seems to be disappearing.

79. Counsellors often find it hard to make adolescent girls think beyond the romantic notion of marriage as the only worthwhile goal. It is not always easy for a young woman, intent on marriage, to see herself as the working woman of tomorrow. Counsellors can nevertheless play a key part in helping a girl to understand the life cycles of women today and the need to work out long-term life plans as boys do. They can point out that she has the possibility of combining marriage and outside work, and the opportunity of being useful to society.

80. Written materials on careers should also be available to girls and their parents. In many of the books and pamphlets now used, we found deficiencies similar to those in elementary school textbooks. However, we did find some guidance material with the approach which we consider desirable.

81. The book *Spotlights in Guidance*,³⁴ approved by the Ontario Department of Education for use in Grades 7 to 10, has in our opinion a good orientation. In a chapter devoted to careers for women it is taken for granted that all occupations are open to them, and career planning is considered to be as important for girls as for boys. The Women's Bureau of the Ontario Department of Labour publishes an excellent pamphlet, *You're a What?*, containing anecdotes about the career plans and successes of 10 young women whose occupations ranged from forester to graphic designer. Marriage and family plans are referred to realistically.

82. A monograph entitled *Fields of Work for Women*, published by the Women's Bureau of the Canada Department of Labour in 1964, emphasizes that a girl should be free from pressures to conform in her choice of an occupation. It includes suggestions for stimulating early scientific interests and selects as models Canadian women recognized for their work in science.

83. Some Canadian government documents perpetuate the usual stereotypes. In the main, career opportunities for men are highlighted, and those that might be available to women are either not emphasized or ignored entirely. Illustrations of women at work usually show a stenographer-typist. For example, the cover of a federal government publication, *Public Administrators and Foreign Service Officers*, shows a male executive dictating

³⁴ Elder, Brewer, Huff. *Spotlights in Guidance*. Toronto, McGraw-Hill, 1966.

to his female secretary. Since no other women are shown, it can lead to the assumption that this is the only role for women in the foreign service of the nation. *Airport Campus*, published by the Department of Transport, states that there are numerous opportunities for both men and women, but all the illustrations are of men and the text contains no other reference to women.

84. Similar brochures are published in industry. For example, the Sun Life Assurance Company of Canada distributes a pamphlet called *What's In Your Future? A Guide to Choosing a Career*. The front cover shows a physician, an engineer, a laboratory technician—all men—and a typist, the only woman.

85. As in the case of textbooks, we believe guidance materials should be reviewed and where necessary amended to broaden the occupational outlook of girls and women. Therefore, **we recommend that the federal government, the provinces and the territories set up committees to review all government publications concerned with the choice of occupations and careers in order to select and use only publications that encourage women to consider all occupations, including those which have been traditionally restricted to men.**

86. The changing demands of today make skilled counselling necessary at all levels of education and high priority should be given to the employment of counsellors. As long ago as 1958, the National Defence Education Act was passed in the United States providing for training of secondary school guidance counsellors, and grants were made to the states for guidance, counselling and testing services.

87. The provision of good career orientation courses for girls is one of the most effective ways of improving the status of women. In Canada, there is a shortage of counselling staff at the university level as well as at the secondary level. A preliminary survey in 1967 revealed that about one-quarter of the universities in Canada had no formal counselling services. Of those that did, there was an average of one full-time counsellor for about 1,600 undergraduate students. Plans for improving this situation were considered inadequate.³⁵ Therefore, **we recommend that the provinces and territories (a) provide co-educational guidance programmes in elementary and secondary schools, where they do not now exist and (b) direct the attention of guidance counsellors to the importance of encouraging both girls and boys to continue their education according to their individual aptitudes and to consider all occupational fields.**

³⁵ Appleby, Dee. G. *A Report on University Counselling Services*. University Counselling Association (Canadian), 1967.

88. Further, we recommend that, where they have not already done so, universities establish formal counselling services.

89. It is necessary for counsellors to be kept informed of the future labour market needs. The federal government, through the Department of Manpower and Immigration, should give leadership in seeking ways to improve counselling services. The Department is directly interested in enabling the labour force supply to meet the demand and should be well equipped to forecast the future needs of the labour market.

90. Therefore, we recommend that (a) the federal government in co-operation with the provinces and territories set up a career information service in each local Canada Manpower Centre which would

- (i) include personnel specially trained to give information to women on occupations, training requirements, financial help available, and labour market conditions and needs, and
- (ii) insist on the importance of a broad field of occupational choice for girls;

and (b) subject to consultation and agreement with the educational authorities, this career information service be offered to all schools of the area.

Family Life Education

91. Few subjects in the school curriculum influence concepts of sex roles as do sex education and what is sometimes called "family life" education. By the time they receive these courses, most children have already absorbed a great deal of information about sex, some of it based on ignorance, distorted attitudes, and outright exploitation of sex. "Any so called 'sex education' in schools must deal with what could better be called 'sex-re-education'—because basic attitudes to sex . . . are formed so early."³⁶

92. Sex education in Canadian schools is haphazard and random. Some provinces encourage its inclusion more than others, but the extent to which it is incorporated in any school programme depends on the policy of the local school board and the interest, initiative, and competence of individual principals and teachers. The need for more adequate sex education in schools was stressed in a number of briefs submitted to the Commission and we urge schools to meet this need.

³⁶ Neiger, Dr. Stephen. "Sex Education in our Schools." *Canadian Magazine*. Toronto, March 1, 1969, p. 8.

93. Much of what is called sex education consists in giving merely biological information. What is needed is a family life programme on traditional and changing concepts of masculinity and femininity and of relationships between boys and girls, men and women, husbands and wives, parents and children. Such an approach, which brings the biological, psychological and social aspects of sexuality within one framework, would develop understanding of similarities and differences between the sexes that are often distorted by social attitudes and practices.

94. The success of a family life education programme depends on the outlook of its teachers. Teachers may need help in recognizing their own attitudes and prejudices and in questioning their own conceptions of sex differences and of the relationships and responsibilities of marriage partners. They should be chosen for their ability to present ideas effectively, to establish a climate that allows for free discussion, and to listen and respond to the concerns of students. They should be trained to have a critical understanding of the past and present roles of the sexes. If necessary, competent authorities, with a thorough knowledge of the wide variety of topics to be considered, should be brought in from outside the school faculty to give the courses. Throughout the programme the equality of the contribution of women and men to society should be emphasized.

95. Family life education for girls has usually been incorporated in health or home economics courses from which male students are excluded. Many traditional attitudes towards sex are reinforced if such courses are given to boys and girls separately or if boys are excluded from them.

96. Family life education should teach boys how to care for children, to cook and sew, and should encourage girls to acquire manual skills. We believe that family life education classes should be co-educational and should begin at kindergarten level. Therefore, **we recommend that, where they have not already done so, the provinces and the territories set up courses in family life education, including sex education, which begin in kindergarten and continue through elementary and secondary school, and which are taught to girls and boys in the same classroom.**

Physical Education and Sports

97. Girls and women have traditionally engaged in athletic activities to a more limited extent than boys and men. This has been so both in terms of their rate of participation and in terms of the number of sports in which they take part. We believe this should no longer be accepted as a matter of

course. A recent study³⁷ headed by a University of Toronto physiologist suggests that lack of activity and consequent poor heart-lung fitness is a more serious problem in girls than in boys. Furthermore, in failing to participate in group and team activities, many girls are missing an important means of learning habits, attitudes and skills that would be helpful in their relationships with others.

98. In general, provision for physical education is more adequate in secondary schools than in elementary schools. In secondary schools, the length of time devoted to physical education during school hours is usually the same for girls and boys. The intramural and intercollegiate sports programmes of these schools, however, are less extensive for girls. This is also the case at universities.

99. Outside the school programmes, girls also have less opportunity than boys to engage in physical activities. Ball parks, ice rinks with scheduled hockey practice, and summer team sports are almost the exclusive province of boys. We know of no programme for girls, for example, that includes the numbers of participants as those included in Little League Baseball or the variety of hockey leagues open to boys.

100. There are probably various reasons for the limited sports programmes for girls and one of these reasons may be lack of motivation on their part. If this is the case, we believe the importance of athletic activities calls for a special effort to motivate girls. Some parents, educators and communities will need to change their opinions regarding the value of athletic sports for girls. They should encourage girls to enter team sports. The limited number of sports available for girls may also be contributing to their lack of motivation. Perhaps more attention will have to be paid to introducing a greater variety of athletic games for girls that will satisfy individual skills and interests and will make sports programmes more challenging.

101. There is some evidence that girls and women tend to achieve success through individual rather than groups sports. This has certainly been the case at the international level where many of Canada's outstanding athletes have been women competing on an individual basis and not as teams. If it is the case that women have a greater interest in individual sports, they should be given greater opportunities to learn these sports through the schools. Where this is not economically feasible, physical education programmes should provide activities that will prepare them for sports they may be likely to undertake outside of school or as adults. We have noted that, as a result of the report of the Task Force on Sports,³⁸ in 1970 a team of two women and three

³⁷ Shephard, R. G. et al. "The Working Capacity of Toronto School Children, Part II." *The Canadian Medical Association Journal*. Vol. 100, no. 15, April 19, 1969, pp. 709-710.

³⁸ Task Force on Sports for Canadians. *Report*. Ottawa, Queen's Printer, 1969.

men, designated as the Cross Canada Sports Demonstration, began travelling through Canada to promote participation in sports, especially track and field, gymnastics and hockey. We hope this programme will take into account the needs of girls and women and will stimulate schools and communities to encourage their participation.

102. Two of the reasons for fewer sports programmes for women may be the existing shortage of qualified physical education teachers and lack of funds. Both of these obstacles should be eliminated. We do not believe that only women physical education teachers should teach physical education to girls. However, there are more male than female teachers in this field and a more challenging physical education programme for girls would make this field more attractive to women. If girls and boys are to have equal opportunities in physical education, available funds for programmes should be shared on an equal basis. We believe, too, that schools have a responsibility to encourage the greater participation of girls in athletic activities. Therefore, **we recommend that the provinces and territories (a) review their policies and practices to ensure that school programmes provide girls with equal opportunities with boys to participate in athletic and sports activities, and (b) establish policies and practices that will motivate and encourage girls to engage in athletic and sports activities.**

103. It is evident that if greater participation of girls in athletic activities is to be achieved, the reasons for their lack of participation must be identified. Under the terms of the federal Fitness and Amateur Sport Act, the federal government has an interest in encouraging, promoting and developing fitness and amateur sport in Canada. Section 3 (d) of the Act authorizes the Minister of National Health and Welfare to "undertake or assist in research or surveys in respect of fitness and amateur sport." We believe this authority should be used to determine why the participation of girls in athletic activities is so limited. Therefore, **we recommend that, pursuant to section 3 (d) of the federal Fitness and Amateur Sport Act, a research project be undertaken to (a) determine why fewer girls than boys participate in sports programmes at the school level and (b) recommend remedial action.**

Continuing Education

104. During the last 10 years, a revolutionary change has taken place in education which promises greatly extended opportunities for women. Because of accelerating technological change, learning more than ever before is regarded as a continuing process throughout life. In the past, educational institutions, engrossed in the education of the young, were slow to acknowledge

the potential as well as the special problems of adults, while today they are aware of the need to encompass and encourage mature students. Women who have been "only a housewife" and now seek a new way of life and women and men whose jobs have been altered or eliminated are taking advantage of a second chance for education.

105. The interests of adult students range from training for a new career to perfecting skills in an interesting hobby. Some women are acquiring basic job skills through the vocational upgrading or training provided under the Occupational Training for Adults programme of the Department of Manpower and Immigration. Many are working for a university degree, taking refresher courses or studying for a profession. Others are taking a variety of courses, which may or may not lead to certification, because they feel out of step with the times and want more training and knowledge. "There are hundreds of thousands of adults in Canada who take part in well-organized, often long-term, programs that do not lead to any form of certification, but to the satisfaction of being able to do something well, to understand something not understood before, to feel or experience something that was neither felt nor experienced before."³⁹

106. Adults usually have multiple responsibilities—at home, at work, in the community—and "must undertake their learning as marginal students."⁴⁰ They need part-time programmes, flexible time-tables and plenty of encouragement. In their childhood, school was often a formidable undertaking. These attitudes are now "fortunately disappearing", but "... in rural parts of Canada they are still held to some degree both by adults and institutions."⁴¹

107. It is often difficult for a woman to continue her formal education after she has been married for some years. The president⁴² of Mount St. Vincent University in Halifax spoke about this when presenting a brief⁴³ during the Commission's public hearings: "... the women who are returning to the university have shown us that there are problems that three years ago we did not know existed. We thought it was just a case of providing courses. . . but the married woman coming back to the university is not the woman who left university in terms of security, of aggressiveness, of being aware that she is a person, or an individual who is independent. . . it is quite evident that during the period of time away from the university and within the complementary relationship of marriage, the woman has let it do something to her that makes her less a total person by herself."

³⁹ Thomas, Alan M. (former Executive Director of the Canadian Association for Adult Education) "The Adult Student." *Education* 8:2. Toronto, W. J. Gage Limited, 1970, p. 10.

⁴⁰ *Loc. cit.*

⁴¹ *Ibid.* p. 12.

⁴² Sister Catherine Wallace.

⁴³ Brief No. 350.

108. The married woman in search of further education is confronted by conflicting interests and responsibilities as well as, in some cases, her husband's incomprehension and opposition. She needs help in overcoming her lack of self-confidence as well as information about educational facilities and promising job opportunities. Moreover, since the step she is contemplating may go against her generation's accepted ideas of a woman's role, perhaps most of all she needs to be taken seriously. If she is living in a rural environment, her situation may be even more difficult than if she were in an urban setting because few educational facilities are readily available. If she is a new immigrant, her problems may be magnified by lack of facility in either one of Canada's official languages, by cultural differences or by training that is little valued in Canada.

109. Orientation to the world of work is especially helpful to women who want to enter or re-enter the labour force after years devoted to family responsibilities. Most of them are over 30 years old, many are over 40, and some are in their early fifties. Counselling and guidance courses should include an overview of the labour market with information about training opportunities, working conditions and wages, job-hunting techniques, and ways to adjust family responsibilities when in paid employment. In this way a woman can gain a more realistic understanding of the world of work and an opportunity to assess herself while she plans her future. It is often helpful if husbands join discussions about changed patterns of family living.

110. In many parts of Canada, agencies and institutions are trying to meet the special counselling needs of women by providing individual interviews and aptitude testing or by working with groups. For example, the Careers Centre of the Women's Bureau of the Ontario Department of Labour, set up in Toronto in 1967, offers a counselling service for mature women with at least high school education who wish to return to the labour force. After two years it reported,⁴⁴ on the motivation and aspirations of comparatively well-educated women who wish to return to work after a period devoted to family responsibilities. The service is being extended through use of mobile units to several other cities such as London, Hamilton and Windsor.

111. "Vistas for Women," a programme organized by the Montreal YWCA, offers a personal interview with a professional consultant familiar with community resources. A useful aspect of the service is the provision for continuing consultation by subsequent interviews or by telephone.

⁴⁴ Ontario Department of Labour, Women's Bureau. *Women Returning to the Labour Force*. Toronto, 1969.

112. Some counselling services give advice to both women and men. For example, the Calgary School Board, for a nominal charge, helps adults to evaluate their formal educational standing and to choose courses for further education or for specific careers. Several colleges of applied arts and technology offer similar general services.

113. The group approach combined with individual interviews has been used chiefly in programmes for orientation to education and employment. One of the first of these was offered by Joseph E. Atkinson College of York University.⁴⁵ Lectures and discussions on the dilemma of the mature woman in today's society were followed by seminars on the occupations which attract such women. This programme met with an enthusiastic response. Afterwards the majority of the students continued their education at secondary or university level or in a professional school. Some entered the labour force and others undertook voluntary service in the community.

114. In Vancouver, in 1969, a 12-week pilot project provided pre-employment training and group counselling for 15 women, all of them welfare applicants and each the mother of several children, who had applied to Canada Manpower for work or training. It was organized by Canada Department of Manpower, the British Columbia Department of Social Welfare, the British Columbia Department of Education, the Vancouver School Board and community development workers in the public housing projects where the women lived. The course was intended to build up their self-confidence, improve their basic English and mathematics, and help them to plan their household management and personal development. They were also given information about business and industry, and taught how to apply for a job. Manpower paid for the programme but paid no subsistence allowance to the women so that their qualifications for welfare, including housing priorities and medical benefits, were unaffected. They were given day-care service for young children and bus fare to and from classes. When they had finished the course, some of them took job training under the terms of the federal Adult Occupational Training Act.

115. Although counselling services in Canadian universities and community colleges are generally inadequate, some universities and colleges are developing services for the increasing number of mature women students on campus.

116. At the University of British Columbia, women students, regardless of age, may consult counselling services in the office of the Dean of

⁴⁵ Royce, Marion. *Continuing Education for Women in Canada. Trends and Opportunities*. Toronto, The Ontario Institute for Studies in Education, 1969, pp. 58-62.

Women.⁴⁶ After personal interviews and a campus survey indicated that most mature women students have similar problems, group discussions were arranged by the Dean. Later, the students themselves formed an organization called Continuing University Education. Members of CUE work to improve university conditions for mature students, to obtain grants from community organizations and to encourage effective participation in university and community affairs.

117. It has been brought to the Commission's attention that frequently the counselling provided through local offices of the Canada Department of Manpower does not effectively meet the needs of mature women. Not all of the approximately 3,500 counsellors employed by Manpower across the country have had professional training although all receive on-the-job training. Manpower offices offer some testing services to help clients choose suitable occupations, but there is no formal programme for assisting them to adjust to their new work.

118. Counsellors should be aware of the changing pattern of women's lives, the cultural basis of the sex-typing of occupations, and the factors relating to motivation and to the goals and expectations of women. They should also have an opportunity from time to time to examine their own attitudes towards the whole question of social equality between men and women. We suggest that the federal government, through the Department of Manpower, set up a continuing programme of training for all its counsellors to ensure that they are kept fully aware of the changing life patterns of women and the problems of women in relation to the labour force.

119. During the fiscal year 1968-1969, some 135,000 men and 30,000 women received training under the federal Adult Occupational Training Act of 1967. Administered by the Department of Manpower and Immigration, this programme is designed to increase through training the earning capacities and employment opportunities of under-employed and unemployed adults. To be eligible for training, a person must be at least one year older than the school leaving age of his province and have been out of school for at least one year. Applicants must have an occupational objective in mind as well.

120. The Act provides for full-time courses of not more than 52 weeks and part-time courses up to 1820 hours. Any form of instruction, other than that designed for university credit, can be given.

121. The greatest part of the training takes place in public vocational and technical training institutions and is carried out on behalf of the Department of Manpower and Immigration under federal-provincial agreements. Since the

⁴⁶ *Ibid.* pp. 8-12.

department pays 100 per cent of the costs of this training, the courses are described as "purchased" by the department or as the "general purchase programme." A relatively small number of courses are also given through private training institutions and by employers and the department enters into contracts for apprenticeship training. In addition to receiving free instruction, trainees who have been in the labour force for at least three years or have one or more dependants are eligible for allowances while they are enrolled in courses.

122. Table 2 and Chart 4 show the total and female enrolment by province and territory in the full-time general purchase programme during the first fiscal year in which the Act was in effect and in the following fiscal year. Chart 5 gives the percentage distribution of trainees in the full-time general purchase programme by sex and marital status for the same periods.

123. For both years, the median age of female trainees was around 26 years and the median age of male trainees around 28 years. The younger age of female trainees may result from the fact that fewer married women than single women participate in the programme. This is not the case with men. A random sample survey suggests that women's drop-out rate on courses is lower than men's.

124. In the Chapter on the economy, we discussed the need for greater use of the skills and abilities of women in the labour force and for a widening of their opportunities in employment. The objectives of the Occupational Training for Adults Programme for the whole population are very similar to these objectives and it is therefore in a position to make a significant contribution toward improving women's situation in employment. It can also help to solve a problem which is particularly acute for women. Many married women are absent from the labour force for long periods and often find their skills are lost or obsolete when they return to work. The Programme provides a means for up-dating former skills and learning new ones.

125. Since the inception of the Programme, the proportion of trainees who have been women has been well below the proportion of the labour force that has been women. Women's earnings are lower than men's and their employment opportunities more limited and, purely in the light of the objectives of the Programme, this discrepancy should not exist.

126. No information is available on the causes for the proportionally lower representation of women than men in the courses. We are concerned that some women may not be applying for training because they are unaware of the Programme. This may well be the case with married women who have not been working for a number of years and wish to return to the labour force. We are convinced that some women want to engage in paid work

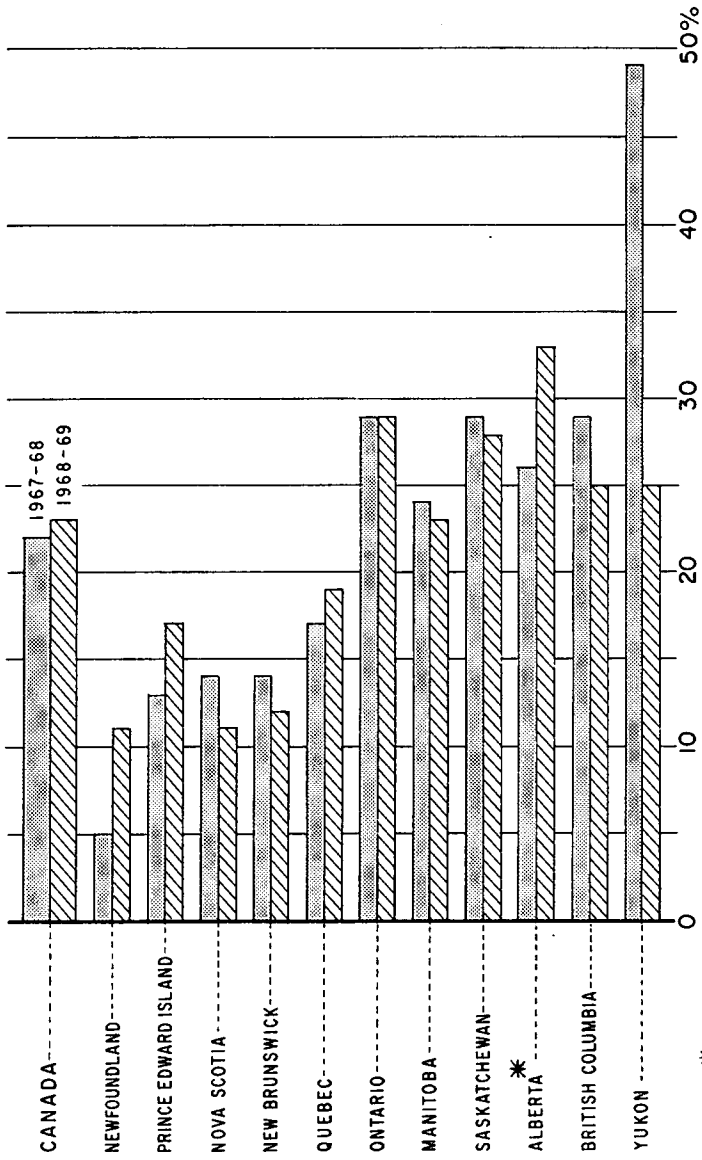
Table 2. Percentage of Women Enrolled in Full-Time General Purchase Programme,
by Province and Territories, 1967-68 and 1968-69

	Nfld.	P.E.I.	N.S.	N.B.	P.Q.	Ont.	Man.	Sask.	Alta.*	B.C.	Yukon	Canada
1967-68												
No. of Females.....	116	179	449	277	3,478	7,068	848	668	1,078	1,026	65	15,261
Total.....	2,268	1,347	3,256	1,995	21,077	24,542	3,505	2,334	4,097	3,561	132	68,130
Percentage of Females.....	5	13	14	14	17	29	24	29	26	29	49	22
1968-69												
No. of Females.....	434	246	649	608	10,259	12,871	1,134	933	1,599	1,255	2	30,034
Total.....	4,099	1,483	5,914	5,266	52,724	44,714	4,994	3,291	4,831	5,111	6	132,615
Percentage of Females.....	11	17	11	12	19	29	23	28	33	25	25	23

*Includes the Northwest Territories.
SOURCE: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration.

CHART—4

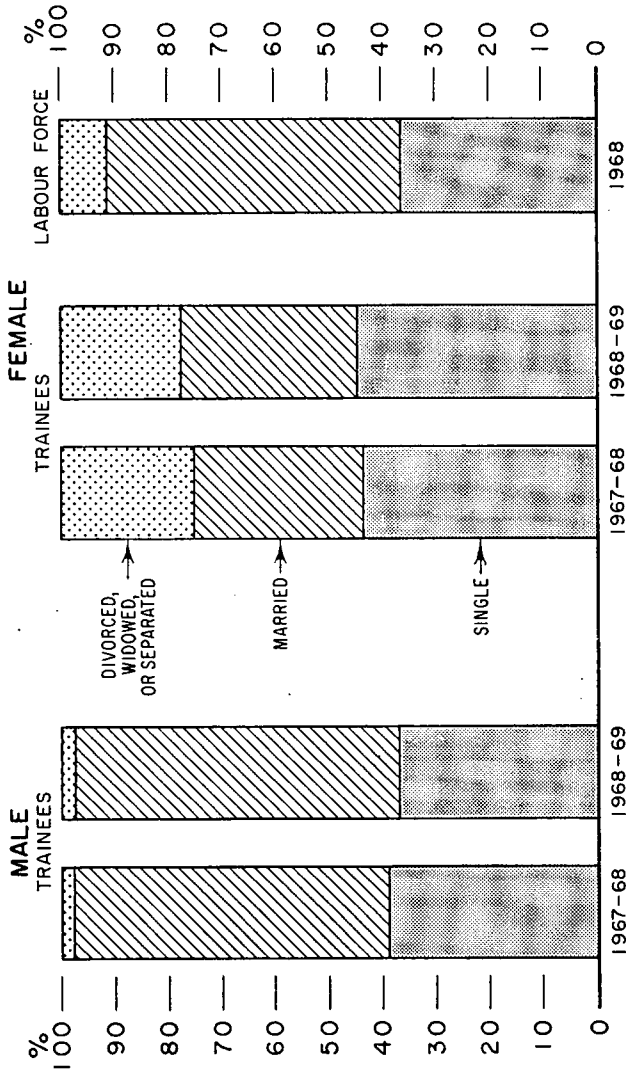
PERCENTAGE OF WOMEN ENROLLED IN FULL-TIME GENERAL PURCHASE PROGRAMME, 1967-68 AND 1968-69



* Includes the Northwest Territories.
Source: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration.

CHART -5

**PERCENTAGE DISTRIBUTION OF MALE AND FEMALE TRAINEES
BY MARITAL STATUS, 1967-68 AND 1968-69**



Source: Based on unpublished data received from the Program Development Service, Department of Manpower and Immigration. "Marital Status of Trainees in general purchase programs." Data for this chart will be found in the Appendix, Table A-10.

but hesitate to enter the labour force because they lack training, recent experience, or their skills are outmoded. It is important for the sake of the Canadian economy that this source of manpower is not ignored. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, ensure that information on the federal Occupational Training for Adults Programme reaches women outside the labour force as well as those employed or actively seeking employment.**

127. In the first fiscal year in which the Programme was in operation, women represented 26 per cent of trainees taking part-time courses and only 18 per cent of those taking full-time courses. During the hearings of the Commission there was a recurring demand for part-time training that would fit in with a woman's other responsibilities more readily than full-time courses. A shortage of part-time courses may be a factor in women's lower enrolment. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, expand and widely advertise the part-time training programmes offered by the Department of Manpower and Immigration.**

128. As Chart 5 indicates, for the fiscal years 1967-68 and 1968-69, the percentage of female trainees who were single exceeded the percentage of female trainees who were married. Yet in 1968 slightly more than half the women in the labour force were married.

129. There is one provision in the Adult Occupational Training Act that may be adversely affecting the enrolment of married women. Allowances are paid only to those who have been in the labour force for at least three years or who have one or more dependants. Many women leave the labour force to marry before they have worked three years and their children will in most cases be dependants of their husbands. Moreover, the Act and its Regulations have sometimes been interpreted to require that the three years in the labour force be immediately prior to the application for training.

130. Of the trainees enrolled in full-time general purchase courses for 1967-68, 87 per cent of the single males and 98 per cent of the married males received allowances. Eighty-four per cent of the single women received allowances and only 80 per cent of the married women. Most married women work for economic reasons and therefore many who wish training will not be able to take time away from home to attend courses unless they have some income to provide for the care of their children or to meet other expenses that may be involved. We believe years working full-time in the home should be counted as the same as years spent in paid employment. Therefore, **we recommend that section 3 (b) of the federal Adult Occupa-**

tional Training Act be amended so that full-time household responsibility be equivalent to participation in the labour force in so far as eligibility for training allowances is concerned.

131. There is no evidence that the lower representation of women on courses results from preferential treatment of men. There is, however, some evidence that the percentage of trainees who are women tends to be lower in economically depressed regions. If Canada's commitment to equality of employment opportunity for women is to be met, the economic situation should not be used as grounds for giving women a lower priority than men for training.

132. We understand that, in selecting people for training, Manpower Centres assess not only their capacity to work at a higher level or enter a new field, but also the opportunities for employment in the areas toward which the training is directed. Therefore, we believe care must be continually exercised not to let the sex of the applicant have a bearing on the decision reached on the feasibility of training. We have seen in the Chapter on the economy that the employment capacities of women are not always understood and that there is a fairly common tendency to sex-type occupations. As Table 3 indicates, occupational segregation by sex is being perpetuated in the Occupational Training for Adults Programme.

Table 3. Percentages of Females Enrolled in Training within each Course Group

Course Group	1967-68	1968-69
I Educational Upgrading, Language, Orientation.....	19.8	22.4
II Management, Professional and Technical*.....	11.8	12.9
III Clerical and Sales.....	78.7	72.6
IV Service and Recreation.....	49.4	50.6
V Transportation and Communication.....	0.1	0.0
VI Farmers and Farm Workers.....	0.0	0.9
VII Other primary.....	1.4	0.0
VIII Craftsmen**.....	30.9	26.9
IX Machinists, Plumbers, Sheet Metal.....	0.0	0.1
X Mechanics and Repairmen.....	0.0	0.1
XI Craftsmen† Labourers.....	1.8	2.1
Total percentage of females.....	22.3	22.6
Total Numbers, Females.....	15,726	29,849

SOURCE: Based on Data (unpublished) received from the Program Development Service, Department of Manpower and Immigration.

*Includes X-ray technicians, aeronautical technicians, training in banking, small business management, hotel and motel management.

**Includes millers, bakers, butchers, leatherworkers, shoemakers, tailors, dressmakers, furriers, upholsterers, carpenters, cabinet makers, papermakers, printers.

†Includes electricians, painters, construction and trowel trades, stationary engineers, heavy equipment operators, and other production process workers.

133. This perpetuation of occupational segregation by sex may result from the choices that women make themselves, from traditional views of Manpower Centres on the nature of training that should be given to women or from sex preferences of employers. It is important that women be made aware by Manpower Centres of the kind of training for which they have the potential so that their occupational horizons will be widened. Manpower Centres should ensure that they are not influenced by traditional views of women's capacities or by sex preferences of employers. If, for example, there are employment opportunities in management, management training should be given to those with the greatest management potential. Sex preferences of employers should be dealt with through fair employment practices legislation.

134. In the light of its objectives, the Occupational Training for Adults Programme has a share in the responsibility for improving the employment qualifications of women and the use made of their skills and abilities. Therefore, we recommend that the federal Department of Manpower and Immigration, in co-operation with provinces and territories, develop policies and practices that will result in (a) an increase in the number of women undertaking educational upgrading programmes and training for more highly skilled occupations, (b) the enrolment of women in courses in line with their capacities without regard to sex-typing of occupations, (c) an increase in the number of women training for managerial and technical positions, and (d) the consideration by women of the whole spectrum of occupations before choosing training courses.

135. At the non-university level, a variety of adult educational programmes available to women are sponsored by boards of education, post-secondary institutions such as community colleges, special schools, voluntary organizations or university extension departments. There are courses in a wide range of subjects, such as matriculation mathematics, family life education, art, literature, music, language studies, politics and, frequently, occupational training. Universities are also providing credit and non-credit co-educational courses as well as courses for women only, often at hours when housewives or women in the labour force can take advantage of them. The following examples⁴⁷ are illustrative of the kind of programmes which are of particular value to women and which should be emulated in other parts of the country.

* At McMaster University, non-credit courses were given one day a week in the early afternoon. A nursery was provided for pre-schoolers.

⁴⁷ *Ibid.* pp. 101-108.

* The University of Manitoba permits women who are university graduates to enroll in the Master of Social Work course on a two-day-a-week basis, and to take as long as five years to complete the work which usually requires full-time attendance for two years.⁴⁸

* The Thomas More Institute offers a programme of courses in the evenings for adults which is accepted by the University of Montreal for the degree of Bachelor of Arts. An essential requirement for enrolment, in addition to Junior Matriculation, is "a mature desire to learn." Students are not permitted to take more than three courses in an academic year and are encouraged to work at their own speed. It takes a minimum of six years to complete the requirement for a degree. Women comprise a large proportion of the student body.⁴⁹

* The University of Waterloo conducted a survey to discover the interests of women in the Kitchener-Waterloo area. On the basis of more than 3000 replies, evening non-credit courses with no academic requirements were given in contemporary prose and poetry, finance, current affairs, mathematics, history of religion and conservation.⁵⁰

* The Quo Vadis School of Nursing, a pilot project established in 1964, offers a two-year programme which prepares students between the ages of 30 and 50 to qualify as professional Registered Nurses. The school, financially supported by the Ontario Hospital Services Commission, is independent and non-sectarian, with authority and responsibility vested in the Board of Directors. Its graduates are making distinguished contributions to the field of nursing.

* The Ontario Hospital Association either sponsors, or co-sponsors with a related professional or health agency, short conferences.

* Since 1962, a week-long Arts of Management Conference has been held annually by the Toronto Business and Professional Women's Club. The purpose of this one-week programme is to help women who want to develop their managerial skills. Basic management principles are discussed, with emphasis placed on decision-making, communication, motivation and long-range planning.

* An internship programme to train mature women and men for elementary school teaching was introduced by the Ontario Department of Education in 1966. Candidates must have a university degree plus a year of graduate study

⁴⁸ The Ontario Institute for Studies in Education. *The Continuing Education of Women*. Report of an Informal Discussion—Working Paper No. 3, 1968, p. 2.

⁴⁹ *Op. cit.* Royce, Marion. pp. 30-35.

⁵⁰ Canada Department of Labour, Women's Bureau. *Opportunities for Continuing Education II*. Bulletin Number XIV, March 1965, p. 8.

or, lacking the latter, be at least 25 years old. No upper age level is specified. While the programme is subsidized by the department, the greater part of the cost is borne by local boards of education who pay the student a monthly stipend during periods of orientation and practice teaching which supplement two summer sessions of academic studies.

* In Toronto, a pilot project was sponsored by the Yorkdale Educational Association. Courses in public relations, rapid reading, interior decorating, personal improvement, the strategy of buying, communications, family life education, understanding music and art, comparative religions and conversational French were conducted in an empty store in the Yorkdale Shopping Plaza at the hours of 9:00 a.m., 10:00 a.m. and 2:00 p.m.⁵¹

136. Professional associations ordinarily keep their members informed about new developments and educational opportunities. A professional woman finds this type of information invaluable if she wants to keep up with her profession while she is occupied with family responsibilities. Its usefulness would be greatly increased if it were supplemented by refresher courses and by a consultative service to help her to plan how to continue her career. Such a service, providing career projections, would also be useful for men who need career re-orientation because of technological change. It would salvage the knowledge and skills of women and men that might otherwise be wasted.

137. Correspondence course study often suits a woman who wants to continue her education at her own pace. Provincial departments of education offer instruction by correspondence in academic subjects at elementary and secondary school levels to at least Grade 10. Tuition fees, which vary from one province to another, are moderate; in some provinces there is no charge. Through their extension departments, several universities offer correspondence courses towards a degree. Personal assistance is sometimes given through local tutorial groups conducted by visiting professors. Admission requirements are usually the same as for regular full-time students, but exceptions are sometimes made for mature non-matriculated students. In most universities these extra-mural courses must be supplemented by a period of attendance at the university.

138. Since 1957, the Association of Administrative Assistants or Private Secretaries has sponsored a three-year correspondence course conducted by the Extension Division of the University of Toronto. The curriculum includes such subjects as English, Psychology, Economics, Business Organization, Business Law and Accounting. The Extension Division of the University of Toronto also conducts similar correspondence courses sponsored by other organizations.

⁵¹ Wigney, Trevor. *The Education of Women and Girls*. Toronto, University of Toronto, 1965, p. 63.

Child-care Arrangements

139. Many women with small children find lack of satisfactory child-care arrangements a deterrent to further education.⁵² A study made by the Canadian Federation of University Women showed that at least 40 per cent of the graduates who were considering a return to university after five years or less wanted child-care facilities.⁵³ In some universities, this need has been met. For example, students have organized day-care centres at Carleton University in Ontario and Simon Fraser University in British Columbia. At the University of Toronto, plans for day-care centres for children have been undertaken by the administration after repeated demands by students and members of the faculty.

140. If women with young children are to take full advantage of opportunities for continuing education, child care services must be available. This is particularly important for women—married, divorced or single—who are the sole support of dependants. Otherwise they may not be able to acquire the education which will enable them to get the jobs they need. In the Chapter on the family, we recommend that a network of day-care centres be developed in every part of Canada. Some of them should be situated in places where they would be of the maximum use to women students.

Flexibility Needed

141. Mature students of both sexes usually have responsibilities in addition to their studies and may find it difficult to meet the class schedules set for younger students. For women with families, hours when children are in school or in day-care centres are likely to be convenient. It would help them if more educational programmes were made flexible, for example by the use of the credit system, optional summer semesters, night classes and educational television. Associations similar to the Continuing University Education group at the University of British Columbia would help both universities and women to plan new programmes.

142. School records from the past may not be a true indicator of a mature student's ability to cope with a particular course. Standards required of young people moving directly from one stage of education to another may also be obstacles for mature applicants. The need for greater flexibility in admission requirements was brought to the Commission's attention a number of times. We understand that many Canadian universities and colleges are aware of the problem and are experimenting with possible solutions. One

⁵² Briefs No. 74, 79, 82, 90, 109.

⁵³ Cockburn, Patricia and R. Yvonne Raymond. *Women University Graduates in Continuing Education and Employment*. Toronto, Canadian Federation of University Women, 1967, p. 79.

experiment is being conducted by the Faculty of Education of the University of Calgary which, in 1966-67, introduced a policy of admission for mature non-matriculated students that provided for continuing scrutiny and evaluation of their academic performance and eventually their professional competence. The Assistant to the Dean made a comprehensive survey⁵⁴ of university admission policies for mature students, in which 24 institutions⁵⁵ participated. Of these, a majority have adopted a "mature age of admission" which varies from one institution to another but is within the range of 21 to 25 years. Some universities do not measure by age but make individual assessments of maturity. Some have probationary periods or require tests in such subjects as language and mathematics.

143. Although there is a growing response to the needs of adult women who want to continue their education, more can be done by educational authorities and institutions. Special insight and effort are needed to create favourable conditions for women in the educational system of the future to offset the persisting influence of traditional attitudes toward their education. Therefore, we recommend that the provinces and territories and all post-secondary educational institutions develop programmes to meet the special needs for continuing education of women with family responsibilities.

Financial Support

144. The inability to pay for advanced education was so often raised in briefs to the Commission that we are convinced that it is a crucial consideration for the adult woman who thinks about continuing her education.⁵⁶ Certainly there is evidence that continuing education, like higher education in general, is often a privilege restricted to women in above-average income groups. In 1967, the Department of Extension, University of Alberta, conducted a survey among women enrolled in their daytime "Continuing Education for Women" programme. Only 14 per cent of the women enrolled had family incomes of less than \$5,000, whereas 57 per cent reported family incomes of over \$10,000.⁵⁷ Many women in lower income groups are unable to attend day-time classes: they are either in the labour force or at home with young children because they have insufficient money to pay for day-care or because such facilities are not available. There is no doubt that

⁵⁴ Vaselenak, Mette M. *Admission of Mature Students into the Faculty of Education, The University of Calgary*. A brief report presented to the Alberta Teachers' Federation and Certification Committee on December 7, 1968.

⁵⁵ Alberta, Brandon, Brock, Calgary, Carleton, Guelph, Lakehead, Laurentian, Lethbridge, Manitoba, Memorial, Mount Allison, Mount St. Vincent, Ottawa, Prince of Wales, Queen's, St. Francis Xavier, Simon Fraser, Sir George Williams, Trent, Waterloo, Waterloo Lutheran, Windsor, and York.

⁵⁶ For example, Briefs No. 79, 82, 109, 110, 131, 173, 217.

⁵⁷ Brief No. 90.

the majority of women need more money to enable them to undertake further education or training. Sometimes even a small scholarship will provide the necessary financial help.

145. A recurrent suggestion in briefs submitted to the Commission was that loans, bursaries and scholarships be extended to cover part-time studies. At present almost all of these forms of assistance are available only to full-time students. Since few adult students can carry a full-time educational programme, we believe that financial assistance for part-time study should be readily available to them. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, extend the present system of student loans to include part-time students.**

Training for Paid Household Employment

146. Household workers are urgently needed to provide both emergency and permanent assistance. We believe that more training programmes should be provided for women interested in doing this sort of work. Some countries have successfully organized such courses. For example, in Sweden the state-subsidized Social Home Help Service was instituted in 1920 to train "home helps" to provide a service to families in an emergency. These services, at first used in preventive social work and provided free to the poor, are now available to people in all income groups. Since 1950, there has also been a special home help service for elderly people living alone.

147. In Canada, courses for visiting homemakers for emergency assistance have usually been organized by the social agencies through which the women are employed, although some training has been offered under public auspices. For example, in 1968, at Algonquin College of Applied Arts and Technology in Ottawa, a three-month course was introduced in co-operation with the local Canada Manpower Centre, with a co-ordinator from a social agency. The experiment was a success and the course is being continued. The curriculum, which includes practical training and lectures by a home economist, a social worker, a public health nurse and a psychologist, is designed to train homemakers as part of a medical-social team. Graduates of the course often work with low-income families when there is chronic illness, mothers are lost to families through death or desertion, parents with a retarded child require relief, the mother is receiving psychiatric treatment, or when help is needed in other situations.

148. Training is also needed for paid household workers to work on a permanent basis. Home economics courses in elementary and secondary schools provide some training but mainly teach girls to manage their own

households. We believe that courses for paid household workers leading to certification should be set up. Courses should be open to both men and women and offered at convenient hours. Because one object of the training is to establish standards and improve the status of the occupation, we believe that it should be provided by the Department of Manpower and Immigration. It should include information about working conditions, wages, and how to organize for collective action to improve the conditions of employment. Therefore, **we recommend that the federal government, in co-operation with the provinces, provide through the Occupational Training for Adults programme (a) training courses which will lead to a diploma for visiting homemakers for emergency assistance, the planning of which will be in conjunction with local welfare agencies, and (b) training courses leading to a diploma for household workers other than visiting homemakers.**

Training for Voluntary Activities

149. As we point out in the Chapters on the economy and public life, voluntary work in the community has enabled women to reach beyond the family and to take a useful part in the life of the community and the nation. At least two kinds of training for voluntary activity are essential: (1) training in knowledge and skills for particular tasks; (2) broader and more basic exploration of community development to foster understanding of basic human rights, the inter-relationships of people, and ways of effecting needed social change. The most effective provision for training combines both approaches.

150. Of necessity, the first is handled largely by the organization immediately concerned with the activity to which the volunteer is committed. It may be given individually on the job and supplemented by group sessions. Hospital auxiliaries, for instance, often organize one-day conferences for hospital volunteers to discuss the functions of hospital personnel, both voluntary and professional.

151. The following are further examples of the kind of training which is valuable for volunteers.

152. In Ottawa, professional social workers train volunteers for work in The Distress Centre, an emergency information telephone centre for people in trouble. The first section of the course acquaints the volunteers with the purpose of the service and the way it works. Lectures and films demonstrate techniques in interviewing people with different kinds of problems. Training is continued on the job, when volunteers discuss the problems they have encountered and assess the solutions they have used.

153. The Adult Education Division of the Public School Board of Calgary, in co-operation with the principal of a local school, has experimented with a programme to train women as voluntary teacher assistants for elementary school classrooms. The experiment is reported to have been an outstanding success.⁵⁸

154. The training of volunteers must be related to community needs and, in a rapidly changing society, associations are finding that periodic reviewing of their roles is becoming increasingly important. The YWCA of Canada, for instance, is examining and planning its own role by means of a series of seminars with such titles as "How Canada Grows", "Youth in the Society", "The Good Life, Ours to Make", "Levelling up with Poorer Countries."

155. It is important that publicly supported institutions respond to the need for greater citizen participation by offering courses in community development in which the value of volunteer work is emphasized. The sort of course we have in mind was developed by the Department of Adult Education of the University of Sydney, Australia, in 1968: "Last year the New South Wales Council of Social Service, the coordinating body for social service agencies, asked us to undertake training courses for volunteer workers . . . We ran a pilot course in a rapidly growing outer suburb in co-operation with its newly formed Council of Social Service. The teaching staff of five, drawn from the university and the social work profession, constructed a program which covered the role of the voluntary agency and the volunteer, the interaction of agencies with each other and with statutory agencies, the principles of worker-client relationships, agency organization, and the evaluation of objectives and achievements. Formal lecturing was kept to a minimum, and student involvement was fostered in small group discussion, role-playing, and presentation of case material. This year we are doing a similar course, improved, we hope, by our experience . . . I see such courses as a difficult but important educational task, particularly in a program of education for women. They are the great majority of volunteer workers; they want their work not only to be meaningful and satisfying to themselves, but also to be an effective agent of community service."⁵⁹

156. In briefs to the Commission, many women's associations urged the expansion of training programmes for voluntary activities in the community. One brief recommended that women be given community service training

⁵⁸ *Op. cit.* Royce, Marion. p. 69.

⁵⁹ Dawson, Madge. "Education of Women in Australia." *Convergence*. Vol. 2, no. 2, Toronto, The Ontario Institute for Studies in Education, 1969.

grants to take special educational programmes designed to make them more useful as volunteers.⁶⁰ In the Chapter on the economy, we have recommended that government grants to voluntary agencies be increased.

157. We urge educational institutions and agencies to adopt the policy of offering programmes in community development, with particular focus on training for dynamic voluntary activity, and to make these programmes available at times and places convenient for women.

Family Life Education for Adults

158. Family life education for children was discussed earlier in this Chapter. Adults need similar programmes. Many women who appeared before the Commission pointed out that the rapid changes taking place in Canadian society are straining family patterns. Others emphasized the need for educational programmes which would help them live richly and creatively as members of a family and community.

159. Family life courses should reach beyond specific problems, such as the generation gap between parents and adolescents, and deal with wider relationships within the family. These programmes can help women to understand themselves as individuals and as members of a family. They can also show families how to make an adjustment to the needs of women. They can deepen understanding between men and women by promoting frank discussion of male-female relationships and expectations, thereby opening the way for co-operation between members of the family so that they share rights and responsibilities.

160. Many attempts are being made in Canadian communities to provide such programmes. The Edmonton Family Education Council, for example, trains volunteers to lead family life education groups. In Montreal, the Family Life Education Council has been conducting radio and television programmes on all aspects of family life.

161. We are convinced of the need for more widespread programmes in which men and women study and discuss together the relationships between members of a family. We urge that concerned groups in the community, such as churches, social agencies and adult education associations, undertake to provide more programmes of this type.

⁶⁰ Brief No. 90.

Consumer Education

162. Many briefs presented to the Commission emphasized the need for better consumer education for women. One brief⁶¹ advocated consumer education programmes for high school students and for adults which would make use of television, films, newspapers and magazines. It was also suggested that provincial governments provide guidance for consumers. In recent years, much has been done to educate consumers along the lines suggested in these briefs.

163. The Consumers Association of Canada, founded in 1947 by women and still largely run by women, has been active in product evaluation and has initiated improvements that benefit all consumers. Its aim has been furthered by the creation of a new federal government department with wide powers. The Department of Consumer and Corporate Affairs, established in 1967, provides consumer information as one of its services, including a postal box (Box 99) for complaints and inquiries, and a consumer handbook on credit buying. Provincial departments of education supply consumer education as part of the curriculum in home economics, and the mass media offer regular broadcasts and columns, often by home economists, suggesting ways to get the best value for money.

164. Teachers of home economics provide useful consumer education for school children and adults. In Calgary, for instance, a course in Family Finance and Family Living is sponsored by the Public School Board in co-operation with the local chapter of the Home Economics Association.⁶² Four home economists have developed the course which is part of the evening adult education programme in schools in different parts of the city. It covers such subjects as money management; budgeting; nutrition and menu planning; food cost control; planning and choosing basic wardrobes; time management; leisure; children's spending; credit buying and good consumer practices; housing; shopping for appliances, household equipment and supplies; and savings and investments.

Rural Women

165. Women in rural areas have the same needs for continuing education and vocational training as urban women. Unless they live in very remote areas they now share the interests and outlook of women in cities. Rural populations are spread over large areas, however, and it is often physically impossible, especially in winter, for women to assemble for scheduled meetings.

⁶¹ Brief No. 148.

⁶² *Op. cit.* Royce, Marion. pp. 68-69.

166. Sample studies of rural communities show that many women want further education and training. For example, a survey of a rural part of Halifax County, Nova Scotia, indicated that a third of the female respondents wanted some form of adult education. The most frequent requests were for high school courses, business and commercial training, sewing instruction and training for practical nursing.⁶³

167. In 1959, a survey of farm families in Ontario showed that husbands and wives often share responsibility for planning the operation of farms. When husbands took jobs to support the family, their wives usually managed the farm.⁶⁴ Most rural women are interested in courses in marketing, book-keeping and accounting because of their importance to the farm economy.

168. Farm women retain their traditional interest in nutrition and efficient home management. "To raise the standard of homemaking" is a primary aim of the Women's Institutes. The 3,000 local institutes, with a membership of 60,000 rural women, are organized provincially and are joined nationally under the Federated Women's Institutes of Canada. Women's Institute programmes create new interests and stimulate co-operative community effort. Through affiliation with the Associated Country Women of the World their members are encouraged to follow international affairs. In Canada, the Institutes have not developed residential educational centres like those of Britain but members attend short courses and weekend seminars to discuss topics of general interest such as public affairs. In Quebec, *l'Association féminine d'Éducation et d'Action sociale* conducts seminars on education, public affairs, and economics for their rural women members.

169. When the government helps families to move from marginal farming areas to cities, it offers training programmes for urban jobs to the men but seldom, if ever, to their wives and daughters. Yet all these women must learn to run households under new conditions and many have to find jobs. A study of relocated farmers in Saskatchewan showed that 42 per cent of the wives had entered the labour force after settling in a city.⁶⁵ **Therefore, we recommend that women be given the same opportunity as men to participate in any programmes at present or in the future, that are sponsored by government for the retraining and rehabilitation of rural people, such as those begun under the Agricultural and Rural Development Act (ARDA).**

⁶³ Connor, Desmond M. and Dennis D. Magill. *The Role of Education in Rural Development*. Canada Department of Forestry, Ottawa, Queen's Printer, 1966, p. 32.

⁶⁴ Abell, Helen C. "The Adaptation of the Way of Life of the Rural Family in Canada to Technological, Economic and Social Changes." *The Family in the Evolution of Agriculture*. Ottawa, The Vanier Institute of the Family, 1968.

⁶⁵ Abramson, Jane A. *Rural to Urban Adjustment*. Canada Department of Forestry and Rural Development, Ottawa, Queen's Printer, 1968. p. 66.

170. Television and radio have tremendous educational possibilities for rural areas. The Nova Scotia survey found more homes with television sets than with running water. Mobile libraries are also a great help to rural women.

171. The rural problems of scattered population and inadequate communication have not yet been solved. Some of the most urgent educational needs of women, such as those of women making the transition to urban life, are being neglected. Therefore, **we recommend that the provinces and territories take appropriate action to study the current educational needs and interests of women in rural areas and, in consultation with local people, introduce more adequate programmes, ensuring that they are available to women.**

Women Immigrants

172. Many immigrants are handicapped by their inability to understand or speak the prevailing language of the community in which they settle. Learning a new language is especially difficult for women since they are less likely than men to join the work force immediately. Language classes are well attended by men, but many women are unable to leave their children or are inhibited by custom from joining mixed groups.

173. Immigrant children are thrust into a bewildering atmosphere when they first go to school in Canada and need special help to learn a new language. They are often doubly penalized because their comprehension lags behind that of their classmates born in Canada but outstrips that of their parents, sometimes creating a particularly wide generation gap in immigrant families. A vigorous programme of language teaching for children and adults is clearly essential to the immigrant's orientation to this country.

174. Information, counselling and referral services are also needed for immigrants. Women immigrants need jobs and training but they also need help in understanding Canadian society in general and their new community in particular. They need contacts in the community as well as educational and recreational services especially designed for them.

175. The difficulties encountered by many immigrant women were made poignantly clear in a brief⁶⁶ presented by a group of high school girls on behalf of their immigrant mothers. During questioning by the Commissioners one of the students said "... most of them would like to go out and work and most of them are scared because they can't speak English. Most of them try to make wages in the home... they do sewing and housekeeping for

⁶⁶ Brief No. 195.

other people . . . They don't have a mind of their own in politics . . . they never argue with their husband. It's the way they're brought up. For some women it would be good to have community centres to learn the language and to train and to mix with the English mothers. Most of them stick to their own community. It's just like if you get a bird you kept in a cage all your life and at the end, let him out, he wouldn't know how to survive . . . And this is what their problem is now."

176. The Commission believes that the Citizenship Branch of the Secretary of State, which promotes general citizenship education and is concerned with the participation of immigrants and ethnic groups in Canadian society, could do more to help female immigrants. Therefore, **we recommend that the Department of the Secretary of State, through its Citizenship Branch, in co-operation with the provinces and territories, (a) conduct surveys in all areas of Canada where immigrants are settling to ascertain the special educational needs of immigrant women, (b) suggest programmes by which these needs could be met, (c) make these needs and programmes known to voluntary workers in the community, and (d) assist volunteers in the implementation of these training programmes.**

177. Classes for women, held in their own neighbourhoods within easy walking distance from their homes, have been enthusiastically received. The most effective of these are run parallel with an accredited nursery school where the children's play activities incorporate the language patterns their mothers are learning. In several communities, provincial governments, drawing on federal funds, sponsor such classes in co-operation with public school boards or interested voluntary groups, but their numbers are still insufficient. Therefore, **we recommend that the federal government, in co-operation with the provinces and territories, review language training programmes in order to ensure that the needs of immigrant women are being met.**

Native Women in the North

178. The impact of formal education has changed the lives of inhabitants of the north, particularly those of Eskimo and Indian women living north of the 55° parallel.⁶⁷ However, communication is still difficult because few

⁶⁷ Although Canada's north is ordinarily considered the Yukon and Northwest Territories, the points raised in this Chapter also apply to the northern sections of the provinces because similar problems are encountered there. The Yukon and the Northwest Territories together comprise 39.3 per cent of the area of Canada. In these territories live about 66 per cent of Canada's 15,000 Eskimos and one per cent of the approximately 237,500 registered Indians in Canada. All but a few of the other 34 per cent Eskimos and 12 per cent of the Indians live in the parts of the provinces north of the 55° parallel. The Northwest Territories are populated by about 31,000 people, of whom about one-third are Eskimo and one-fifth are Indians. The population of the Yukon is about 15,000, of whom about 2,500 are Indians. There are fewer women than men in the territories.

white people read, write or speak Eskimo or Indian languages and until recently, few Eskimos or Indians in the north could either speak or write in English or French.⁶⁸

179. The increasing number of native children who are receiving formal education has greatly affected the relationship between mothers and their children. Between 1955 and 1957, a unified system of public school education was started in both the Yukon and the Northwest Territories. Grades 1 to 6 are taught in English to all children both native and white who are between the ages of 6 and 16, and who are living in the settlement. In the Northwest Territories, the programme began with eight schools in the larger Eskimo communities.⁶⁹ At that time, fewer than 500 Eskimo children were in public and private residential schools. As of 1970, it is estimated that 85 per cent of school age Eskimo children in the Northwest Territories are at school.

180. The curriculum used in the schools has been basically the same as that used in the province south of the area. For example, the Keewatin area has followed the Manitoba curriculum, Yellowknife the Alberta, and the Yukon the British Columbia curriculum. However, changes in curricula and text books have been taking place since the territories became wholly responsible for education in 1969 and 1970.

181. Most of the teachers have been recruited in the south of Canada or in other English speaking countries. They are given minimal training for teaching Eskimo or Indian children, and usually leave the area after one or two years. Since 1965, Eskimo classroom assistants have been introduced in schools in the Northwest Territories. These are girls with at least Grade 6 education who, after a six-week training course, are employed as interpreters between children who speak no English and teachers who usually speak no Eskimo.

182. For most children, if their parents have been educated, school simply continues previous experiences. However, for many Indian and Eskimo children, school is a disruption that creates a world very different from the one they know at home. The language they speak at school is usually different from the language they use at home. According to a study prepared for the Commission, "The children, caught between one set of values at home and another at school, are seldom able to resolve the inconsistency and reject

⁶⁸ Languages used from Station CFYK Yellowknife provide a picture of some of the language problems. Radio broadcasting is in English, Dogrib, Slave, Chipewyan, Eastern and Coppermine Eskimo.

⁶⁹ Simpson, D. W., D. K. F. Wattie, et al. *The Role and Impact of the Educational Program in the Process of Change in Canadian Eskimo Communities*. Education Division, Northern Administration Branch, Department of Indian Affairs and Northern Development, 1968, p. 1.

either their parents or the school, and often both." As a result of their consequent disorientation, the rate of absenteeism is high and a large number of students drop out of school, repeat a grade or fail. "Although local schools have reinforced the physical bond between mother and child, they have done little to decrease the psychological gap. Many Indian mothers, interviewed in the Yukon, expressed ambivalence toward the idea of education in the public schools. The role of teacher has been effectively taken from them and there is seldom any personal contact between the parents and the white teachers even when they live in the same village. In terms of goals, both mothers and educators agree that the future of the child is important but, because of lack of contact between the two, neither knows what the other is doing about it."

183. According to a survey conducted by the Indian Affairs Branch of the Department of Indian Affairs and Northern Development, some Indian and Eskimo adults give little support to their children as students. Some consider their children's service at home more important than school and complain about the difficulty of adjusting the family living pattern to allow for their children's schoolwork and need for sleep. They also recognize that they lack the ability and knowledge to help their children with schoolwork or personal problems. Many parents, however, indicated that they would welcome some proof of the value of the white man's education.⁷⁰

184. All pupils requiring higher than Grade 6 education must be transported by plane to residential schools in larger settlements, where they stay for the full 10-month school term. Students from the Northwest Territories go to either Churchill, Manitoba or Yellowknife, whichever is closer. Students from the Yukon are taken to Whitehorse. When children are taken away to school, they are usually housed in large residential buildings. They live a regulated life with no contact or understanding of the family life of white people. Their homes in the settlements and the institutionalized living at the school are the only "home" environments they ever experience. It is difficult for pupils to readjust when they return to their parents because they have acquired different values. Daughters grow up with little interest in the things their mothers can teach them, which creates a distressingly wide generation gap. Some Eskimo and Indian women who appeared before our Commission did not understand what happened to their children when they went away to school. Since they had never even seen a residential school, they could not share the experiences of their children. They discussed problems that arose from the different values acquired by their children such as

⁷⁰ Department of Indian Affairs and Northern Development, Indian Affairs Branch. *A Survey of the Contemporary Indians of Canada*. Vol. 2, Ottawa, Queen's Printer, October 1968, p. 137-138.

the fact that Eskimo girls are rejecting the traditional arranged marriage and are marrying partners of their own choice, sometimes of a different race, and culture.

185. Because some conflicts have arisen between generations, it is understandable that education is not highly prized by all native women. In the past, women were totally responsible for the education of their daughters. Today school often appears to them to teach the children alien ideas in an alien language.

186. Until the women of the north are involved in their children's schooling and in adult education programmes, they and their children will continue to suffer. This has been illustrated in the Northwest Territories where current parent-child tensions are in part due to the fact that the programme for children's education begun in 1955 was not followed up with an adult education programme until later. In the Yukon, Indian mothers and particularly grandmothers have shown more interest in the education of the children after learning to read English through the literacy programme. In the Yukon, mothers who serve on Advisory Committees of kindergartens are likely to encourage their children to continue their education.⁷¹

187. Educators in the Yukon and Northwest Territories recognize the need for adult education and have accomplished much with limited funds. Adults have been offered courses in homemaking, handicrafts, reading and English. Indian and Eskimo women have been employed as teachers' aides. Parents from each of 12 settlements in the Northwest Territories were invited to select one couple to visit the Churchill Vocational Centre and report back to the settlement. An adult education centre established in 1969 at Frobisher Bay is at present running an academic upgrading programme. Adult education has also been undertaken by volunteer groups such as Homemaker's Clubs and Women's Institutes in the Yukon and western Arctic. The Federated Women's Institutes of Canada as well as some church groups have helped women to meet socially, increase their homemaking skills and take an active part in the solution of community problems.

188. In the Northwest Territories, urbanization has increased since the advent of the most recent housing programme undertaken in 1955 by the federal government.⁷² Many families in the Arctic that formerly led nomadic

⁷¹ Shields, Dr. P. L. Superintendent of Education, Department of Education, Whitehorse, Yukon, March, 1970.

⁷² A housing survey undertaken in 1964-65 illustrates the urgent need. Of 817 one-room houses in the Arctic, only 81 units contained fewer than three people in each and the majority contained from five to eight. Few Eskimos could afford to purchase even a small one-room house and even if they could, they were not able to afford the high cost of fuel, light, and water. Department of Indian Affairs and Northern Development. *The Work of the Northern Administration Branch, Department of Indian Affairs and Northern Development with the Canadian Eskimos*. November 1967, p. 8.

lives and lived by hunting and trapping have moved into settlements. In order to help women to adjust to the new way of life, the Federal Government planned an adult education programme to accompany the low rental housing programme.

189. Initially, Central Mortgage and Housing Corporation provided funds to send instructors into the north on short-term assignments. The programme included an explanation of the rental plan, the operation and care of household fixtures, information about general housekeeping, cooking, child care, purchasing of goods and clothing, and budgeting. In the two-year period 1966-68, approximately 28 instructors, three of them Eskimos, worked with more than 1,000 Eskimo families in 20 communities.⁷³ The leaders were often wives of teachers, administrators or Hudson's Bay Company employees. In the eastern section of the Northwest Territories, two home management specialists make regular trips to communities where new housing has been built, to provide over-all direction and training. In the western part of the Northwest Territories, the housing programme has been delayed because of budget cuts. At the hearings in the north, native women repeatedly told the Commission about their interest in and need for further education and asked that the adult education programme in relation to housing be continued, using native instructors whenever possible. **Therefore, we recommend that the federal government, in co-operation with the Northwest Territories, make sure that the education programme in relation to housing is continued.**

190. The formation of housing associations, as a result of housing programmes, has generated more active interest and greater participation in community affairs. Members of housing associations are lessees of houses.⁷⁴ Each association elects a Council responsible for providing services to the community and letting contracts necessary to provide these services. Serving on a Council could have considerable educational value for women by giving them some experience in political action and community participation. Since membership is restricted to lessees, only women living alone who sign the lease can ordinarily be members of the association. Even though we have been told that the requirement that members of the association must be lessees has sometimes been ignored, we do not regard this as a satisfactory situation. **Therefore, we recommend that the Northwest Territories amend its Housing Association by-laws so that both the lessee and the spouse of the lessee are members of the housing associations.**

⁷³ *Op. cit.* Simpson, D. W., and D. K. F. Wattie, p. 14.

⁷⁴ *Ibid.* p. 15.

191. More adult education teachers are needed in the Northwest Territories.⁷⁵ We believe that Indian and Eskimo women should be trained to carry on the work already started in the field of adult education. It might be advisable to bring them to a central location for intensive training. Therefore, **we recommend that the federal, provincial and territorial governments encourage Eskimo and Indian women to take training in adult education for work in the northern communities.**

192. More women than men serve on school advisory committees in the Yukon. An effort should be made to involve Indian and Eskimo women in their own education as well as to arrange for them to participate in the education of their children. We hope that Indian and Eskimo women will help to plan and take part in the programmes of the additional kindergartens proposed for the Northwest Territories.

193. There is a need for more effective orientation courses for white people who work in the north or with native people in other parts of Canada. Many white people do not appreciate the culture of Canada's aboriginal people. A brief from native women⁷⁶ made the following recommendation: "Whereas native women feel that the current orientation programs for teachers where they are being put into effect are inadequate, it is recommended that teachers who are entering native communities for the first time be required to have more extensive field experiences of native culture and traditions to enable them to communicate with the children more meaningfully." We concur in this request, and would extend it to include both wives and husbands of all people planning to work with native people. These courses should be made comprehensive and longer than the courses which are sometimes provided by governments or business. Therefore, **we recommend that the federal government, the provinces and the territories cooperate to (a) provide expanded, comprehensive courses for all public officials and employees and their spouses, working with Indians and Eskimos, to familiarize them with the cultures and traditions of the native people, including training in the native languages; (b) make available to Indian and Eskimo women education courses to provide at least functional literacy in either French or English; (c) encourage native women to participate in school planning and programming, and to serve on school advisory committees; (d) where it is not already being done, train native women as teachers and teachers' aides; (e) provide that teachers' colleges give special training courses in the instruction of English or French as a second language to**

⁷⁵ Annual Report of the Commissioners of the Northwest Territories, 1969. Yellowknife, NWT, p. 53.

⁷⁶ Brief No. 310.

Indians and Eskimos; (f) make sure that teachers' colleges provide courses in Indian and Eskimo culture, including training in the native languages for teachers planning to work with native people; and (g) make every effort to train Indians and Eskimos to provide the educational services in Indian and Eskimo communities now being performed by non-Indian and non-Eskimo public servants.

194. Further, we recommend that universities establish or strengthen courses and research in Indian and Eskimo cultures.

195. Furthermore, we recommend to private industry that it provide training courses for employees working in the north, and their spouses, to familiarize them with the cultures and traditions of the native people, including training in the native languages.

196. Some Eskimo couples have been brought south on short learning trips to visit schools, universities, farms, industrial plants, co-operatives, hand-crafts and cottage industries, and to see demonstrations in homemaking. This has proved to be a valuable educational experience which should be open to individual women as well.

197. Therefore, we recommend that the federal government, in cooperation with the territories, include individual native women, as well as couples, in the programme under which Eskimos and Indians are brought south on learning trips. After they return home, there should be a follow-up by adult educators to evaluate the programme and to make their findings known to local people to assist them in planning future programmes.

198. Since 1959, when the first co-operative was incorporated in the Northwest Territories, the federal government has been fostering the development of this system through which people of the north produce and market their own products.⁷⁷ Co-operatives have provided practical experience in democratic principles and stimulated the emergence of community leaders. Their far-reaching effects on local economy have influenced the lives of women whether or not they are actively involved in co-operative enterprises. Training for co-operative administration has been carried out through a management training programme initiated by the Department of Indian Affairs and Northern Development, and we urge that this programme be continued. The training is given in northern communities and to a few selected co-operative members at training centres in the south of Canada. Men are more likely than women to be chosen to receive this advanced training. In order to give them equal opportunity in the work world, Indian and Eskimo women should be

⁷⁷ Sprudz, A. *Co-operative Development Program in the North*. Ottawa, Department of Indian Affairs and Northern Development, October 1968.

encouraged to train for responsible positions in co-operatives. The training should include an understanding of the requirements of outside markets and the development of native skills. Native women have already shown their ability in co-operative administration. For example, the Aklavik Fur Garment Cooperative in the western district of the Northwest Territories is made up exclusively of women.

199. Although responsibility still rests with the federal government, the implementation of existing programmes has now been taken over by the territorial governments. More extensive use should be made of co-operative educational centres such as the Western Co-operative College, Saskatoon, Saskatchewan, the Coady International Institute, Antigonish, Nova Scotia, and the Desjardins Co-operative Institute, Lévis, Québec.

200. Therefore, we recommend that the federal government, in co-operation with the territories, ensure that management training programmes in the operation of co-operatives and small business enterprises be made available to native women as well as to men and be expanded to fit the growing needs of the northern communities.

201. The Indian and Eskimo women who appeared before the Commission impressed us with their practical understanding of their own problems and their confidence that with help they could solve these problems themselves. Common to all these women, however, is their unwillingness to work within the limited confines of a system in which aims and goals are established by outside authorities. Underlying all our recommendations is the conviction that the native people of the north should be involved in the changes that are taking place not only in their lives but also in Canada, and that they be given the opportunity to take part in the enterprises and programmes that are bringing about these changes.

Educational Television

202. Educational television holds promise for women who want to continue their education. It can be of particular value to those living in isolated parts of the country or in places where no classroom courses are available, as well as to mothers who find it difficult to leave their homes to attend regular classes. It can also help to raise the educational levels of women in the labour force, thereby giving them a better chance to be promoted or to find a more satisfying job. It is essential that programmes be telecast at the hours when housewives and working women are able to take advantage of them.

203. The United States has done much more than Canada to develop educational television. In Britain, its value has been recognized and plans have been

made for a programme called The Open University which, in January 1971, will offer degree courses, mainly to adults who have not had the chance to acquire higher education by other means and who may not have the formal qualifications usually required for university entrance.

204. Some Canadian programmes have shown the way educational television should be moving if it is to develop its potential value for the education of women. For example, the University of Montreal, University of Ottawa, University of Sherbrooke, Moncton University, Laval University and Laurentian University have collaborated with the Canadian Broadcasting Corporation to produce French Language radio and television correspondence courses which can be credited towards a Bachelor of Arts degree. The universities took turns preparing the lectures and students completed home lessons which were corrected by correspondence.

205. *Tévec* is an outstanding example of the potential value of educational television.⁷⁸ In 1968, this trial educational television programme was initiated in the Saguenay-Lac Saint-Jean region by the Quebec Department of Education. A study of the region was made to determine the interests and needs of the residents. A course was then designed to enable students to reach Grade 9 standing in French, English and mathematics. In order to sustain adult interest, lessons were based on a discussion of socio-economic problems of the area. The lessons were telecast by private stations in the region at 7:00 and 9:30 in the morning and 11:30 and 12:30 at night. Teleclubs were organized in each community and members met once a week to discuss the topics covered the preceding week. Half of the 30,000 students who registered were women although men considerably outnumber women in the region. In June 1969, about 6,000 adult students took the final examination.

206. Other provinces have not set up any projects similar to *Tévec*. However, Ontario, which is leading in the field of educational television in Canada, is in the process of developing several programmes for the next few years. For example, the Ontario Educational Communications Authority, a Crown Corporation created by the last session of the legislature, is setting up a continuing education programme to be available in Metro Toronto. Starting in the fall of 1970, non-credit courses will be scheduled for housewives as well as for working women and others. Credit courses are being discussed as a possible project for the future. The programmes set up for the general population, or especially for women, in the community colleges of Toronto may also be presented on television in the near future: cable companies are investigating this possibility.

⁷⁸ Messier, Guy, Jean Lachance and Richard Fournier. "Tévec." *Technique*. Quebec, January, 1968. Guay, Jacques. "Le chef Labrie, un écolier parmi 35,000." *Le Magazine Maclean*. June 1968. *Op. cit.* Royce, Marion, pp. 128-132.

207. During the public hearings, the Commission was told that the northern broadcasting system should be expanded to include more educational broadcasts on subjects such as food, hygiene, housing and child care. Women of the north should be asked to suggest programmes they consider useful and interesting and, whenever possible, be asked to participate in them. We suggest that more programmes about the art and activities of native people would help all people of the north to appreciate their culture and that of their neighbours.

208. Canadian women are confirmed television watchers. In a breakdown by sex, women, on the average, were found to spend four and two-fifths hours and men three and four-fifths hours a day watching television. Women spend three and four-fifths hours and men two and four-fifths hours a day listening to radio.⁷⁹

209. It is up to educational television to make the most of the already established viewing habits of women by presenting programmes which stimulate interest and challenge the mind. The use of imagination in the presentation of material and a high degree of expertise in production are requisites for success. The telecasts should be supported by correspondence study with tutorial assistance, occasional residential seminars and group discussions. It is of prime importance that in the future educational television be geared to the needs of adult women. Therefore, **we recommend that the provinces and territories, in co-operation with universities, arrange that educational television programmes, including credit as well as non-credit courses at elementary, secondary, general and technical college and university levels, be televised at hours when both housewives and women in the labour force can take advantage of them.**

210. The Canadian Satellite System of telecommunications should enable educational programmes for women to reach even the most remote areas of Canada. Scheduled for operation in 1972, it will provide television coverage and telephone and message communications services on a commercial basis to all parts of Canada. The components of the system from ground stations to the satellite itself are in the planning stage by Telesat Canada Corporation which will own and operate the system. The Corporation is the newly-established consortium of the government, the public and the common carriers. Arrangements about programming have not yet been made public.

211. Telesat Canada will be an entirely new system of telecommunications in Canada. It will be an important medium for the education, cultural enrichment and socialization of all Canadians. Such a system can narrow the

⁷⁹ "Average Listening and Watching Time, Television and Radio, by Sex, Canada, 1969." *Coverage and Circulation Report*. Toronto, Bureau of Measurements, November 1969.

differences in opportunities and standards of living of the women and men in both isolated and populous places, and can bring these disparate groups into closer communication with one another. It is essential that from the very beginning women share equally with men in the policy decisions on distributing centres and facilities and the type and scheduling of programmes.

212. Therefore, we recommend that the governments and organizations which plan to use the Canadian Satellite telecommunications system (a) consult knowledgeable women as to the types and quality of programmes and the hours of scheduling in order to meet the needs and convenience of women in Canada, and (b) include women professionals and specialists in all branches of programme production and broadcasting so that women will have equal opportunities with men in the development, operation and use of this new medium.

Citizens' Information Centres

213. Courses designed to meet the various educational and training needs of adult women will be useless unless they know about them. The Commission repeatedly heard requests that more information about educational and occupational opportunities be made available to women. If continuing education is to be effective, a national system of information about educational institutions, their entrance requirements, courses and tuition fees must be established for the public.⁸⁰

214. Many communities have attempted to provide this information. Sometimes a local crisis has prompted action. When Sydney, Nova Scotia, faced the shutdown of its largest industry, an office was set up on the main street to provide information about educational opportunities in the area. Other communities have used kiosks on the street and radio, television and newspaper publicity. The Adult Education Counselling Centre for Metropolitan Toronto, in co-operation with the Canada Manpower Service of the Department of Manpower and Immigration, answers enquiries about educational facilities and services. Information is also supplied by the Metropolitan Directory of Continuing Education Classes, which is sponsored jointly by the Metropolitan Library Board of Toronto, the Ontario Association for Continuing Education, and the Adult Education Department of the Ontario Institute for Studies in Education. Many other communities provide classes and information at adult education centres. The information centres we recommend in the following pages should help to make more women aware of the educational facilities available to them.

⁸⁰ Canadian Association for Adult Education. *A White Paper on the Education of Adults in Canada*. Toronto, Thorn Press, 1964.

215. Women who are out of touch with the community are at a loss to know where to apply when they need help with some special problem. The married woman about to enter the labour force may require information on child-care facilities, employment counselling or training. The newcomer to a community may be looking for information on housing or homemaker services. And the long-time resident may suddenly find she is in need of legal aid, welfare counselling or medical attention of a specialized nature. Many briefs discussed the need for centres to which women could turn in these and many other situations.

216. The operation of centres of this kind is not a new idea. In Britain, there are some 500 Citizens Advice Bureaux, providing free information and advice. In the United States the number of information and guidance centres is growing. A study conducted by the Canadian Welfare Council revealed that welfare councils in perhaps 14 French and English-speaking Canadian communities have information and guidance centres. The Central Information Service of the Social Planning Council of Metropolitan Toronto handled more than 18,000 enquiries in 1967. Agencies, other than welfare councils, also provide information services in some communities. The Task Force on Government Information recommended that Citizens Advisory Bureaux be reinforced or established where necessary. We understand that the Citizenship Branch of the Secretary of State is exploring how to accomplish this and that some pilot projects are under way.

217. We believe there should be an information centre in every city and town in Canada. In view of the wide variety of problems that would be directed to these centres, many of them would find it practical and advisable to act as referral centres rather than attempt to handle the problem themselves. In either case they would be invaluable as a source of information on community resources for meeting special needs.

218. In some ways, women living in isolation are more in need of the services of such a centre than urban women because many of the services they require are not at hand. However, problems of distance and sparse populations make it impractical to have centres that all women can visit. For this reason, free long distance telephone calls to the nearest centre should be provided for women who could not reasonably be expected to travel to it. For some women, the mails would be the only means available for obtaining information.

219. One of the more important functions to be performed by these centres would be to provide every home with a booklet listing the nearest welfare agencies, the service offices of governments in the community, medical and

family planning clinics and other community services. Other helpful booklets, such as those describing the legal rights and responsibilities of women, should be distributed. Information centres could also perform a useful service to the community by identifying needs which are not now met.

220. If information centres are to be fully effective, they must be widely publicized by radio, television and the newspapers. These media are already disseminating information helpful to women and would probably welcome the opportunity to plan their programmes around the needs shown through the queries at the information centres.

221. It is important that information centres be recognized as a service to the community offered without any kind of political bias or pressure. They should therefore be non-governmental organizations, established and directed by citizens' committees. If they are to operate on this basis, they will have to depend on government grants, assistance from voluntary associations and donations from private citizens.

222. We believe existing voluntary associations should take the initiative in having the centres established and should also be involved in their planning, organization and management. These groups will probably be the best informed on the needs of the community and the resources available.

223. Federal, provincial and territorial governments can, however, give impetus to the establishment of information centres by letting it be known that financial grants are available. In the Chapter on the economy, we have recommended that governments increase their financial support to voluntary associations working in fields of practical concern to women and we believe that citizens' committees responsible for information centres should have a high priority. Since information centres will be performing a community service, municipalities should foster them as well as support them financially.

224. In our discussion on the usefulness of information centres we have referred only to their value for women. Although we recognize that women probably have a greater need for these services than men, they should be available to men as well.

225. Therefore, we recommend that committees, composed of citizens of the community, establish and direct Citizens' Information Centres for the purpose of providing free information on community resources, and that centres (a) maintain offices open to the public; (b) be responsible for the production and extensive distribution of booklets listing community resources; (c) provide for free in-coming long-distance telephone calls from citizens who could not be expected to travel to the nearest centre; (d) provide

information by correspondence on request; (e) make full use of radio, television, the newspapers and other mass media to ensure that citizens are well informed on the services provided; and (f) encourage mass media to provide, by means of articles, programme courses, news releases and other techniques, information on subjects that may give rise to problems for citizens.

226. Further, we recommend that federal, provincial, territorial and municipal governments provide financial assistance to citizens' committees operating Citizens' Information Centres.

Women and the Family

"The family is the natural and fundamental group unit of society and is entitled to protection by Society and the State."
Universal Declaration of Human Rights, Article 16.

Introduction

1. The role of the family in every known culture is to meet the basic human needs of the individual. In many traditions, the family has been the central focus of a woman's life. It is essential, therefore, to consider the significance for women of the changes which are taking place in the family today.

2. There are a number of widely differing views of what is happening to the family. One is that the family is dissolving. Divorce is on the increase. More wives are working and therefore spending less time with the family. Marriage is becoming less sacred and more secular. Parents are losing control over their children. According to one authority,¹ "unbridled individualism" and a decline in the spirit of self-sacrifice have led to a decline in the birth rate. The decay of the family, he says, heralds the decay of civilization itself.

3. Another view, endorsed by most family sociologists, holds that the family is simply changing its organization, and will emerge strengthened and better suited to a democratic society. They support this view with the following facts. The double standard in sex is declining. Choice of a mate is more voluntary. Modernization of the smaller home and a flood of goods and services have reduced the drudgery of housework. Men are less dominant. Women have more equality in law and in daily living. There has been a liberalization of divorce laws and a decline in church authority which once upheld the family in its authoritarian structure. A partial shift of traditional family functions—protective educational, economic—to the state, school and industry, makes members of a family more independent of each other. According to some social scientists, the family is, therefore, evolving as an adaptable unit within the larger society, basically concerned

¹ Carl C. Zimmerman, Harvard University.

with the mutual emotional support of its members. Family love, freed from economic compulsion and parental authority, may become more loyal and permanent.

4. Recently, the Women's Liberation Movement, the New Feminists and other-similar groups have been insisting that women have been wrongfully exploited throughout history, that only a revolution will right the position of women, that marriage as we have known it is a contract of slavery for women, and that the family is an unjust and outdated arrangement for modern human beings. Recent writings by members of this movement illustrate some of their thinking. "In addition, such structural changes (for the liberation of women) imply the complete breakdown of the present nuclear family . . ."² "In all classes and groups, the institution of marriage functions to a greater or lesser degree to oppress women."³

5. New family styles and patterns have been tried on a limited scale, in an attempt to overcome the limitations of the nuclear family—that is, a wife, husband and children living together. A long-standing example is the kibbutz in Israel, where the children live apart from their parents, spending, however, a few hours with them every day, and are cared for in groups. Recently in a number of countries such as Sweden, the United States, France and Denmark, groups of families have been organized in which several adults, both male and female, and their children form a collective household. A few similar communes have been formed in Canada.

6. However, in Canada there seems to be a general belief in the continuance of the family in a somewhat altered form. It is supported by those social scientists who, although they find it hard to predict how social changes will affect the family in the future, maintain that the family will always exist in some form, as they "know of no people who have succeeded for long in dissolving the family or replacing it."⁴

7. The position of a woman in relation to her family has already changed enormously if we look back over a few generations. Her participation in the production of goods by the family; her complete subjugation to the authority of her husband; her large household and the work required to maintain it; the number of her children and her short life span all made life for women at an earlier period very different from what it is today. Although for the married woman, just as for everyone else, life was often hard, with little time for leisure, she could experience a sense of being central to the survival of the members of her family.

² Benston, Margaret. *The Political Economy of Women's Liberation*. Vancouver Women's Caucus, mimeographed Discussion Paper, Vancouver, 1969-70, p. 6-7.

³ Dixon, Marlene. "Why Women's Liberation?" *Ramparts*. San Francisco, December 1969, p. 61.

⁴ Mead, Margaret. (and Ken Heyman) *Family*. New York, The Ridge Press, 1965, p. 77.

8. As a rule, a bride was transferred directly from her father's to her husband's tutelage, without higher education or an average five-year interval of employment which girls now experience before marriage. Once married, a Canadian woman usually spent most of her adult life bearing and looking after six or seven children. Today, the average is three children and she lives to about the age of 76. Furthermore, there is a noticeable trend in recent years for couples to have their families soon after marriage. The average married woman gives birth to her last baby around the age of 30 and is only about 35 by the time the child starts school. This means she can look ahead to at least another 20 or 30 years of active life, during which the care of the family and a home, usually smaller than in the past, is unlikely to take up the greatest part of her time.

9. One particular way in which the family has changed is often overlooked. It was not always true that the mother carried the total responsibility for child care as she does today. This is a relatively recent phenomenon in western civilization. In the past, the majority of mothers had to perform so many household chores that they could devote to their children only a fraction of the time that most mothers can today. Furthermore, in the extended family of the past, other adults—aunts, older sisters or grandmothers—were on hand to help care for children. Again, the high rate of infant mortality tended to influence the attitude of parents towards their children. Sensitivity regarding children has changed over the past 150 years.⁵ Children gradually moved into a central position in the family and new attitudes towards them developed for a number of reasons. People gained assurance that their children would not die young. Public education replaced the system of boarding very young children as apprentices with another family where they joined with other children in learning a trade. Families gradually became smaller and the wife free of many of her chores.

10. As a result of the change in attitude toward children, mothers, especially in the middle class, were expected to be in constant attendance. They were supposed to acquire specialized knowledge in many fields culled from literature on the latest developments in child psychology, psychosomatic medicine and the education disciplines. The effect was often to over-emphasize the link between mother and child and to impair other relationships, in particular the vital influence of the father. Many mothers who refused to be influenced by what they felt was an exaggerated view of their child-rearing functions were liable to develop feelings of guilt.

11. The legal status of a married woman has changed since the time when a wife was grouped with the children under the legal control and

⁵ Ariès, Philippe, *L'enfant et la vie familiale sous l'ancien régime*. Paris, Plon, 1960.

authority of the husband. But traditional attitudes have not changed to the same degree. Society still expects a wife much more than a husband to adapt to the married status. And a great many women still conform willingly to these expectations.

12. Many women are content with the role of wife and mother, knowing that they contribute a great deal to the success of the family. There is no denying the importance and value of this traditional role of women but nevertheless some women believe that it should be expanded and enriched. None of our recommendations is intended to change the role of women who are satisfied to remain in the home. Our aim is to remove as far as possible the barriers to real equality of opportunity.

13. The traditional wife-and-mother role in the Canadian family is to manage the household, to give affection and backing to the husband, whose occupational life may be largely impersonal and competitive and, in an emergency, to earn money and act as a substitute for the husband. Above all, she is expected to carry the major share of rearing the children who consequently often assume prime importance in her life. These are important duties but insufficient prestige is attached to them. Moreover, the rearing of children, the centre of their lives, is soon accomplished.

14. A married woman's status in society is almost entirely due to the position of her husband rather than to a position she has made for herself. Her satisfactions are largely second-hand, depending on her husband's and her children's achievements. Many women appear to accept this secondary and supporting role without question, believing that their influence on their husband and children is sufficient justification for a lifetime of almost total dependence. In addition, many housewives suffer from social isolation. Their work does not naturally lead to social contacts as do other occupations. It does not provide them with the stimulus and emotional satisfaction which result from working on a team.

15. For these and other reasons, such as the need for two pay cheques in the family, many married women have turned to outside employment. Although they often encounter a new set of problems, because of carrying a full-time job while still running a home, the added stimuli and financial advantages are such that they usually continue to work outside the home once they have made this break with their former way of life. Some women have, of course, always combined outside activities with the traditional role of wife and mother in spite of the difficulties.

16. For many married women the decision whether or not to take a paid job outside the home often involves a purely personal dilemma. At the public

hearings, some women told us that if they stayed at home they felt guilty because they were not using their skills and talents. Others told us that if they took a job they felt guilty because they might be neglecting their husbands and children, or other people might think they were. In other words, often a psychological conflict is an invisible barrier to freedom of choice for a woman.

17. Many husbands are puzzled when their wives, to whom they feel they have given everything, develop interests of their own. This change in a husband's understanding of his wife's needs and aspirations will require him to make adjustments in his thinking about his own role as husband and father.

18. Most of the representations to the Commission made it clear that women accept their role in the family group. But many wives are now demanding that this role be that of an equal partner entitled to participate in setting policy and making decisions for the family. A great many wish to contribute financially to their own needs and the needs of the household and children. They expect in return that their husbands will share with them the work and responsibility of their homes and children.

19. In our opinion, it is essential that parents and schools make young girls aware of the new dimensions of marriage. A too romantic concept, still dominant in the influences which surround young people, defines marriage and maternity as the psychological focus of a woman's life. Unrealistic views about their future as married people may be very damaging and later cause confusion and unhappiness for both husbands and wives. Many young women begin marriage in the expectation that they will be supported by a husband for the rest of their lives. They are likely to find in due course that this is too narrow an expectation. They may, because of divorce or death, find themselves the sole support of themselves and their children, without ever having been prepared for such an eventuality. All the pressures of society, perhaps magnified by the mass media, still tend to direct the ambition of a girl to the role of dependent wife. As a result, these girls often miss the opportunity for education and work experience. It has been said that Canadian girls at the age of 16 are still dreaming of marriage as unrealistically as girls of their age did 40 years ago.

20. We are aware of many important disparities between the traditional family and the society of today, as well as conflicts between the family and the legitimate aspirations of women. We believe that many former ways of doing things within the family must change.

21. Change is needed in the most central function of the family—the care of the children. Change too is needed in the laws governing marriage; the mutual obligations of husband and wife, and the dissolution of marriage through divorce. Change is needed in the legal control the state exercises over such matters as birth control and abortion.

22. It is wrong to suppose that, with a few changes, a universal kind of family can be designed which will be suitable for everyone. Essentially, flexibility may be the most needed ingredient for the future of the Canadian family and especially for the role of a woman in her relation to the family group.

Part A—Legal Aspects of Marriage and Divorce

(i) Marriage

23. Marriage in our society involves a change in the legal and social status of men and women. In a number of ways, however, it is a more significant change for women than for men. For example, when a woman marries, her legal domicile becomes that of her husband and she usually assumes her husband's name. Many briefs to the Commission expressed concern about these and other matters which they regarded as either legal inequities or outdated practices.

24. We review here the major implications of marriage upon the status of women, beginning with the conditions required to be met for the solemnization of marriage and then turning to the legal consequences of marriage.

Solemnization of Marriage

25. Jurisdiction over marriage in Canada is shared between the federal and the provincial legislatures according to the distribution of legislative powers in the British North America Act, 1867. Under section 91(26) of the Act, the federal Parliament has exclusive jurisdiction over "Marriage and Divorce" and, under section 92(12), the provincial legislatures have jurisdiction over "the Solemnization of Marriage in the Province". While the Canadian parliament has passed, since Confederation, only three or four minor laws on the capacity to marry, the provinces have exercised their jurisdiction by enacting various conditions for the solemnization of marriages in each province. Among the conditions most frequently dealt with are those relating to minimum age and parental consent.

26. Early marriage is a fact in Canada today. According to the Dominion Bureau of Statistics for 1968, 47,490 women married in the age group

15-19, out of which 11,551 were under the age of 18. Figures for men were respectively 11,832 and 846. During recent years, marriages of women under 20 represented over a quarter of all the marriages in Canada.

27. Minimum age for marriage touches upon the capacity to marry and so falls within federal legislative jurisdiction. But since no federal law has been enacted on this subject, the old rules regulating the capacity to marry still prevail.⁶ But the provinces have legislated on the question of minimum age for marriage in their respective Marriage Acts which prescribe the conditions to be met for the solemnization of marriage. While the failure to comply with these minimum age requirements in the provincial Marriage Acts does not invalidate a marriage, the inobservance of the Common Law rules as to minimum age, which is a matter of capacity, would do so. The subject of minimum age for marriage in Canada is further complicated by reason of the diversity of minimum ages established by the provincial Marriage Acts themselves.

28. With parental consent, the minimum legal age⁷ is 16 in five provinces: British Columbia, Alberta, Manitoba, Nova Scotia and Prince Edward Island. It is 15 in Saskatchewan, the Yukon and the Northwest Territories and 14 in Ontario. The Quebec Civil Code prescribes 12 for females and 14 for males. Two provinces, New Brunswick and Newfoundland, have no minimum age requirements. The legal age without parental consent is either 18 (three provinces) or 21 (six provinces and the two territories) with the exception of Prince Edward Island where it is 18 for females and 21 for males.

29. The legislation on marriage in three provinces, British Columbia, Saskatchewan and Newfoundland, requires the consent of both parents for the marriage of a minor child. Quebec's Civil Code requires the authorization of either parent, the father or the mother. In five other provinces, Manitoba, Ontario, Nova Scotia, New Brunswick and Prince Edward Island, the Marriage Act requires only the father's written consent. According to these statutes, only under special circumstances is the mother's consent sufficient. This may occur, for example, when the father has been declared mentally ill or is otherwise incapable of giving a valid consent, or when the spouses are living apart and the father is guilty of non-support, or when the spouses are legally separated or divorced and the mother has custody of the child. In Alberta the marriage of a minor child under 18 years requires the consent of both father and mother; if the child is over 18 but less than 21 years, the consent of either parent is sufficient.

⁶ At Common Law, a valid marriage could be contracted if the female had reached the age of 12 years and the male 14.

⁷ As of January 1970.

30. In all the Common Law provinces, the mother's consent is sufficient if the parents have not been married.

31. Most of the Marriage Acts of the Common Law provinces⁸ provide especially for the situation of the pregnant minor. In such cases, when a medical certificate provides proof of pregnancy, the marriage may be authorized even if one or both parties to the marriage are under the minimum legal age designated by provincial laws. However, parental consent is still required in certain provinces.

32. Many briefs presented to the Commission requested that the present minimum ages for marriage with parental consent be raised. Article 2 of the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, provides that states which are parties to the Convention should take legislative action to specify a minimum age for marriage. A recommendation of the General Assembly suggested that such legislative action should set the minimum age for marriage at not less than 15.⁹

33. The purpose of any suggested amendment to marriage legislation on this matter is not, of course, to lay down a "right" age for marriage. Indeed there probably is no such thing as an ideal age for marriage, since a successful marriage depends on many factors particular to each case. Any chosen minimum age is necessarily arbitrary.

34. In Canada, where there are many cultures and a wide variety of customs among people living in the various regions, it is difficult to choose a specific age as being the right age of capacity to marry. Among certain groups, young people tend to marry as soon as they can support a family. It may be argued that the State should protect very young persons from early marriages, in view of the high incidence of marriage breakdown among couples who married young. It is difficult to present any conclusive evidence based on Canadian data that marriage breakdown is particularly prevalent among this portion of the population because the available statistics do not provide a complete analysis of all the variables in marriage breakdown cases. However, American statistics do show that more than 50 per cent of teenage marriages end in divorce or desertion; and since socio-economic conditions in Canada are not very different, we can expect similar patterns to emerge here. In fact, according to a survey conducted in Montreal in 1964, when both parties at the time of marriage were 19 or less, their chances of

⁸ British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland. This also applies to the Yukon and the Northwest Territories.

⁹ This Convention was adopted by the General Assembly of the United Nations on December 10, 1962, and entered into force on December 9, 1964. The Recommendation (number 2018 XX) of the General Assembly was adopted on November 8, 1965.

success were less than those married at age 22 or over.¹⁰ We heard similar accounts from social workers and marriage counsellors. Many briefs asked that laws be changed to make it more difficult to marry. This might be accomplished by lengthening the period between the publication of the banns or the application for a marriage licence, and the solemnization of marriage.

35. The Commission believes that the fact of pregnancy should not in itself constitute a sufficient ground to permit marriage when both parties are so young or immature that their future may be jeopardized and there is little hope of the marriage being a success. As one brief put it: "We believe it to be of the utmost importance that pregnancy should not be a cause for dispensing with the provision of the law regarding age and consent, because this leads certain young people to seek pregnancy as a means of avoiding parental consent or of avoiding the sixteen year age minimum. There is widespread concern at the increasing rate of breakdown of marriage, especially of teen-age marriages, and experience indicates that this rate of breakdown is even higher in those marriages precipitated by pregnancy."¹¹ The problem, as it appears to us, does not lie in teen-age marriages themselves but rather in the number of such marriages that are precipitated by pregnancy. These unions are usually not the result of decisions freely made by responsible individuals. Moreover, a girl who marries because she is pregnant will frequently drop out of school and not return. And if the husband deserts her, it is usually she who will bear the responsibility of caring for the child or children.

36. Whether parents give their consent or not, there seems little likelihood that marriage at an early age will in general prove beneficial to either husband or wife. It appears to us that a higher minimum age may do much to ensure more thoughtful decisions. The role of parental authorization is, moreover, often meaningless. When, for example, pregnancy is involved, permission to marry may be given as the solution to a problem. Even when pregnancy is not involved, parents may be prompted to give their consent for fear that they may otherwise lose contact with their child or that the young couple will live together without being married.

37. We think that more meaningful education for the girl, challenging her to accomplishments along lines of her own choosing and heightening her sense of her own worth and significance, may encourage later marriage. Under such circumstances, she would no longer seek to marry to escape

¹⁰ Trottier, M. and A. Normandeau, *Le mariage des adolescents à Montréal. Étude sociologique sur leur chance d'ajustement marital*. Montreal, Le Service de préparation au mariage de Montréal, March 1966.

¹¹ Brief No. 212.

school discipline or parental control. The Commission believes that implementation of its recommendations on education and employment will not only greatly benefit the girl but will present her with attractive alternatives that may dissuade her from early marriage and its often disastrous consequences.

38. We believe that the minimum age for marriage should be 18 years for both males and females, through the enactment of legislation by the federal Parliament exercising its exclusive jurisdiction over marriage. The age of 18 is younger than the average age at marriage for single women, which was 22.6 in 1968. (The average for all women was 24.4 for that year). Nevertheless, this advance in the minimum age for a valid marriage from 12 years to 18 years should promote the idea that marriage is a serious matter not to be entered into without thought or preparation. The Commission considers that a decision to marry at age 18 involves less risk of marriage breakdown and its hardships than at an earlier age, for example at 15 or 16 years, even with parental consent. This consent should not be required for 18-year-olds or over who may be assumed to be sufficiently mature to make responsible decisions. No exceptions at all should be made in order to permit a marriage when one or both parties have not reached the age of 18.

39. Therefore, we recommend that the federal government enact legislation establishing 18 years as the minimum age for marriage. Pending implementation of this recommendation, we urge that all the provinces and territories raise the minimum age for the solemnization of marriage with parental consent to a least 16 years.

Effects of Marriage on a Woman's Status

40. It is the custom in Canada, as in many other Western countries, for a married woman to adopt her husband's surname. Briefs submitted to our Commission contain objections to this practice on the grounds that it constitutes a hardship and deprives a married woman of her individual identity. "The fact that a woman at marriage loses her name and assumes that of her husband is an example of a custom that is to a greater or lesser degree harmful to a woman's self-development. A man who can see no harm whatsoever in this practice should ask himself how he would like to lose his own name in marriage and raise children who would be named after someone else."¹²

41. The change of name upon marriage may create, as well, a source of some confusion. For women in business and the professions, it is important to maintain a continuity of name and so some continue to be known and

¹² Brief No. 318.

designated only under their maiden names. It is also current practice for women in some professions always to be listed under their maiden names.¹³ Confusion is multiplied by the increasing number of Canadian women who marry again after a divorce.

42. Contrary to what many people may think there is no law which requires a woman to adopt her husband's name upon marriage. The change of name is a custom. But while the law does not precisely state that a married woman's legal name is her husband's, this well established social practice is tacitly implied in some legislation and administrative practices. This is true in particular of the provincial Change of Name Acts¹⁴ and the policy of the Secretary of State for External Affairs¹⁵ with respect to the issuance of passports for Canadian citizens. Upon marriage, a woman's passport is no longer valid. Passports are issued in the legal name of the bearer; in the case of a married woman, her legal name is considered to be her husband's surname. A married woman who uses and is known by her maiden surname in the community where she resides may, however, obtain her passport in that name, provided her marital status and married name are clearly indicated on the passport.

43. In the Commission's opinion there are no reasons why a newly married woman should be required to obtain a new passport, since she now always retains her Canadian citizenship upon marriage. We also believe that married women applying for passports should be informed of their right to have the passport issued in their maiden names if they so request.

44. Therefore, we recommend that the federal government change its passport application forms in order to indicate that a married woman may obtain her passport either in her maiden surname or in the surname of her husband.

45. Further, we recommend that the federal government modify its policy so that a woman need not apply for a new passport after marriage unless she wishes to obtain it in her husband's surname. If a person marries, however, he or she should be able to have the spouse's name added, on a separate page of the passport, either at the time of marriage or at the next review date.

¹³ For example, in the Province of Quebec, where an increasing number of women are admitted to practise as notaries, the statute regulating the profession was amended to provide that married female notaries shall use their maiden names whenever they sign deeds or other documents or whenever they act in their official capacity.

¹⁴ The Commission heard briefs in which it was asked that these Acts be amended. It is to be noted however that these acts are not relevant to a wife assuming her husband's surname.

¹⁵ This policy is based upon internationally accepted passport issuing policies. Passport issuing procedures in Canada are governed by internal policy directives of the government and not by regulations.

46. Some briefs have suggested that all women, whether married or unmarried, should be called "Mrs." or be able to use any other prefix equally applicable to all. It was also suggested that the practice of using prefixes for both men and women should be abolished. In our opinion, there is some merit in the suggestion that all adult women be encouraged to use the prefix "Mrs.". In West Germany, for example, all women over 21 years of age can be called "Frau". ("Mrs.") One way to introduce this practice in Canada would be for the federal government to use the same mode of address for all women in its dealings with them.

47. Upon marriage, and as one legal consequence of her new status according to English Common Law and the Quebec Civil Code, a woman's domicile becomes that of her husband. This principle, the unity of domicile, is based on the legal doctrine of the "unity of spouses" which held that the legal personalities of husband and wife were fused into one.¹⁶

48. There is a common misconception that domicile and residence are more or less synonymous. Residence is the place where a person lives, at any one time, whereas domicile is the legal concept which determines a person's permanent home. It is the law of a person's domicile that determines his civil status and capacity and therefore most of his personal rights and obligations. An individual's domicile also determines the jurisdiction of the courts; for example, in matrimonial matters, the court competent to hear the action is that of the petitioner's domicile.

49. Since 1968, when the new Divorce Act was passed, a married woman is considered to have an independent domicile—one distinct from that of her husband—for the purposes of filing a petition for divorce or seeking the recognition in Canada of a foreign divorce. In these instances only, her domicile is determined as though she were unmarried and, if she is a minor, as though she had attained her majority. This measure represents a considerable improvement over the previous state of the law. For the first time in Canadian legislation a married woman is considered as having an independent domicile. In addition, in two provinces (Alberta and Quebec), a wife may acquire an independent domicile upon the granting of a judgment pronouncing a judicial separation.

50. For all other purposes, however, a wife's domicile, like that of her minor children, is that of the husband. It changes as he changes his and sometimes, therefore, changes against her will or even without her knowledge as, for example, in the case of a *de facto* separation.

¹⁶ Since "by marriage, the husband and wife are one person in law" according to Blackstone's *Commentaries of the Laws of England*, 4th ed., Vol. 7, ch. 15, 1771, p. 442.

51. In our opinion this concept of the dependent domicile of the married woman is inconsistent with the concept of the equality of men and women, an equality that is now recognized in most aspects of the law. It continues to represent, therefore, a serious impediment to the rights of married women because, as a general principle of our legal system, the place of domicile determines the personal status and capacity, and thus the rights and obligations of an individual. The Economic and Social Council of the United Nations has adopted a resolution concerning the domicile of married women in which it recommended "that Governments take all necessary measures to ensure the right of a married woman to an independent domicile."¹⁷ More recently, the Family Law Project of the Ontario Law Reform Commission recommended that "provision should be made to enable a married woman to acquire a separate domicile for all purposes within the scope of the Family Law Project, and all matters of marriage and divorce within federal jurisdiction."

52. Reform is needed in this area. A draft has already been put forward by the Conference of Commissioners on Uniformity of Legislation in Canada, in its model statute on the law of domicile, which proposes the replacement of the Common Law rules for determining the place of domicile.¹⁸

53. Therefore, we recommend that the provinces and territories amend their legislation so that a woman, on marriage, may retain her domicile or, subsequently, acquire a new domicile, independent of that of her husband.

54. There is a special kind of discrimination under the terms of the Indian Act which can affect Indian women upon marriage. The Act provides that an Indian man who marries a non-Indian retains his Indian status and confers it on his wife and children. An Indian woman who marries a non-Indian or a non-registered Indian, not only cannot confer on him the status of an Indian but loses all the rights and privileges of an Indian, as do the issue of the marriage. She is automatically enfranchised, that is, not considered to be an Indian within the meaning of the Act. When we speak of Indians, we refer only to those persons who are registered Indians or who have a right to be registered in the Indian Registry.¹⁹ Only those who are registered are considered Indians under the Act.

55. Loss of the Indian status, or enfranchisement, implies that the rights and privileges given to a member of a band by the Indian Act will be denied to that person and that his interest in land on the reserve will have to be

¹⁷ Resolution concerning the Domicile of Married Women, adopted by the 890th plenary meeting, August 3, 1955, of the Economic and Social Council of the United Nations.

¹⁸ Proceedings of the Conference of Commissioners on Uniformity of Legislation in Canada, 1961, p. 139.

¹⁹ The Indian population totalled 230,997 as of December 31, 1967.

disposed. On enfranchisement, an Indian member of a band is no longer qualified to receive his share of the capital and revenue held by the Crown on behalf of the Band, nor is he qualified to receive any other annuities, interest, moneys or rents for which he was formerly qualified. However, he will receive some compensation for this loss.²⁰ Within 30 days of the issuance of the order of enfranchisement, the Indian subject to the order is obliged to dispose of his interests in land and improvements on the reserve.²¹

56. Enfranchisement or deletion of the name of an Indian from the Indian Registry is much more frequent for women than for men. Between 1958 and 1968, 4,605 Indian women had their names automatically removed from the Indian Registry, following marriage to non-Indians, while 891 adult Indians were enfranchised upon application. In 1967-68, 470 women were enfranchised following their marriage to non-Indians, compared to 62 women and men who were enfranchised upon application.

57. Briefs presented to our Commission from all parts of Canada, from Indians both registered and enfranchised, have underlined the discriminatory nature of this provision of the Indian Act. As they stated, a "non-Indian woman who marries a male member of the Band assumes all the tribal rights and privileges that her husband possesses. She can vote on major issues . . . participate in the direct election of a Tribal Councillor."²²

58. We are aware that the legal status of all Indians of Canada may be significantly affected by the policy proposed by the government.²³ Pending the implementation of any new policy, we believe that the interests and rights of Indian women must be affirmed immediately. We were surprised by the opening sentence of the Statement of the Government of Canada on Indian Policy 1969, that "To be an Indian is to be a man, with all a man's needs and abilities." Legislation should be enacted to repeal the sections of the Act which discriminate on the basis of sex. Indian women and men should enjoy the same rights and privileges in matters of marriage and property as other Canadians.

59. Therefore, we recommend that the Indian Act be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children.

²⁰ A total of \$164,046.59 was paid out in enfranchisement funds during the fiscal year 1967-68.

²¹ Indian reserves now total nearly 6,000,000 acres, divided into 2,200 parcels of varying sizes. Interest on land and improvements on the reserve can represent an appreciable asset.

²² Brief No. 245.

²³ Statement of the Government of Canada on Indian Policy, 1969, presented to the First Session of the Twenty-eighth Parliament by the Minister of Indian Affairs and Northern Development.

Matrimonial Property Law

60. The philosophy of the wife's legal dependence upon her husband prevailed in English law until the latter part of the nineteenth century. It also prevailed, as originally applicable, in the Common Law provinces until the same period, and much longer under the French Civil Law as adapted in Quebec. Today, however, a married woman has full legal capacity to own and deal with property and to enter into contract. This capacity was attained almost a century ago in the Common Law provinces, but only within the last few years in Quebec.

61. Real equality, however, cannot exist without economic independence. A great number of married women are still working solely in the home even though the majority of women in the labour force are married. Although women at home contribute to a large extent to the accumulation of various family assets, they continue to be economically dependent upon their husbands. This factor must be borne in mind when the consequences of matrimonial property law are considered.

62. Briefs and letters to the Commission emphasized that the present law completely ignores, in terms of property rights, the married woman's contribution in the home. Indeed, under the system of separate property now in force in nine of the 10 provinces, a husband's earnings and savings are his exclusive property. When the marriage ends by death, his widow has no automatic legal right to share in the assets he may have accumulated. If the husband should disinherit his wife by leaving his estate to someone else, her only recourse in these same provinces lies under the testators' dependant's relief legislation. If the marriage ends by divorce or judicial separation, she is entitled only to maintenance.

63. This situation is, without doubt, particularly unfair to married women in our present social context. After marriage most of them continue to work outside the home at paid employment until the first child is born. When the last child is in school, they often return to the labour market. This typical work pattern, which frees the husband of many family responsibilities, enables him to devote himself to outside paid employment, establish a career and accumulate assets, an opportunity that is denied the wife; she does not enjoy, either to the same extent or for as long a period, a similar possibility of acquiring assets of her own. Accordingly, many briefs proposed that the law should acknowledge, under one form or another, the married woman's economic contribution to the household. The main proposal has been that she should be attributed a legal one-half share in the assets acquired during marriage. Before we comment on this proposal and make our own recom-

mendations, it will be useful to review briefly the history of matrimonial property law and indicate those developments which have introduced the idea of partnership into this aspect of the law of marriage.

64. The adoption of the system of separate property in England and the Common Law provinces was brought about mainly by the awareness that the former law discriminated against married women. Before that time, one consequence of the doctrine of the unity of the spouses was that a married woman could hold no property of her own. The husband had the administration and enjoyment of his wife's property. She had no contractual capacity and only a very limited testamentary capacity. Any debts which she had contracted before marriage became the responsibility of her husband, who was also answerable to third persons for any civil wrong causing damage committed by her.

65. Until the latter part of the nineteenth century, the Courts of Chancery played an important role in improving the married woman's situation. They developed a system of equity rules which enabled the wife to protect some of her property from her husband's control.

66. It was however only with the English legislation of 1870 and 1882, in the form of the Married Women's Property Acts, that the married woman obtained legal capacity in matters of contracts and property. She was then entitled to hold, acquire and dispose of real or personal property, as her own private or separate property, in the same way as a single woman. She could sue in her own right and contract with her husband as if she were unmarried.

67. In Canada, each Common Law province, largely inspired by the English legislation, adopted its own Married Women's Property Act. The subsequent evolution of matrimonial property law in Common Law Canada has generally continued to follow the English pattern. But the Canadian system of matrimonial property law is not a simple carbon-copy of that prevailing in England, because some institutions which exist here have been abolished there and *vice versa*.²⁴ Today all Canadian provinces except Quebec are under a system of separate property which ensures to a married woman the legal capacity of a single woman.

²⁴ For instance, dower was abolished in England in 1925 while it subsists, although in a modified statutory form, in five Canadian provinces: Ontario, Alberta, New Brunswick, Nova Scotia, Prince Edward Island. The husband's "estate by curtesy" is still in force in Ontario and Prince Edward Island, whereas it has been abandoned everywhere else. The four western provinces, Manitoba, Saskatchewan, British Columbia and Alberta, have adopted the homestead legislation of American origin, unknown in England. For example, in Alberta, dower rights are the rights given by The Dower Act to the spouse of a married person in respect of certain land and personal property of the married person. A wife has a dower right in her husband's property and a husband has a dower right in his wife's property. Under this Act a married person cannot dispose of what is known as the homestead without the consent of his or her spouse and after death his or her spouse is entitled to the use of that property for the rest of his or her life.

68. In Quebec, the adoption in 1969 of a new matrimonial property regime, known as the "partnership of acquests", which is automatically applicable to married persons who have not entered into a pre-nuptial contract excluding it, has considerably changed the nature of matrimonial property law. This new legal regime is considered a major reform of the Quebec Code which came into force in 1866. In order to understand the significance of the change, it is necessary to refer briefly to the former system as it prevailed in Quebec.

69. Unlike people living in the other provinces, consorts under Quebec law have always been able to choose one of several matrimonial regimes. The former legal regime, applicable in the absence of a marriage contract, was that of community of property, which restricted the legal power of the wife to act without her husband's authorization. The husband alone had the entire administration of the common property although the wife was entitled to one-half the property on the dissolution of the marriage. A variety of conventional regimes, modifying or even excluding community of property altogether in favour of a separate property regime, could be adopted by the spouses upon written agreement before marriage. The most common conventional regime was in fact separation of property under which, in a number of respects, the wife's power to act was not so severely curtailed, and roughly corresponded to the legal situation of the married woman under English Law. As a general rule, however, a married woman was traditionally deemed to be incapable, except as expressly specified by law. However, under the separate property regime the wife had—and still has—no legal claim on her husband's estate if he should disinherit her.

70. It should further be noted that Quebec law provided, whether in the case of community or separation, that no change could be made to the matrimonial regime once adopted; this same prohibition, in a desire to protect creditors as well as the wife herself, also extended to contracts of sale and gifts between married persons, as well as the wife acting as guarantor for her husband's debts.

71. An important step towards the liberalization of these rules was taken in 1964 upon the adoption of the Act respecting the Legal Capacity of Married Women.²⁵ The purpose of this reform was both to assert the principle of the wife's full legal capacity, subject only to whatever restrictions were implied by the matrimonial regime, and to reduce the husband's powers over the community assets. The situation of the wife separate as to property was fully equated to that of a single woman. Under community of property,

²⁵ *Statutes of Quebec*, 1964, C. 66, still popularly known in Quebec as "Bill 16".

however, despite the new principle of full capacity, there remained some aspects of the wife's legal inability to act.²⁶ This same matter of legal capacity has been further corrected by the 1969 legislation concerning matrimonial regimes. Under the new legal regime (partnership of acquests) the wife has full legal capacity.

72. Despite its simplicity, separation of property has caused many practical difficulties and inequities as the decisions of the courts over the past 20 years have revealed. In the first place, when a wife gives up or interrupts her career to look after the home and children, the assets acquired by her husband during marriage are wholly his under separation of property, unless he chooses to benefit her by way of a gift. The wife is unable to claim wages for housekeeping services because, in law, there is no contract of service between spouses. Secondly, the individual interest of each spouse in property may be hard to ascertain as a result of the inevitable confusion of assets occurring in most married households. Difficulties may very well be encountered regarding the division of such assets when the marriage ends by death or by divorce.²⁷ The system is impractical when both spouses contribute to household expenses, pool their assets and buy property jointly.

73. The Family Law Project of the Ontario Law Reform Commission has recommended a fundamental reform of the Ontario system of separation of property²⁸ which in some ways is similar to the new Quebec system although there remain significant differences between them. According to the Ontario proposal, and on this first point it is similar to the traditional rule of Quebec law, husband and wife would be able to select the matrimonial regime which they consider most suitable to their situation. The choice of the matrimonial regime would be privately determined by the couple rather than laid down by statute, as is now the case under the Married Women's Property Act.

74. The Family Law Project proposes that legislation on this subject should therefore provide for two regimes; a "legal" regime and a "contractual" regime. To adopt the contractual regime, which will be the present separation of property, the spouses must sign an affidavit to the effect that they do not wish the legal regime to apply. In addition, they may, before

²⁶ The wife could not sell, alienate or mortgage her own immovable property without her husband's authorization although she might freely dispose of all her other property with the exception of household furniture or a business; neither could she, by her own act, save where she made purchases of household necessities, bind or charge the common property except with the husband's consent or with judicial authorization. (former section 1292 and following of the Civil Code).

²⁷ There are no positive guidelines either in legislation or in court decisions for the division of assets between spouses where both contribute, although not necessarily to the same amount or in the same way, to the purchase of property and their marriage subsequently breaks down and they decide to separate.

²⁸ Family Law Project. *Study on Property Subjects*. Vols. 1, 2 and 3, Toronto, Ontario Law Reform Commission, January 1968, as revised in January 1969.

marriage, make any marriage contract or settlement providing for arrangements different from either the legal or contractual regimes as laid down by statute. If the spouses make no such arrangements prior to marriage, they will automatically be subject to the legal regime. If, after marriage, the spouses wish to change from the legal to the contractual regime, they may do so by joint application to the court. Once the legal regime has been terminated in this way, while the marriage still exists, the spouses will automatically be subject to the contractual regime which is separation of property as it now exists.

75. The proposed legal regime is a new type of matrimonial regime for Ontario. It is basically a modification of the system of separation of property, although during their lives together the property position of the spouses will be the same as under the present regime. The proposed legal regime is not therefore a system of community of property, because at no time during marriage does property pass into any form of common ownership. From the point of view of third parties, then, there is no essential difference between the rules of the proposed legal regime regarding dealings with property prior to the liquidation of the regime and the present system of separation of property.

76. The new regime does, however, involve in particular a scheme for equalizing the distribution of property between husband and wife upon the dissolution of the marriage. Its new and important feature lies in the suggestion that there be a claim, which one spouse may make against the other, which will come into effect either at death or upon divorce, or upon application to the court.²⁹

77. The proposed system, however, maintains a substantial difference between a liquidation of the regime upon the death of a spouse (a fairly simple process) and the liquidation occurring while both spouses are alive as on divorce (which involves the calculation of a "balancing claim" in the court).

78. In order to protect this eventual interest of either spouse in the other's property, the Project recommends that controls be established over possible transfers of property during the marriage so that the operation of the balancing claim will not be defeated. These recommended controls in the legal regime are limited to two situations: the matrimonial home and excessive

²⁹ On the termination of the marriage otherwise than by death, the net estate belonging to each spouse is ascertained; after allowed deductions are made from the net estates, there remains the "residuary estate" of each spouse. The ultimate share of each is then obtained by adding the two residuary estates together and dividing by two; the spouse having the lesser residuary estate is a creditor of the other spouse (or estate) for the difference between his or her residuary estate and half the combined residuary estates. This difference is referred to as the "balancing claim".

gifts. It is in particular recommended that the sale of, or granting of security over, the matrimonial home require the consent in writing of both spouses. This is a change from the present rule of the legislation regarding dower which requires the wife's written waiver for the sale or use as security of all the husband's property and not merely the matrimonial home. The purpose is to keep this kind of control to a minimum except for the need to protect the family home for the benefit of the spouse and children.

79. For some years now, Quebec's community of property system, the legal regime provided by the Civil Code since it came into force more than a century ago, has been rejected as inappropriate by most married couples. A growing trend in favour of separation as to property has been very noticeable over the last 40 years. It has been estimated that whereas in 1932 43 per cent of all marrying couples signed a marriage contract adopting separation as to property, this proportion increased to 73 per cent by 1962.³⁰ Objections to the community system have been founded largely on the complexity of its rules of administration and the considerable curtailment of the married woman's legal power to act which it involved. The discredit into which the community system has fallen thus created something of a paradox in Quebec law: the regime, intended to represent an ideal suited to the generality of cases, was in fact governing only a small portion of the married population.

80. Community of property however has traditionally offered certain advantages to the married woman. The principal benefit to the wife lies in the fact that upon dissolution of the regime she receives a half share in the couple's assets accumulated during marriage. The organization of the community system also provides safeguards intended to protect the interests of the wife should the husband be endangering the community property through poor administration.

81. Quebec's Office of Revision of the Civil Code, upon the report of its Committee on Matrimonial Regimes, decided that community of property should be rejected as the legal regime in favour of a system that would better suit the majority of Quebec families and also represent the ideal of partnership. A new legal regime, "the partnership of acquests", was accordingly established under the terms of the Act Respecting Matrimonial Regimes which came into force on July 1, 1970.³¹ The new law was to some extent inspired by similar systems already prevailing in a number of European countries.

³⁰ Comtois, Roger, *Traité théorique et pratique de la communauté de biens. Le Recueil de Droit et de Jurisprudence*, 1964, p. 321.

³¹ *Statutes of Quebec*, 1969, c.77. The new legislation is almost wholly based on the recommendations and draft act contained in the final Report of the Committee on Matrimonial Regimes, of the Office of Revision of the Civil Code.

82. This new system of partnership of acquests respects the equality, autonomy and independence of the spouses during marriage by establishing separation of property between them. Each spouse administers his own assets and is responsible for his own debts. At the dissolution of the regime, upon divorce, death, judicially pronounced separation or later contractual change, each spouse (or his estate) participates in the gains achieved by the other during marriage. Each is therefore given a claim to one-half of the other's "acquests", that is to say all property acquired after marriage otherwise than by gift, will or legal succession. It follows that each spouse may hold two types of assets during marriage, "private" property and "acquests."³²

83. This new legal regime in Quebec law adopts the idea that marriage is an equal partnership, assuring to each partner an equal share in the property derived from their joint efforts and savings during marriage. To achieve this end, the community idea is preserved but only as an accounting procedure for the purpose of an equitable distribution of assets at the termination of the regime.

84. Other important reforms were also achieved by the new legislation.³³ The former legal community of property is now a wholly conventional regime which couples may choose before marriage by written agreement; they retain as well the right to elect complete separation as to property as a contractual regime, in the same way as under the former law.

85. In addition, the new Quebec law abolishes the principle that married persons are unable to change their matrimonial regime once the marriage has been solemnized (the principle of immutability of matrimonial regimes). Spouses are now permitted to change their matrimonial regime during marriage upon completion of certain requirements and formalities the purpose of which is to ensure that the interests of the spouses themselves as well as of third parties may not be defeated through the proposed change. The admission of this new principle carries with it, as a further consequence, the abolition of the traditional prohibition against the spouses contracting with each other. Married persons in Quebec now have the right to sell property to each other and to make gifts to each other even outside the terms of those promised in a marriage contract; further a wife is

³² In order to facilitate the identification of assets, a presumption exists that all property is an acquest unless either spouse, claiming the contrary, can prove that it is "private". On the dissolution of regime, each spouse has the option of either accepting or renouncing the partition of the acquests of the other; any agreement to the contrary is null and void.

³³ As mentioned, however, the new law also introduces important modifications to the community regime itself: in particular, the wife now has the full control of her personal property; she can, as well, henceforth bind the common assets by her own acts, if there is no formal opposition by the husband.

able to undertake an obligation with or on behalf of her husband. In these respects Quebec legislation is now similar to the present law of all the Common Law provinces.

86. The Quebec law has therefore introduced many elements of a separate property system into the community concept, while the Ontario reform proposes modifications to its separate property system which will bring about a similar final result. In both provinces an attempt has clearly been made to combine the advantages of community property with those of separation of property, while avoiding, if possible, the traditional shortcomings of both. The law, regardless of the nature of the spouses' respective contributions, treats them as equal partners entitled to equal shares upon the termination of their marriage.

87. While we believe that these reforms constitute important steps towards the recognition of equal rights in favour of married women, we must remember that for the majority of couples both the Ontario balancing claim and Quebec's partnership of acquests will in principle only come into effect at the dissolution of the marriage. Whatever the controls or safeguards provided by law during the marriage, these two reforms only look forward to an expectancy of equal rights upon divorce or death. They do not solve the problem of financial security during marriage for the partner who does not accumulate assets through paid employment and is without property of his or her own—as is usually the case of the wife working at home or of the deserted wife. If a system could be devised whereby equal rights to matrimonial property were to be realized during marriage, it would provide greater security for married women in this position and more fully express the true sense of the partnership between married persons. The Commission has discussed this problem but must confess that it has found no practicable solution; it is hoped that provincial legal reform commissions will study the matter further.

88. The Commission considers nonetheless that legal reforms such as those put forward in Ontario and Quebec are at this time in the best interests of Canadian married women.

89. Therefore, we recommend that those provinces and territories, which have not already done so, amend their law in order to recognize the concept of equal partnership in marriage so that the contribution of each spouse to the marriage partnership may be acknowledged and that, upon the dissolution of the marriage, each will have a right to an equal share in the assets accumulated during marriage otherwise than by gift or inheritance received by either spouse from outside sources.

90. It should be noted that, incidental to a divorce, there may be orders relating to alimony and maintenance of children that modify in effect the property rights of the spouses.

91. The Commission believes that it is important for women who plan to marry to know their rights and obligations and to take an active part in choosing the matrimonial regime that is best for them. Too often, it is only the man who concerns himself with this decision; the woman usually seems reluctant to inquire about her rights under the various possibilities open to her. Information on this matter should be supplied by the Information Centres recommended in the Chapter on education. Marriage counsellors should also inform women of their married property rights.

Maintenance Obligations

92. In law, maintenance obligations are imposed on persons connected by marriage, adoption or blood relationship. The law puts the duty on certain members of the family group (spouses, parents, children) to contribute financially to the support of other members who are not self-sufficient. For example, because age or physical disability may make them dependent for their subsistence, children are granted maintenance rights against their parents, and elderly parents who are indigent are granted the same rights against their children.³⁴ The maintenance due is established according to the need and the ability to pay.

93. In Canada this type of obligation is recognized in both federal and provincial legislation. Under section 186, 1 (a) and (b) of the Criminal Code, every Canadian parent is liable for the support of his children, and every husband for the support of his wife. Non-support is a criminal offence sanctioned by way of fine, imprisonment or both. All the provinces have legislation imposing maintenance obligations on the husband and father for the support of his wife and children.

94. A review of provincial legislation with respect to support obligations between husband and wife during the marriage indicates that nine of the 10 provinces still enforce the traditional concept of the wife's dependence on her husband. Only in Alberta and the Yukon Territory is the maintenance obligation made reciprocal between husband and wife.³⁵ In all the other

³⁴ Six Canadian provinces (Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and New Brunswick) have a Parents' Maintenance Act where this obligation is expressly stated. The two Territories have similar provisions in their respective Maintenance Ordinance. The maintenance obligation towards parents is also provided for in the Quebec Civil Code at Art. 166; Newfoundland has a similar rule.

³⁵ Alberta, *The Maintenance Order Act. Revised Statutes of Alberta 1955. C. 188, s. 4.* Yukon, *The Maintenance Ordinance. Revised Ordinances of the Yukon Territory 1958. C. 68, s. 6.*

provinces and the Northwest Territories, the law clearly provides that, even though the court must have regard to the financial situation of both parties in awarding maintenance, a husband is bound to maintain his wife. They fail to impose the same obligation on the wife with respect to her husband.³⁶ The Family Law Project of the Ontario Law Reform Commission has recommended that the support obligation be made reciprocal between the spouses during marriage. It should also be noted that the Divorce Act makes the obligation for maintenance reciprocal after the dissolution of the marriage.

95. We believe that the position taken by most provincial legislation perpetuates the concept that all women are economically dependent upon their husbands and does not recognize their economic contribution, whether direct or indirect. It is accordingly inconsistent with the idea of partnership in marriage. In any event, while many married women in this country are in fact financially dependent, there is nevertheless a growing number who are economically independent; for that reason alone such legislation is out of step with the times.

96. Under provincial and territorial legislation all parents are not in the same position regarding the support of their children. In only four provinces, Manitoba, Quebec, Ontario and British Columbia, does the law clearly impose on both husband and wife an equal responsibility for the maintenance of children under the age of 16 years. Some provinces and the two territories, while admitting the principle that a "parent is liable for the maintenance of his child or children", appear to impose this obligation primarily on the father. The mother's obligation towards the children is secondary or supplemental, arising only in circumstances where the father is unable to support the children and she is able to do so. The statutory rules of Prince Edward Island and Newfoundland likewise hold a mother equally responsible with the father only where she has sufficient property or income to provide for herself and her children. The wording implies that the financial obligation rests primarily with the father and, failing him, falls upon the mother.

97. From the principle that marriage is a partnership it should follow that the spouses are equally responsible for the financial support of their children. This rule is, in fact, recognized in most countries where both spouses are required to contribute, according to their means and abilities, to their mutual support and to that of their children.

³⁶ In Quebec, however, Art. 176 of the Civil Code, under which only the husband is obliged to provide for his wife, is less absolute since a recent court decision declared that a wife can be held to support her husband when she has income or property of her own.

98. Therefore, we recommend that the provinces and territories, which have not already done so, amend their laws so that a wife who is financially able to do so may be held to support her husband and children in the same way that the husband may now be held to support his wife and children.

99. Further, we recommend that the Criminal Code be amended so that the wife may be held to support her husband in the same way that the husband may now be held to support his wife.

100. Upon the breakdown or dissolution of marriage by reason of desertion, separation or divorce, maintenance obligations can be determined by private agreement or by court order. Experience shows that in a vast number of cases of *de facto* separation, the parties will sign, with a lawyer's advice, a separation and maintenance agreement which provides for the children's custody, the amount and method of payment of the maintenance agreed upon and other conditions of the separation. In separation or divorce proceedings, the court will often use, although not formally ratify, such agreements as a basis for the amount of alimony or maintenance to be awarded. Some provincial legislation provides that these agreements are enforceable provided they are not contrary to public policy. The courts however have stated many times that, as a matter of principle, no agreement between the spouses can oust their jurisdiction.

101. Failing such agreements, in cases of separation or divorce, the court determines the extent of the maintenance obligation. Under the Divorce Act, 1968, the court may make a maintenance order against either the husband or the wife. The judge, upon a divorce petition, may make any order as to maintenance that he deems just and reasonable, having regard to all the circumstances of the case such as the conduct of the parties, the age and number of children, the respective financial ability of both spouses, or the possibility that the wife work. After a final judgment of divorce, the judge also has the power, upon petition of one or both spouses, to vary, reduce or cancel existing maintenance orders so as to take into account any change in the economic circumstances of the parties. If the wife remarries, she will normally lose her maintenance rights against her former husband.

102. Despite the fact that maintenance obligations are recognized in provincial legislation and that a relatively simple procedure is provided for, it appears that maintenance orders are in fact very difficult to enforce. Sometimes the financial situation of the parties is such that no order can be rendered or, if it is rendered, it will not be effective. The result is that many women must rely on public assistance for the support of themselves and their children. This problem arises in all parts of Canada. It usually

arises after a judgment in divorce containing an order for maintenance but it also occurs in cases of separation or desertion, both of which are circumstances which entitle a woman to apply for maintenance in most provinces under provincial Deserted Wives' and Children's Maintenance Acts.

103. All provincial Maintenance Acts provide for sanctions which the court may impose when there is a failure to comply with a maintenance order. The legislation of the various provinces mentions one or more, or all, of the following sanctions: (1) the garnishment of wages; (2) the registration of the maintenance order at the Land Registry Office, which forms a charge against the debtor's property; (3) the payment of a fine (not exceeding \$500); (4) imprisonment of the defaulting party: under most provincial statutes for a maximum period of three months. Section 186 of the Criminal Code provides for a period of imprisonment not exceeding two years.

104. Apparently the first two methods are frequently used, but their effectiveness is limited where the defaulting husband is either unemployed, cannot be located or has very little property. Jail sentences, although sparingly used, may sometimes be imposed after a "show cause" summons has been issued against a husband who wilfully refuses to comply with the maintenance order. The wilful refusal to obey a court order is regarded as contempt of court. However, if it appears that the defaulting husband is unable to pay, the judge will not grant an order for his imprisonment because there has been no wilful default. Jail sentences have the effect of exacerbating the wife's already poor financial situation.

105. In the case of family desertion, the support judgment granted on application by the wife obviously cannot be effectively enforced unless the deserting husband is located which is often particularly difficult to do if he has left the province in which the couple lived. It is then the wife's responsibility to trace her husband, a process which may cost a great deal of time and money and often brings no success. All Canadian provinces have enacted Reciprocal Enforcement of Maintenance Orders Acts, for the purpose of enforcing in one province the maintenance order in favour of a dependant in another province, but this legislation is not always effective. The main shortcoming of this legislation is, that it involves lengthy correspondence and cumbersome procedures in proportion to the small amounts that may eventually be recovered. In addition, it is comparatively easy for the deserting party to evade enforcement procedures by moving from place to place.

106. Some provincial statutes determine the maximum amounts to be paid under alimony or maintenance orders. This legislation principally affects those who cannot afford the cost of the legal fees of a lawyer to obtain a separation or undertake divorce proceedings. Depending on the province, the rates may vary from \$15 to \$30 each week for each child and from \$30 to \$75 each week for the wife. Other provinces leave it within the discretion of the court to order weekly or monthly payments in such amounts as it deems just and reasonable. According to the briefs received, the amounts fixed in practice are usually small. While it is known that most deserting husbands are in a low income bracket, their financial abilities do vary and we see no reason why low maximum amounts should be set out in legislation. Those contained in the legislation of those provinces that have set out such maxima are certainly inadequate to meet present living costs.

107. Therefore, we recommend that those provinces and territories which have established maximum amounts for maintenance orders remove such ceilings.

108. Many briefs described both the problems arising from low maintenance payments and the difficulties encountered by many deserted wives in their attempts to secure such payments. Their efforts often involve a series of frustrating visits to court, then to a welfare agency and then back to court again, without ever actually receiving the needed money. Maintenance payments are thus a problem from both the social and the legal points of view. Legal reforms alone, we believe, will not solve all the present difficulties in this regard but appropriate measures could be enacted to improve the situation.

109. A proposal along these lines has been made by the Family Law Project of the Ontario Law Reform Commission³⁷ and we endorse it. The suggestion is that there be established an "Assessment Branch" of the Family Courts which would deal exclusively with alimony and maintenance payments. If a deserted wife does not take the initiative herself in recovering maintenance, she would be entitled to apply to this Branch for an immediate emergency payment if necessary, and then, also from the Branch, for periodic payments the specific amount of which would be calculated having regard both to her need and her husband's ability to pay. The funds received from the husband would be paid into the Branch and the Branch would also carry out any necessary court procedures. It would continue to pay maintenance to the wife even if the husband disappears. It is also proposed that

³⁷ Family Law Project. *Study on Support Obligations* (Part II). Vol. 12, Toronto, Ontario Law Reform Commission, 1969, pp. 596-606.

the powers of the courts be increased to ensure a more effective enforcement of maintenance orders. Apart from other advantages, it is a method calculated to take immediate care of the most pressing financial need of a married woman upon her husband's desertion and it relieves her of the obligation of having to file proceedings against him.

110. Related to the problem involved in collecting orders are further difficulties arising by reason of the number of courts in every province having jurisdiction over children and family matters. Effectiveness in dealing with such questions suffers from fragmentation and duplication among magistrates and district, county and supreme (or superior) courts. The problem relating to a single family may be dealt with by several different courts either at the same or different times. We believe that all questions touching the family unit should be brought within the jurisdiction of one court, the Family Court. Some provinces have already begun to organize such courts but very few have the auxiliary services required for the adequate functioning of the new system which a court structure reformed in this way implies.

111. Therefore, we recommend that the provinces and territories, which have not already done so, adopt legislation to set up Family Courts.

112. Further, we recommend that the auxiliary services of Family Courts include an assessment branch dealing with the assessment and payment of alimony and maintenance.

113. We recommend, in the Chapter on poverty, that mothers solely responsible for the support of their families be paid a guaranteed annual income as a measure of relief from their financial insecurity. But many other reforms are also needed in the realm of preventive welfare. Maintenance and welfare are not desirable as permanent arrangements. The deserted spouse or parent should be helped to become self-supporting. Solutions involving better opportunities for paid work outside the home, the establishment of more day-care centres, the promotion of training facilities and manpower services and many other measures, are all part of the answer to this problem. They are discussed elsewhere in this Report.

Custody and Guardianship

114. When the parents are living together, the father and mother have equal rights to the custody and guardianship of their minor children, according to most provincial legislation. This is the case in seven Canadian provinces: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Prince Edward Island. The principle of equality in this matter is generally

stated as follows: "Unless otherwise ordered by the Court and subject to this Act, the father and mother of an infant are joint guardians and are equally entitled to the custody, control and education of the infant."³⁸ In Nova Scotia, there is no legislation on this matter. While no mention is made of equal rights during marriage it appears, however, that the parents are "joint guardians". The same is true of New Brunswick and Newfoundland, where no specific rule is stated.

115. Upon separation or divorce, the spouses may determine their respective rights to the custody of their minor children in a separation agreement. Failing such agreement, upon application of the father or mother, a judge may make such an order as he deems fit regarding custody and the visiting rights of either parent, "having regard to the welfare of the child and to the conduct of the parent or person and to the wishes of the mother as well as of the father . . ."³⁹ In divorce or separation proceedings, the court may also exercise its discretion in the interest of the child, as provided in the federal Divorce Act, or the law of those provinces where judicial separation is possible. Certain provinces, in addition, have provisions enabling the court to declare that one of the parents is unfit to be granted custody of his child.

116. In those provincial legislations where the spouses are recognized as vested with equal custody and guardianship rights, the spouse surviving the death of the other becomes the sole guardian of the children. This is also the case in Nova Scotia where, on the death of her husband, a wife automatically becomes guardian to her children either alone or jointly with the guardian the husband may have appointed in his will.⁴⁰ When the spouses are separated or divorced, however, such right does not arise automatically upon death if the spouse was not previously granted custody by court order. In such a case, to be appointed as guardian, the survivor must proceed by way of petition to the court; a similar rule applies in the case where he or she has been declared unfit by an earlier court order.

117. All this legislation pertains to legitimate children. When a child is born of unmarried parents, most provincial legislation and that of the two territories provides that the child's mother will have custody and guardianship to the exclusion of the father. It is a feature of most Canadian laws on illegitimacy that they establish a legal relationship only between the child and its mother.

³⁸ The Infants Act. *Revised Statutes of Ontario*. 1960. C. 187, s. 2 (1).

³⁹ The Deserted Wives' and Children's Maintenance Act. *Revised Statutes of Ontario*. 1960. C. 105, s. 2 (4).

⁴⁰ Guardianship Act. *Revised Statutes of Nova Scotia*. 1967. C. 121, s. 4. New Brunswick and Newfoundland do not appear to have any statutory provisions dealing with this matter.

(ii) Divorce

118. The introduction of new grounds for divorce is a reflection of present-day Canadian life and attitudes. While the average couple of five or six generations ago could expect no more than 17 years of married life together, the increase in life expectancy enjoyed today means that the average marriage may last for about 40 years. The longer span may be one reason among others for marriage breakdowns, divorce and desertion. Generally more liberal attitudes towards marriage as a fallible institution rather than an immutable state must be counted as well.

119. Women are affected by these social facts and are required to adjust to them. Marriage can no longer be regarded as a source of financial security which they can hope to rely upon for the rest of their lives. Despite maintenance or property settlements upon separation or divorce, women will still often need to contribute to their own financial security; in many instances, and not only in cases of desertion, they may have to be self-supporting.

120. In 1968 the Divorce Act broadened the grounds for divorce. From the partial statistics now available, it would appear that Canadians are taking advantage of its more liberal provisions. During the first year of operation of the new Act, a total of 38,116 divorce petitions were filed (according to preliminary and partial information collected by the Central Divorce Registry of the Department of Justice). In 1968, 10,750 final decrees were granted (but only 459 of them under the new law); during the first six months of 1969, 10,130 final decrees were granted (8,823 of them under the new law). The number of divorces granted in 1967 was 11,165. The probable average number of divorce decrees per year in the future cannot therefore be determined because in 1968 the courts were attempting to dispose of the many actions taken under the old laws before proceeding to cases commenced under the new Act. The increase in the number of divorce petitions after the law came into effect does not necessarily mean that there is more marital disharmony than before; it may rather indicate that a vast number of divorce actions now before the courts represent a backlog of cases where marriage breakdown occurred some years ago.

121. The Divorce Act has added to the existing grounds (adultery, sodomy, bestiality and rape) the new grounds of homosexuality, physical and mental cruelty, and marriage-breakdown as evidenced by imprisonment, drug addiction, alcoholism, a three-year separation, non-consummation of the marriage or desertion. Statistics published since the new law came into force indicate that the single ground for divorce most often cited is that form

of marriage breakdown evidenced by a three-year separation (15,555 cases); adultery is also frequently used as a single ground (8,275 cases). Multiple grounds often cited are physical or mental cruelty combined with adultery or addiction to alcohol.

122. Regarding delays in obtaining divorce, the new legislation seems to have brought about a positive improvement over the former situation. This question and that of costs present important practical aspects of divorce, especially for women petitioners. For example, to a deserted wife who has waited three years for her divorce, lengthy court proceedings could involve additional hardship. In all Common Law provinces (except Newfoundland) the normal length of time for divorce proceedings under the old law was between eight to 10 months. The average delay now is less than three months up to the issuance of the decree *nisi* if uncontested, and about six months if the case is contested, to which delay, however, must be added another three months before final judgment. In the case of persons domiciled in Quebec and Newfoundland, for whom a parliamentary divorce used to take almost two years, the difference is most significant.

123. Costs have also been reduced as a result of the new federal law. This is again particularly important for citizens of Quebec and Newfoundland who prior to 1968 would have had to pay between \$1,500 and \$2,000 for a divorce, a sum which was too expensive for many people. A divorce now costs between \$500 and \$800 which includes the court disbursements and lawyer's fees.

124. The usual legal fees charged by lawyers undertaking divorce proceedings are still too high for most women, and women are usually the petitioners. Many women have no income of their own, and the majority of separated and deserted wives who work have low-paying jobs. Many earn less than \$2,000 a year.⁴¹ If the woman depends on welfare payments, it is impossible for her to pay the costs of a divorce. Legal aid may eventually provide some relief, but at the present time it offers little help in defraying the cost of divorce proceedings in those provinces which have legal aid. In Ontario, for example, where the government's legal aid plan is of recent origin (1966), the cost of divorce proceedings is admissible, if the applicant qualifies. According to a Report handed down in 1969 by the Law Society of Upper Canada, five times more women than men apply for legal aid in Ontario. About 75 per cent of the women applicants are deserted wives seeking a divorce.

⁴¹ According to the 1961 Census statistics, Canadian women in the labour force had a median employment income of \$1,972 a year. Podoluk, Jenny R. *Incomes of Canadians*. 1961 Census Monograph, Ottawa, Queen's Printer, 1968, p. 52.

125. Legal aid in Quebec is provided on a voluntary basis by all members of the Bar of the Province of Quebec, except for the section of the Bar of Quebec Region and Montreal, where a Legal Aid Bureau is in operation. In the Quebec Region, legal assistance is provided for divorce and judicial separation, while the Montreal region offers assistance for separation and for those sued in divorce only.

126. Such limitations in extending legal aid amount to denying the possibility of divorce to many petitioners who are without sufficient money to pay a lawyer. Anyone who qualifies for assistance should be able to obtain legal aid in order to petition for divorce as well as other matters, and without having to establish that an emergency situation exists.⁴²

127. Regardless of legal aid plans, other ways of reducing the costs involved for all divorce petitioners should be found. For example, the fact that the Divorce Act gives jurisdiction only to higher courts has been criticized because of the higher costs thereby involved; a further inconvenience is created for the citizen living in a remote community who will have to travel to a large city, thus increasing his expenses and those of the witnesses. As an answer to this problem, the Special Joint Committee of the Senate and the House of Commons on Divorce⁴³ recommended that divorce jurisdiction be transferred to County Courts because judges would be more readily accessible, the atmosphere more informal and the proceedings less expensive. This matter should be studied further and the divorce legislation reviewed on this point, giving consideration to transferring jurisdiction to Family Courts as an alternative to County Courts, with a possible sharing of the costs by the federal and provincial governments.

128. If such a jurisdiction were conferred, the rising rate of divorce petitions might result in a very heavy burden on the provincial Family Courts requiring additional judges and imposing additional costs on the provincial governments. We therefore hope that federal-provincial agreement could be reached on the conferring of this jurisdiction and on covering any additional costs it might entail.

Other Aspects of the Divorce Act

129. Some of the more technical legal aspects of the Divorce Act can have important practical consequences for the status of Canadian women. In this

⁴² This approach is used by the Commission of Inquiry into the Administration of Justice and Penal Matters in Quebec in its recommendations concerning legal aid, which it regards as a fundamental right of a citizen. It used the terms "legal security" rather than legal aid.

⁴³ The Special Joint Committee of the Senate and House of Commons on Divorce. *Report*. Ottawa, Queen's Printer, June 1967, p. 151.

section, we examine a number of the issues arising under certain provisions of the Act, after reviewing briefly both the old and the new legal concepts of divorce.

130. Before the 1968 reform, Canadian divorce laws were based exclusively on the doctrine of matrimonial offence. This meant that a person could only obtain a divorce by proving that his or her partner was guilty of a specified offence or violation of marital duties. Adultery, rape, sodomy and cruelty were the grounds available. The fault concept also implied the use of an adversary procedure, based on the twin premises of guilt and innocence. Under this theory, only the innocent party could be granted relief.

131. The fault concept has been progressively discarded as artificial and unrealistic. In many cases a marriage may have irretrievably broken down without any guilt, as defined above, on either side. Why should the law only authorize the dissolution of a marriage where its failure was attributable to the fault of one of the partners? The reform of divorce legislation in 1968 thus broke new ground because it was based in part on another concept, that of the failure of the marriage or marriage breakdown. Apart from the traditional concept of fault and in addition to the doctrine of marriage breakdown, it is possible to identify another ground: divorce by mutual consent.

132. The essential characteristic of divorce by mutual consent is that the spouses are entitled to obtain a divorce solely on the basis of a mutual and voluntary agreement to terminate their marriage. Marriage, in this view, is likened to a private contract between the spouses, entered into freely by two responsible individuals for their own benefit. Divorce by mutual consent is in force in some countries. In Canada, it was rejected as incompatible with the other principles governing family law.⁴⁴

133. The doctrine of marriage breakdown, as partially incorporated into the new Divorce Act, adopts a compromise solution between the principle of fault and the doctrine of mutual consent. Where retained as the sole basis for divorce, marriage breakdown normally implies a single comprehensive ground upon which, once there is proof that the marriage has irretrievably broken down, the divorce is granted to either spouse. It is the idea of irretrievable breakdown and the need for proof which distinguish marriage breakdown from mutual consent. The compromise is, in a sense, a balance between the spouses' individual interest, which the legislator acknowledges, and society's interest in family stability which is preserved by the need to prove that there is no possibility of reconciliation. That the Divorce Act

⁴⁴ *Ibid.* pp. 99-101.

does indeed reflect this compromise is shown by the acceptance of marriage breakdown as a ground for divorce on condition that one or more of the facts indicated by the Act are established.

134. There is, in particular, the provision in section 4(1)(e) of the Divorce Act to the effect that: “. . . the spouses have been living separate and apart (i) for any reason other than that described in subparagraph (ii), for a period of not less than three years, or (ii) by reason of the petitioner’s desertion of the respondent, for a period of not less than five years.” In both these situations, after the periods of time mentioned, the Act recognizes the breakdown of the marriage. The unilateral decision of a deserting spouse to apply for divorce is delayed for five years. The three year period is presumably designed to provide a reasonable length of time during which the spouses will reassess their relationship and attempt a reconciliation. In fact, experience seems to show that when the spouses have lived apart for one year, there is often little prospect of reconciliation. Once both decide to separate they have, usually, already failed in their reconciliation efforts. It may further be argued that it is in any case doubtful public policy to keep people in such an uncertain situation for so long a period of time: informal relationships and children born of such unions may be some of the consequences of the inability to obtain a divorce within a shorter time after the separation. But even apart from this last possibility, since a prolonged waiting period after the separation may very well cause hardship to both spouses, we believe that the three year period laid down in the “living separate and apart” provision of section 4(1)(e)(i) should be reduced.

135. Therefore, we recommend that the Divorce Act be amended so that the three-year separation period provided in section 4 (1) (e) (i) be reduced to one year.

136. The Divorce Act puts an end to the injustice suffered by married women concerning domicile in matters of divorce. This reform has two aspects: first, the Act appears to create the concept of a Canadian domicile, which applies to both male and female petitioners;⁴⁵ secondly, it states that a married woman has a domicile independent of that of her husband by providing that, “For all purposes of establishing the jurisdiction of a court to grant a divorce under this Act, the domicile of a married woman shall be determined as if she were unmarried, and, if she is a minor, as if she had attained her majority”.⁴⁶ Before this reform, there was no such concept in law as a domicile in Canada at large; domicile was strictly provincial. A deserted wife domiciled in one province, while her husband lives in another or

⁴⁵ Divorce Act. *Statutes of Canada*. 1967-1968. C. 24, s. 5 (1) (a).

⁴⁶ *Ibid.* s. 6 (1).

in a foreign country, can now file divorce proceedings in any Canadian province so long as she resides there, regardless of her husband's domicile. The only requirement is that she have completed one year's residence in the province where she is suing for divorce, immediately preceding the presentation of the divorce petition.⁴⁷

137. Matters "ancillary" to divorce, such as custody, maintenance and property rights of the spouses, often represent as great a problem as the divorce itself. They are of particular interest to women because they involve day-to-day problems that have not been entirely solved by the Divorce Act.

138. Section 11 of the Act gives the court power to make an order against the wife as well as the husband for the payment of alimony or maintenance for the care of the spouse or the children of the marriage, or both. This change in the law of maintenance recognizes the wife's equality in the marriage partnership. Her obligation is subject to the same conditions as that of her husband: the party claiming must be in need and unable to provide for himself and the party against whom the claim is made must have sufficient means in his own right.

139. One of the major changes introduced by the new Divorce Act is that the wife's capacity to earn (not necessarily her actual earnings) is a relevant factor at the time of her application for maintenance. This is a departure from past attitudes as it ensures that women will be required to accept their full share of financial responsibility towards themselves, their husbands and children. It may be especially important in those cases in which the wife is the deserting spouse.

140. When the parties to a divorce proceeding have children, the awarding of maintenance will usually follow the order providing for their custody. When children under the age of 16 are committed to the care of their mother, the order for maintenance in favour of the wife will in most cases actually be for the children and not for herself. No specific criteria regarding the maintenance of children are, however, mentioned in the Act. One provision merely directs the Court to refuse the decree "if there are children of the marriage and the granting of the decree would prejudicially affect the making of reasonable arrangements for their maintenance."⁴⁸

141. The children of divorced parents are legally entitled to be maintained by one or both parents up to the age of 16. Beyond that age, they receive maintenance only if illness or disability prevents them from supporting them-

⁴⁷ *Ibid.* s. 5 (1) (b).

⁴⁸ *Ibid.* s. 9 (1) (e).

selves. Most children at this age are not self-supporting since they have not completed their education. In Canada—as in many countries—it is a well-established practice, even though there is no legal obligation to do so, for many parents to continue to support their children for some years beyond the age of 16 and often until they have completed their education. We believe that separated or divorced parents, who are able to do so, should in the same way support the education of their children. This problem may be particularly acute for women who have children in their custody and not sufficient means to support them alone if maintenance is cut off. We, therefore, support the growing body of opinion in favour of requiring a separated or divorced parent to continue to pay maintenance for the children over the age of 16 as long as they are in school and possibly as long as they are in university. Orders to do so should be left within the discretion of the court, under section 2 (b) (ii) of the Divorce Act. We feel that the judge should not be prevented from making such an order.

142. Therefore, we recommend that the Divorce Act be amended so that the words “educational needs” be added to the list of exceptions where the maintenance of children over the age of 16 years may be ordered as a charge falling to the parents.

Part B—Parents and Society

(i) The Children

Introduction

143. The status of a woman is altered in various ways through marriage, but a more profound change takes place with the birth of a child. She feels the pressure of new demands which will extend well into the future. A young child requires almost constant supervision. Throughout the various stages of infancy and the restless inquisitive pre-school years, an adult must be in charge. Through the middle years and the teens, loving care and guidance are needed. The necessity of the job is not in question, it is whether or not the mother should be charged with the sole responsibility. Today's society does attach primary responsibility to the mother: when a child is sick it is the mother, even though she may be working, who is expected to take time off to provide care.

144. The father may share the day-to-day care and responsibility of children, but if either parent is a full-time worker the time available for

child care is restricted. Parents require supplementary help, and society may legitimately be called upon to contribute to community services for its younger generation. The equality of women means little without such a programme, which should include a number of different services, among them day-care centres.⁴⁹

145. We have looked in detail at the services which appear to be most urgently needed. In general, they encompass household help by domestic workers or visiting homemakers as well as day-care centres for full-time, and short-term or emergency care. Such community services received very high priority in submissions to the Commission. The request came from every part of Canada, from the Yukon to Newfoundland, and from small as well as large communities. There is a nation-wide demand for child-care services from parents, teachers, social workers and organizations representing a cross-section of the people.

146. It is possible that supplementary care benefits not only the parents but the child as well. A great deal of research has been undertaken on this subject during the past 40 years. Controversial conclusions have been drawn, but it is generally recognized that child development requires a stable relationship with an adult during the first three years: there are observable differences in mental and physical growth between children who receive the stimulus and satisfaction of warm personal attention and those who do not. But psychologists do not necessarily insist that the adult in charge be the natural mother. A mother substitute can fill the role. Perhaps more significant is the further conclusion that additional sympathetic care from several adults may be more beneficial to the child than exclusive attachment to one.

147. In fact, psychologists point out that the over-protection and possessiveness which may result from a mother's undivided attention may be harmful. It is worth remembering that earlier generations usually had wider family relationships. The extended family often included grandparents, aunts and uncles all under the same roof. Sole reliance on the mother is a more recent development.

148. For the sake of both mother and child, it should be recognized that all women who give birth to children are not necessarily good mothers. It is a fact that many women operate much more successfully in other fields

⁴⁹ "To create day nurseries costs a great deal, but these measures only re-establish an equality of opportunity which had been destroyed. . . for women by their functions as mother and housewife." Nicole Friderich. "Access to Education at all Levels". *Annals of the American Academy of Political and Social Science*. Vol. 375, Philadelphia, January 1968, pp. 133-144.

of work than in the nursery. We think that they should be able to do so without apology. We were also impressed by the number of working women who feel they are better mothers because the stimulus derived from their outside interests carries over into their relationship with their children. One brief⁵⁰ said: "We must realize that it is not necessarily true at all that all children are better off at home with their mothers; in fact, it has often seemed to me that many children would be happier and healthier (mentally) if they could be in the company of other children their own age for some part of the day. A mother who is unhappy because she would prefer to be out in the business world is probably not going to be the best mother."

Public Responsibility

149. There has been what we believe to be misguided opposition to the suggestion that the state play a part in the care of the child. We suggest that this position must be greatly modified. It seems clear, moreover, that it has never stood on very firm ground: that it lost validity with the establishment of the first public school. The need for wider community assistance in the care and education of even very young children emerges from our findings as an essential factor in improving the position of Canadian women.

150. We also point out that governments justify the spending of increasingly large sums at the levels of higher education as a means of developing human resources. In the light of what we know about the importance of the pre-school years, a well-planned child-care programme would seem to be just as important. Research conducted by Dr. Benjamin Bloom⁵¹ led him to conclude that 50 per cent of the individual's intellectual development takes place between birth and the fourth year, or before the child has any contact with the school system. The 80 per cent mark is reached at the end of the second grade.

151. Our aim is neither to require women to enter the labour market, nor to compel them to stay home with their children. Many women want to undertake the full-time care of their children; others prefer outside activities or paid work. They should receive the help they need to make a choice possible. At present, women do not have the opportunity to choose

⁵⁰ Brief No. 279.

⁵¹ Bloom, Benjamin S. *Stability and Change in Human Characteristics*. New York. John Wiley and Sons, 1964.

or the choice may carry unfair penalties. A woman who elects to stay with her children is sometimes forced to subsist on minimal welfare payments. The woman who goes out to work has to organize substitute care but may not be able to make adequate arrangements. One submission to us pointed out: "The lack of adequate day care services and foster home care for the children of working mothers, causes worry and frustration which impair efficiency."⁵² Too often the intermediate choices—part-time work, extended leave-of-absence, suitable working hours—are not available. A sizeable minority of working mothers work part-time, and many work evening shifts and week-ends,⁵³ but there are many occupations which cannot be adapted to such schedules.

152. The time is past when society can refuse to provide community child services in the hope of dissuading mothers from leaving their children and going to work. We are faced with a situation that demands immediate action. Married women have been entering paid employment in steadily rising numbers. A child-care survey made by the Dominion Bureau of Statistics in April 1967 for the Women's Bureau, Department of Labour, showed that one in five mothers with children under 14, or 540,000 mothers, are working.⁵⁴ Twenty-four per cent of the Canadian female labour force are mothers. Among them, they have more than a million children of school age and pre-school age; about 18 per cent of all Canadian children. It was learned that 167,000 of these children of working mothers did not require arrangements for their care as their mothers either were able to work only while their children were in school, or were able to have their children with them by the nature of their employment as boarding or lodging housekeepers, baby-sitters or foster mothers, usually within their own homes. This left 908,000 children who required care arrangements. Median weekly earnings for working mothers are \$50 a week. The common assumption is that child care should be charged against the mother's earnings, rather than as an item in the family budget, and this may be related to the unsatisfactory provision she frequently is forced to make for her children. The present arrangements of working mothers for child care are shown in the following table:

⁵² Brief No. 156.

⁵³ Thirty-six per cent of all working mothers work less than 35 hours a week. Thirty-four per cent of the total of working mothers work on weekends. Canada Department of Labour, The Women's Bureau. *Working Mothers and their Child Care Arrangements*. Ottawa, Queen's Printer, 1970, p. 7.

⁵⁴ *Ibid.* p. 5.

Table 1. Percentage Distribution of Children of Working Mothers by Detailed Care-arrangements, for Age Classes of the Children

Care arrangements	All ages	Under 3 years	3 to 5 years	6 to 13 years
	%	%	%	%
Total children: (Number in thousands).....	(908)	(147)	(210)	(551)
Per cent.....	100	100	100	100
Cared for in own home:				
Total.....	64	54	57	69
By father.....	22	13	19	25
By other relative under 16.....	3	1	2	5
By other relative 16 and over.....	17	15	14	19
By other household member.....	3	2	2	3
By other non-member of household.....	10	15	11	8
More than one arrangement.....	9	8	8	9
Cared for outside own home:				
Total.....	15	28	25	8
By relative.....	4	10	7	2
By non-relative.....	9	17	13	5
Day nursery or nursery school.....	1	1	3	—
Other arrangement.....	1	—	—	1
More than one arrangement.....	—	—	1	—
Cared for in and outside own home.....	6	7	11	4
Cared for by mother at work*.....	5	5	4	5
No regular arrangement.....	10	5	3	14

SOURCE: Canada Department of Labour, Women's Bureau. *Working mothers, and their Child Care Arrangements*. Ottawa, Queen's Printer, 1970, Table 23, p. 41.

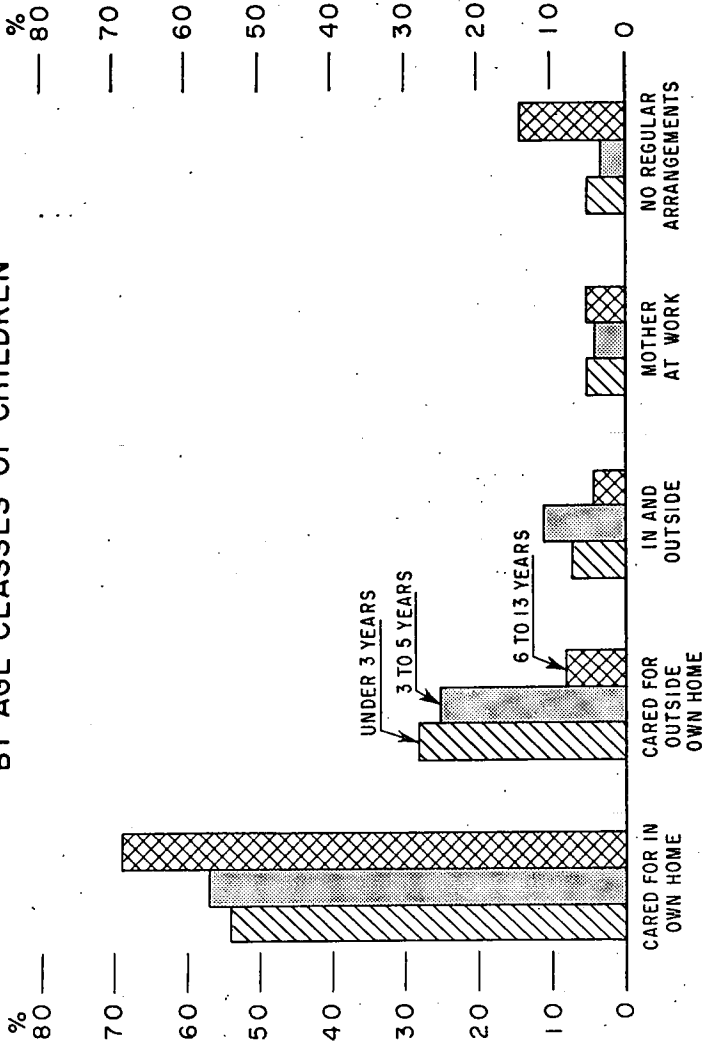
*At occupations other than those of boarding or lodging housekeepers, baby-sitters or foster mothers.

Day-Care Centres

153. Women who are not in paid employment may also urgently need day-care services. Mothers at home are not immune to illness or to becoming overwhelmed by a full-time job without holidays. The mother of a retarded or otherwise handicapped child, especially if she has other children, needs some relief if she is not to be worked beyond endurance. If the mother has suffered mental illness—and this is an increasing problem in our society—she will likely under new methods of treatment be returned home during recuperation, and supplementary help over such periods is desperately needed.

CHART - I

PERCENTAGE DISTRIBUTION OF CHILDREN OF WORKING MOTHERS
BY CATEGORIES OF CARE-ARRANGEMENTS,
BY AGE CLASSES OF CHILDREN



Source: Table 1

154. Existing day-care facilities can serve only a small fraction of these mothers. Many centres have long waiting lists. Other centres are of the wrong kind; they are located too far from residential neighbourhoods; they enforce a "needs test" which discourages mothers from applying; they cost too much; or they are not sufficiently advertised. For these reasons some day-care centres, according to the Canadian Welfare Council, are not being used to capacity.

155. If a mother has to work due to economic necessity, she has to have day-care for her children. If day-care centres are not available, these children are entrusted to relatives or strangers, and for some the arrangements are completely inadequate and even harmful. We are told: "... in communities from coast to coast an incalculable number of mothers are leaving infants and young children in casual and often hazardous day-care arrangements in order to go to work or to return to study."⁵⁵ The distress of the mother in having to resort to inadequate arrangements leads to her unhappiness as an individual and sometimes to loss of efficiency at work.

156. Repeated requests have been made in representations to this Commission for the establishment of day-care centres. Day-care centres are taken to mean all establishments where children under school age are cared for as a group for part of a day. Such establishments range from the nursery school to a private home where a housewife looks after her neighbours' children. There are widely varying conditions in regard to type and quality of care, age of children, the number of hours a day and of days a week, admission requirements or priorities, fees, and degree of government control.

157. Day-care in a private home has proved to be a practical supplement to the more formal centre. Such arrangements have been used successfully in several cities. The advantages are more individual care for very young children or for those needing special attention. They may be nearer to the child's home or to the route the parent takes in going to work. Costs are considerably less than those incurred at a day-care centre. It is important to stress that the homes should operate in conjunction with an established day-care service which supervises their operations, sets their fees and places the children with them.

158. It would be inadvisable, however, to rely too heavily on care in a private home. It is becoming more difficult to find suitable homes, as women turn in greater numbers to outside work, and there is a high rate of interruptions as families move away or for other reasons must discontinue giving care. The use of private homes in this way also points up the possible

⁵⁵ Brief No. 333.

danger of a common practice in most parts of Canada: permitting child-care arrangements in unlicensed and unsupervised households where parents make contact through classified advertisements in the daily newspaper. Where day-care homes are used, they should be part of an integrated child-care programme.

Other Countries

159. There are many precedents for the establishment of a broad programme of day-care centres. For example, England now has a variety of programmes for pre-school care and a three-year training programme for pre-school teachers: the 1967 Plowden Report on education has emphasized the need for expansion. Sweden's pre-school centres are exceptionally well-equipped. They are under the control of the Ministry for Health and Social Affairs, while standards for the training of teachers are set by the Ministry of Education and Ecclesiastical Affairs. France has pre-school institutions directly under government control: *crèches*, boarding nurseries, day nurseries, baby-sitting centres and counselling centres are under the Ministry of Social Affairs; nursery schools and kindergartens are under the Ministry of Education. In Denmark, day-care facilities are available to children from birth, in Britain from the age of one month, in Sweden from six months, and in France from early infancy. It is quite evident that Canada is far behind in provision of services for pre-school children.

160. Various proposals have been put before the Commission for day-care centres under private auspices. In addition to commercial establishments, these might include provisions made by businesses, hospitals and universities for the children of their staff and students. There are few examples of this sort in Canada, although they can be found throughout European countries. While we are in favour of these arrangements, they are only a partial solution. It is also important to consider the advantages of a centre in the vicinity of the parents' home, obviating the need to take the child long distances.

161. Private initiative cannot cope with so large a problem. Governments must assume the major responsibility. They alone can plan and direct a well ordered network of services which will avoid duplication of facilities in some areas to the neglect of other communities.

162. Day-care services on the scale we envisage will involve the expenditure of a considerable sum of money. We would prefer an arrangement in which parents would pay directly for the service, with the help of an increased child-care allowance (See the Chapter on taxation) and on the basis

of a sliding scale of fees. Whatever part of the operating cost remains should, we believe, be borne by governments at various levels. We have attempted to arrive at a general estimate of the total operating costs.

163. In many modern countries, facilities are provided for children almost from birth. In Canada, also, we find a sizeable group of infants requiring supplementary care. Sixteen per cent of the children of working mothers are under three years.⁵⁶ There are almost no facilities now available for this age group. The day-care centre should make provision for infants and very young children, either in the form of nurseries with an adequate complement of qualified staff personnel, or in the form of well-supervised ancillary homes.

164. During the coming years, there will be in Canada approximately 1,300,000 children under three years of age. Taking into account the fact that only a small proportion of the very young children will likely be placed in day-care centres—roughly estimated perhaps one-tenth of all children under three—the requirement might be approximately 130,000⁵⁷ places in the appropriate services. There will also be around 1,300,000 children between three and six years of age. If one-quarter of them attend day-care centres, pre-school classes or nurseries on a full-time basis, some 325,000 places will be required for this age group. Again it must be recalled that the above figures are based on a rough estimate.

165. The annual cost of a day-care network covering these needs (hypothetically 450,000 places), could be estimated at about \$500,000,000. Daily operational costs for a good day-care centre amount to approximately \$4.60 per child.⁵⁸ If the attendance covers five days a week excluding holidays, (approximately 250 days a year), the annual cost per child would be slightly less than \$1,200. Parents' contributions would defray much of the cost.

166. In most instances, especially if a programme of increased child allowances is introduced, parents should pay for their use of the day-care centre programme. We believe this system is preferable because it would ensure that clients are drawn from all levels of society, and would lift day-care out of the context of poverty. To make sure that no low-income families are prevented from using the service, a sliding scale of fees should be introduced, related to family needs.

⁵⁶ *Op. cit.* Canada Department of Labour, p. 38.

⁵⁷ According to the child-care survey of the Women's Bureau, Department of Labour, there were, in 1967, about 140,000 working mothers who had a total of 172,000 children under three years of age. Since a proportion of these mothers used the services of domestic employees, an estimate of 130,000 places required in day-care centres appears realistic.

⁵⁸ Clifford, Howard. "Day-Care: an Investment in People." Background paper, Royal Commission on the Status of Women in Canada.

167. Therefore, we recommend that fees for the care of children in day-care centres be fixed on a sliding scale based on the means of the parents.

168. Government, however, should be charged with the responsibility of initiating the programmes, providing consultant and other services, and absorbing that part of the operating costs not met by fees. The three levels of government should continue to contribute on a cost-sharing basis.

169. The sharing of responsibilities by the three levels of government is a complex problem and presents many difficulties. While municipal, provincial and federal authorities are all concerned, the prime responsibility for initiating and supervising the programme lies at the provincial level. There is no doubt that such projects fall within provincial jurisdiction. Provincial governments have a direct line to the municipalities where public pressure for the opening of a centre is applied, but where financial resources are not sufficient. We believe that in addition to assuming the initiative in planning and administration, the provincial government should relieve municipalities of the larger part of the cost.

170. Therefore, we recommend that the provinces, where they do not already do so, pay not less than 80 per cent of the provincial-municipal contribution to day-care centres.

171. Because the provision of day-care centres is of major importance to the women of Canada, the Commission believes that the federal government should assume a continuing responsibility. There is considerable precedent for federal assistance in the fields of education and welfare, and grants have been extended for capital as well as operating costs, for example, in the building of vocational high schools⁵⁹ and hospitals.⁶⁰ At present, federal financial assistance to day-care centres through the Canada Assistance Plan has been ineffectual partly because it is limited to a share of operating costs only. Under the Canada Assistance Plan, the federal government shares with the provinces the cost of subsidies to operate nurseries for the children of needy families. As of January 31, 1969, only Ontario and Alberta had filed claims under the provision and they received \$103,766⁶¹ and \$26,490 respectively in federal aid.

⁵⁹ The federal government pays up to 87½ per cent of the costs of building and equipping technical and vocational schools under the Adult Occupational Training Act (1967) Section 21. Provinces receive either the percentage of costs or grants of up to \$800 per person in that province between the ages of 15 and 19 or amounts calculated by combining the two methods according to a formula specified in the Act.

⁶⁰ Through the Health Resources Fund, federal money is given toward the construction of large teaching hospitals and medical schools; until March 1970 federal grants of up to \$2,000 a bed were made to the provinces to meet construction costs of urgently needed new general hospitals.

⁶¹ The province of Ontario has proposed considerably higher expenditures in its current budget.

172. Undoubtedly a shortage of money to purchase or build premises is a factor in the failure to meet the need. We have therefore turned to the National Housing Act to make loans available for these purposes. It is hoped that action through the National Housing Act can proceed at once, in the light of immediate needs.

173. Therefore, we recommend that the National Housing Act be amended to (a) permit the making of loans for the construction, purchase and renovation of buildings for day-care centres, and (b) permit the inclusion of space for day-care centres in housing developments, including university buildings, for which loans are made under the Act.

174. The Commission has considered provisions under the National Housing Act and the Canada Assistance Plan, and has come to the conclusion that to incorporate the day-care centre programme in either of these would distort the explicit purpose of these acts.

175. Amendments to the National Housing Act can deal only with the construction of buildings and should be considered as supplementary.

176. We believe the Canada Assistance Plan is inappropriate because it is limited to welfare measures. We contend that a day-care centre programme must be conceived on much broader lines. It must be designed for all families who need it and wish to use it.⁶² Nothing short of this kind of programme can give Canadian women the help they need in the vital task of caring for their children.

177. Canada's whole welfare system is now under general review, and it is essential that plans for day-care arrangements should be emphasized. Because day-care centres are an urgent need they should not be delayed while negotiations on a broader scale are completed with the provinces.

178. 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 which Canadian women have made for concrete assistance in the burden of responsibility which they have been compelled to carry.

179. A national Day-Care Act would provide the framework and the incentive for such a programme. Initiative at the provincial government level could then proceed from clearly defined legislation. Within the community,

⁶² A 1968 study by Dr. Florence A. Ruderman, showed that children placed in day-care included as many from middle and upper income levels as from lower income levels. When questioned about using such centres if available, 52 per cent of a sample of working mothers in the lower bracket said yes; so did 29 per cent in the highest income level. The positive features attributed to group care were dependability, mothers' convenience and children's enjoyment and benefit from the programme. Ruderman, Florence A. *Child Care and Working Mothers*. New York, Child Welfare League of America, Inc., 1968.

individuals and groups could more readily exercise their right to demand that provincial and municipal governments take advantage of the new Act. The provinces should also pass separate legislation as Ontario has now done.⁶³

180. The Day-Care Act should, as an added incentive, offer substantial assistance with capital costs for an initial seven-year period.

181. Therefore, we recommend that the federal government immediately take steps to enter into 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 minimum standards, the federal government to (a) pay half the operating costs; (b) during an initial seven-year period, pay 70 per cent of capital costs; and (c) make similar arrangements for the Yukon and the Northwest Territories.

182. Children of school age constitute the largest group of children with working mothers. (As shown in Table 1, there are 551,000 children from six to 13 years in a total of 908,000 requiring care arrangements). In many respects, their needs are as urgent as those of the pre-school child and, as the Table shows, a larger proportion of them are left with no regular arrangement for their care. A number of representations were made to us concerning the needs of "latch-key" children whose school hours fill only part of the working parents' day. Kindergarten may be only a half-day session. Later grades not only have a noon break (where in some instances children are not allowed to remain at the school), but begin later and end earlier than the standard working day. There are also school holidays to be considered, and occasional special days when teachers are at conventions and the school is closed.

183. The Commission believes that supplementary programmes should be provided for children of school age, and that such programmes should be included by the provincial governments in their over-all administration of child-care facilities.

184. The extent to which new premises are acquired, in lieu of extended use of school premises, may be a decision best left to local requirements. Undoubtedly, however, links with the educational system should be maintained. Such links should extend into the pre-school day-care centre programme. There has been a suggestion made for the incorporation of all child-care facilities into the educational system, and this may well be the trend of future arrangements.

⁶³ The Day Nurseries Act 1966, Province of Ontario.

Standards

185. Whether or not the educational function of the centre is stressed, certain standards of quality obviously must be maintained. All provinces,⁶⁴ with the exception of Quebec, New Brunswick and Prince Edward Island, have published regulations and standards governing the issuance of licences to run day nurseries. Only two provinces, however, Alberta and Ontario, employ inspectors to ensure that the standards are maintained. A few community colleges have started courses in pre-school education.

186. However, it is clear that a wide range of standards from good to very poor now prevails. In many areas there is no supervision of centres run in private homes. We have had our attention drawn to cases where such homes are dangerous to the physical and mental health of the children. A mother may be forced to enter into such arrangements without adequate investigation: she lacks the alternative of a supervised, well-run day-care centre. In the light of the importance of the pre-school years in the development of the child, it is imperative to establish and enforce high standards relating to physical facilities, daily programmes, and staff.

187. Therefore, we recommend that each province and territory establish a **Child-Care Board** to be responsible for the establishment and supervision of day-care centres and other child-care programmes, which will (a) plan a network of centres (as to location, type, etc.), (b) set and enforce standards and regulations, (c) provide information and consultants, (d) promote the establishment of new day-care services, and (e) approve plans for future day-care services.

188. Further, we recommend that the **Department of National Health and Welfare** offer an extension of advisory services to the provinces and territories through the establishment of a unit for consultation on child-care services.

189. If children are to be cared for inside the home, supplementary help of various kinds is possible. The most common arrangement now is for another member of the family, the father or an older child, to take over when the mother is ill or absent, or busy with other duties. The difficulty is that school and jobs take these members of the family out of the home at the hours when they are most needed. Frequently when both husband and wife hold jobs they choose shift work so that one remains at home with the children. The disadvantage of this arrangement, of course, is a disrupted household where meals and recreation are seldom enjoyed together.

⁶⁴ Only five provinces—British Columbia, Alberta, Saskatchewan, Ontario and Nova Scotia—have special laws covering day nurseries. Two others—Manitoba and Newfoundland—apply legislation originally meant for other establishments.

190. There is also some prejudice against the sharing by fathers in child care and household tasks. Some men still take the position that they will not do domestic work or look after children, and some women perpetuate this prejudice by keeping household arrangements and care of the children as their special domain.

191. Sweden in its report to the United Nations⁶⁵ on the status of women makes sweeping suggestions to change these customs, under the term "male emancipation". The premise is that men also should be free to choose. The Swedish statement advocated: "the right of a husband to remain at home while the children are small where it is found more appropriate for the mother to devote herself to gainful employment."

192. Baby-sitting services are available in many communities through established agencies, and private arrangements are commonly made with teenagers or elderly people, at an hourly rate. In one city, for example, the agency rates are about \$1.10 an hour,⁶⁶ with a daily rate of \$11.00 or \$12.00 varying with the number of children to be cared for. The baby-sitter usually limits her duties to supervision of the child which may involve providing meals for him, but she does no other household work. Some parents employ sitters on this basis for evenings of recreation or for longer holiday periods. The cost, however, is prohibitive for families in the lower-income brackets.

193. Full-time housekeepers or household workers are increasingly rare in Canadian homes. In the Chapter on the economy we have urged an improvement in working conditions and salaries for such workers. We are aware that some families may then find it even more costly than at present to employ domestic helpers. However, it may still be possible to hire a housekeeper in a home with several children at less cost than maintaining the children in a day-care centre. Many families believe this is a preferable arrangement, and our concern is that salaries and working conditions should be such that competent women will be attracted to this kind of work.

194. Associated with the scarcity of housekeepers are numerous complaints about inadequate service. An example from one submission is as follows: "Very often, many of us have had to settle for housekeepers who were not adequate mother substitutes: young girls who spent the afternoon watching TV, reading, or who were not attentive to the children in general; or women who had no idea of how to care for small children, of how to give first aid care in case of accidents, etc. . . ."⁶⁷ Recommendations for the

⁶⁵ The Swedish Institute. *Sweden Today*. The Status of Women in Sweden, Report to the United Nations. Stockholm, 1968.

⁶⁶ Sitters Unlimited, Ottawa.

⁶⁷ Brief No. 349.

training of household workers are made in the Chapter on education. These measures were strongly advocated by many of the women appearing before the Commission.

195. Present programmes to provide visiting homemakers on an emergency or short-term basis should be greatly expanded. Canada in January 1969 had only 121 homemaker service agencies with a total of 1,915 women employed as homemakers.⁶⁸ This is a ratio of nine per 100,000 of the population.⁶⁹ Most of these services are in cities of over 100,000; communities under 30,000 are very badly served. British Columbia has a wider number of homemaker agencies in her smaller communities than are found in other provinces, but nowhere in Canada does the supply meet the need and in the Atlantic Provinces the programme has barely begun.⁷⁰

196. Homemaker services frequently operate in conjunction with the Red Cross, the Victorian Order of Nurses, Home Care health schemes, and Family Service agencies. Their costs are borne about 48 per cent by government,⁷¹ about 27 per cent by clients, about 17 per cent through United Appeals and Community Chests, and about eight per cent through other welfare sources. The top fees charged (fees are on a sliding scale in most cases, according to ability to pay) range from \$1.56 an hour in some localities to \$2.30 an hour in others. A daily charge may range from \$6.00 to \$18.00. In most places, a homemaker's pay is close to the minimum wage while in others it is considerably higher. For example, the top wage received by homemakers in Ottawa (May 1970) was \$1.95 an hour, and the agency also provides uniforms, holidays with pay, workmen's compensation, and long-term disability insurance.

197. Homemaker services are extended strictly on the basis of need, regardless of income. Priority is given to households with children where the mother is ill or has died, or in other emergencies. Care is also given under this scheme to aged people living alone, and in these cases the length of service may be extended indefinitely, on a basis of several hours a day or week. In most cases, however, the homemaker stays with a household over a period of from two days to three weeks. The average time per case⁷² is 13.6 days.

⁶⁸ Canadian Welfare Council, provisional figures prepared for a report (to be published) on the homemaker services in Canada in 1969.

⁶⁹ Sweden has approximately 200 homemakers per 100,000 of her population.

⁷⁰ Nova Scotia has four recently established agencies; New Brunswick one; Prince Edward Island one; Newfoundland none.

⁷¹ *Loc. cit.* Canadian Welfare Council.

⁷² *Loc. cit.*

198. Homemakers in most areas are recruited largely from among middle-aged women who have not previously worked outside their own households. Some agencies, as they begin to offer higher rates of pay and special training and certification, are experiencing a larger influx of younger women. Recruiting of men has also been considered. Usually educational requirements are waived although increasingly homemakers are being offered the advantage of training courses. Efforts are still needed to increase the prestige of the homemaker's role in line with her duties as household manager and mother substitute.

199. The need for more visiting homemakers in Canada has been clearly shown. They solve a family's most urgent problems in times of crisis. Their value in keeping a home intact through such emergencies is a tremendous asset to the community and should be recognized as such. Such a supplementary resource in case of illness or accident makes more practicable the use of day-care centres as a regular service to families. A greater supply of homemakers and trained household workers, and extended day-care services, can do much to meet the general requirements of child care by offering strong support to the basic responsibility of the parents.

(ii) Responsible Parenthood

200. The scientific control of the human reproductive function is one of the most important developments of this century. Conception can be prevented temporarily by a variety of birth control methods or permanently by sterilization; it can be induced by artificial insemination or in ovulation; a precarious pregnancy can be maintained by drugs or techniques preventing spontaneous miscarriage; pregnancy can be safely terminated; a precise date for delivery can be planned. Further research is opening prospects of even more exact control.

201. Control of human reproduction has far-reaching consequences. It enables parents to plan the size of their families and the spacing of their children. It helps individuals and couples to reach a better sexual adjustment. Like many forms of scientific progress, it reduces the tyranny of natural forces over human beings; it makes possible more intelligent control of events; it increases personal freedom. All this requires readjustments in the law, and reshaping of social customs and attitudes. Women, as the child-bearers, will be most affected by this new freedom and responsibility.

202. In one sense, birth control is a social problem in Canada. Families with higher education and in higher income brackets have had easy access to birth control methods; the poor and less well-educated have not. The

size of families has changed considerably in this century. In 1961 a married woman of 45 in Canada had had on the average about three live births, compared to six for a woman of the same age in 1900.

203. Today women want to take advantage of the increasing control over birth. They want sexual fulfilment as well as the right to plan a family. But no totally reliable method of contraception has yet been developed, and some methods still widely used are comparatively ineffective. The following figures indicate the relative degrees of effectiveness of the nine major methods in use today, by giving the number of likely pregnancies among 100 women using one of the methods for a year. Although measurement of the effectiveness of different birth control techniques varies according to the method of analysis, two techniques are usually considered most effective: the contraceptive pill and sterilization.

Table 2. Nine Major Methods of Birth Control in Order of Relative Effectiveness

Method	No. of likely pregnancies per 100 women using this method for one year
Sterilization.....	0.003
Pill.....	0.3
Intra-uterine devices.....	5.
Diaphragm or cervical cap (with jelly).....	12.
Condom.....	14.
Withdrawal.....	18.
Chemical barriers.....	20.
Rhythm.....	24.
Douche.....	31.

SOURCE: Ernest Havemann and The Editors of Time-Life Books. *Birth Control*. New York, Time Incorporated, 1967, p. 59.

204. When properly used, the pill provides almost one hundred per cent protection, but it is not medically recommended for all women. The possibly dangerous side effects of some contraceptive pills for some women are being studied. Health investigation committees in several countries have come to different conclusions. Since the first contraceptive pill was licensed for use in 1960, a large variety of pills, some with a lower percentage of hormones, have come on the market and research to improve their efficiency is continuing. Also being tested are other contraceptives, including kinds to be taken once a month or every six months, to be taken the day after sexual intercourse, or to be taken by men. Research may soon render today's contraceptives outdated.

205. Further research to develop a safe and reliable contraceptive is highly important, but more than research is needed. The safest and most sophisticated techniques are useless to women who do not know they exist or are afraid to use them. Accurate information about birth control must be more widely circulated, and better understanding and acceptance must be promoted by public debate. The acceptance of birth control has been hindered by general ignorance, by lack of specific information, by some religious beliefs and by the law. The Roman Catholic Church, for instance, has not lifted its ban on the use of contraceptives, and church policy was re-stated in the Encyclical *Humanae Vitae* (1968). This policy may inhibit the use of family planning programmes by some Roman Catholic agencies.

206. The legal ban on the sale and advertisement of contraceptives and on dissemination of information ended in Canada on August 18, 1969, when the Act amending section 150 (2) (c) of the Criminal Code became law.⁷³ Since its introduction in 1892, few attempts were made to enforce the ban. Birth control drugs and devices have been available at pharmacies all over Canada for years and some doctors have been prescribing the pill for control of procreation since it was first marketed in 1961. One birth control device (condom) has always been sold openly as a prophylactic against venereal disease.

207. Under the new legislation, the advertisement of contraceptives is controlled by the Food and Drug Directorate. The first regulation⁷⁴ banned all advertisements for commercial purposes. Representations from various concerned people brought about the adoption of new regulations authorizing the commercial advertisement in the mass media of contraceptives except for the pill and the intra-uterine devices (I.U.D.).⁷⁵

208. This regulation excludes the advertisement of what are at present two of the most effective methods of birth control. Although they are available only on prescription because they require medical supervision, we believe women should not be prevented from knowing about them. In fact, the diaphragm, which may be advertised, also needs medical supervision to be effective since it must be fitted properly by a physician. Equally important, there is at present no requirement that advertising carry information about the limited effectiveness of the other methods of birth control. Women should be informed of the limitations of each birth control method in advertisements on the label.

⁷³ An Act to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code. *Statutes of Canada*. 1968-69, C. 41.

⁷⁴ *The Canada Gazette*. Part II, Statutory Orders and Regulations 1969, SOR/69-417, Vol. 103, no. 16, Ottawa, Queen's Printer, August 27, 1969, p. 1169.

⁷⁵ *The Canada Gazette*. Part II, Statutory Orders and Regulations 1970, SOR/70-29, Vol. 104, no. 2, January 28, 1970, p. 80.

209. For 40 years before the law was amended, a few people dared to operate birth control centres in spite of the risk of being prosecuted. Since the ban was lifted a number of centres are being planned, but there are still relatively few in Canada. In 1969 it was estimated that there were approximately 38 centres, including seven Family Planning clinics (under the Family Planning Federation of Canada), eight public health clinics and 23 hospital clinics. The need for more facilities is obvious; in 1968 there were 4,378,100 women of childbearing age (15 to 45 years) in Canada.⁷⁶ Yet, according to their own estimate, one of the Family Planning clinics in Toronto could process only 1,250 calls in one year.⁷⁷

210. Case histories⁷⁸ convinced the Commission of the human distress caused by the lack of birth control information and medical advice in regard to family planning.

211. The Commission strongly believes that information and medical assistance on contraceptives should be made available to Canadian women in all walks of life. The same services should be available for men. The right to these services has been recognized by the United Nations in the 1968 Proclamation of Teheran which declared family planning to be a basic human right.

212. The use of contraceptives cannot be isolated from the complete sexual life and the quality of relations with the other sex. These questions are critically important for young people, particularly young girls, because of the effect that information, or lack of it, may have on their future. Since many teenagers do have sexual intercourse, they also need the means to avoid conception and should therefore receive appropriate advice and have access to the most effective birth control information and advice. Social workers report that some young unmarried girls involved in sexual relationships neglect to use contraceptives through sheer ignorance. These are the girls who subsequently become child mothers.

213. The Commission believes that young girls should be informed and advised about birth control and given access to contraceptives. It is important that adequate knowledge of the reproductive function of the body and of human sexual behaviour be taught at primary and secondary school. The Commission endorsed the principle of sex education in schools in the Chapter dealing with education.

⁷⁶ Dominion Bureau of Statistics. *Vital Statistics Preliminary Annual Report*. Cat. No. 84-201. Ottawa, Queen's Printer, 1968, Table 1, p. 5.

⁷⁷ One clinic in Vancouver, B.C. was reported to receive an average of 45 patients each week (the clinic was open only three nights a week). The two clinics in that city received a total of 500 patients in 1967. The total case-load of the two clinics is 7,000. In Hamilton, Ont., the oldest family planning clinic in Canada has served 6,418 patients in its 36 years of operation.

⁷⁸ Brief No. 5.

214. The Commission recognizes the excellent work initiated by the Family Planning Federation of Canada and endorses its request for a much wider family planning programme in Canada. The principal responsibility for the dissemination of information on birth control methods rests with the health and welfare authorities. The main question is how to reach women. According to recent estimates, only about 23 of the 948 general hospitals in Canada had family planning clinics. Clearly more of these clinics should be organized and widely publicized. As a policy, federal and provincial governments should print and distribute birth control information to hospitals, teachers, doctors, public health nurses, social workers and to the public.

215. Imaginative programmes can be developed. Hospitals now give maternity patients information on the care and upbringing of their babies. At this time they could also give them information about family planning, methods of birth control and services available in the community. As an example of initiative, we note that the Health Department of London, Ontario, recently included a circular on birth control with the hydro bills sent to London households. The circular listed family planning clinics and other family health services provided by the department and said, in part: "If you wish assistance with spacing your children and planning your next pregnancy, or help if you have been unable to have children; you may ask your district Public Health Nurse, inquire at the Child Health Centre in your district, or telephone the London Health Department at the Family Planning Clinic." This practice could well be adopted by other Departments of Health.

216. Making people aware of the facts does not necessarily mean that they will be able to get the medical assistance and advice they need to put the information into practice. Many women do not have a family doctor; they do not know where to go or even what questions to ask. Every provincial Health Department should organize family planning clinics within the existing provincial public health units, to provide relevant information, medical examination and birth control devices and drugs to anyone who wants them. The clinics should be open not only during the day but also in the evenings and on weekends. Such clinics would need trained personnel; public health nurses and social workers should be trained for this additional function.

217. Therefore, we recommend that birth control information be available to everyone.

218. Further, we recommend that the Department of National Health and Welfare (a) prepare and offer birth control information free of charge to provincial and territorial authorities, associations, organizations and individ-

uals and (b) give financial assistance through National Health grants and National Welfare grants to train health and welfare workers in family planning techniques.

219. Furthermore, we recommend that provincial Departments of Health (a) organize family planning clinics in each public health unit to ensure that everyone has access to information, medical assistance, and birth control devices and drugs as needed, and (b) provide mobile clinics where they are needed particularly in remote areas.

220. The use of sterilization as a birth control method has been limited by the fear of unknown effects, by linking it with the eugenics movement, and by the attitude of medical authorities who consider it dubious practice to sterilize patients for birth control reasons. The only laws dealing with the subject in Canada were adopted in the 1920's by Alberta and British Columbia; they prohibit compulsory eugenic sterilization. There is a great misunderstanding about the effects of sterilization. The operation does not remove any organ, nor does it interfere with sexual desire or performance. It does not create a hormone imbalance. New surgical techniques make the operation much easier for the surgeon and less painful for the patient. The vasectomy is a minor operation performed in less than 20 minutes in the doctor's office.⁷⁹ For a woman, sterilization requires hospitalization.

221. No law in Canada expressly prohibits a physician from sterilizing an individual on request for contraceptive purposes only and there is no case law to that effect in Canada. The only two Canadian legal cases on sterilization⁸⁰ dealt with the question of the consent of the patient to the operation. However, sterilization is usually carried out for medical reasons only, and doctors do not ordinarily perform the operation simply on request.⁸¹ At stake for the physician is the question of his criminal or civil liability. He might be found

⁷⁹ The Ontario Health Services Insurance Plan lists the cost of a vasectomy at \$50.

⁸⁰ *Murray v. Murray*, 1949, 2 Dominion Law Report, p. 492; and *Chivers and Chivers v. Weaver and McIntyre*, unreported case of the Ontario Supreme Court.

⁸¹ The College of Physicians and Surgeons of Ontario has said: "The Council views the performance of vasectomy on the same basis as any other surgical procedure which should only be performed in the best interests of the patient, and with the consent of the patient and his spouse. The decision to perform vasectomy is a judgment to be made by the medical practitioner in the individual case; and the procedure should be done only after the results of the operation have been clearly explained to the patient prior to the operation." *Canadian Medical Association Journal*. Vol. 102, January 31, 1970, p. 211.

The position of the Canadian Medical Association was reviewed at a meeting of its General Council on June 15, 1970, when it passed a resolution which stated: "That any procedure for the purpose of producing sterilization of either male or female is acceptable in the following circumstances: When it is performed by a duly qualified medical practitioner; and if performed in an active treatment public hospital or other location with adequate facilities; and if performed with the written permission of the patient and after the patient has signed a statement to the effect that he or she understands that the sterility will in all likelihood be permanent, similar consent of the spouse, or guardian, if applicable, to be obtained when possible."

criminally liable if a Canadian court of law were to rule that sterilization entails bodily harm or maiming as defined by section 216 of the Criminal Code. So far no Canadian court has done so. Civil liability of the physician might arise if the operation were carried out without the consent of the patient and the patient's spouse, unless it were performed because of medical necessity under emergency conditions. The law is not clear as to liability if the consent of the spouse is not obtained.

222. The Commission believes this situation should be clarified by declaratory legislation to make sterilization available to everyone for non-clinical reasons. The law should specify that non-therapeutic or elective sterilization performed by a qualified medical practitioner, upon the written request of a patient, will not create criminal or civil liability for the practitioner if the patient is informed of its consequences in advance, and the operation is performed with due care. The consent of the spouse should not be required.

223. Therefore, we recommend that the criminal law be clarified so that sterilization performed by a qualified medical practitioner at the request of his patient shall not engage the criminal responsibility of the practitioner.

224. Further, we recommend that the provinces and territories adopt legislation to authorize medical practitioners to perform non-therapeutic sterilization at the request of the patient free from any civil liabilities toward the patient or the spouse except liability for negligence.

225. We have been discussing only the legal relationship between patient and doctor. In the relationship between husband and wife, other considerations arise, including their concept of marriage.

226. We can expect that birth control will be practised by Canadian women through increasingly reliable and readily available methods. This may in time lead to a reduction in the incidence of abortion. We doubt that abortion can be eliminated entirely. We must therefore consider abortion and the laws that apply to it. At one time abortion was a serious threat to the life of a woman. Today, due to improved surgical techniques it is safer during the first 12 weeks of pregnancy to undergo an abortion than to continue the pregnancy. It is possible that new methods of abortion may be even safer. Abortion is permissible in some states and countries for pregnancies ranging from 12 weeks to 26 weeks—by which time the foetus is generally considered to be viable. A few countries set no time limit on abortion at the woman's request.

227. To put this question in perspective let us consider the evolution of society's attitude towards unwanted pregnancies. Abortion is one of the oldest forms of birth control: techniques for abortion are mentioned in some of the earliest medical texts. Abortion was considered morally wrong in the Jewish and Christian traditions, though it was not until 1869 that the Roman Catholic Church equated early abortion with murder and imposed excommunication on anyone, including the mother, procuring it at any time. English common law did not consider abortion a serious crime if procured before quickening, when the movements of the foetus in the womb are first felt. It did not become a statutory crime in England until 1803.

228. Demands for liberalization of the law followed. The Women's Co-Operative Guilds supported reform and the British Medical Association called for clarification of the law. It was not until 1938, however, that the first decisive move for reform was made when a London surgeon challenged the law. In this case abortion was ruled to be justified "if the doctor is of the opinion that the probable consequence of the birth will be to make the woman a physical or mental wreck."⁸² This ruling applied in England until 1967 when the British Parliament enacted a more liberal law permitting abortion when two physicians are of the opinion that: "(1) . . . The continuance of the pregnancy would involve risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated; or (2) there is substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped."⁸³

229. The evolution of the law on abortion was much slower in Britain than in some other countries. Sweden, for example, passed a law in 1939 authorizing abortion on specific medical, humanitarian and eugenic grounds. Japan and some countries in Eastern Europe have also adopted more liberal attitudes towards termination of pregnancy. Legal grounds for abortion in those countries can be classified in the categories of socio-medical, eugenic, therapeutic or socio-economic, and the practice, if not the letter, of the law is equivalent sometimes to abortion on request. The long practice of legal termination of pregnancy in those countries is reflected in their very low female death rate due to abortion. For example, Czechoslovakia reported a death rate of about 2.5 per 100,000 abortions in 1961-64; Japan had about the same rate between 1959-63.⁸⁴

⁸² *Rex v. Bourne*, 1938, 3 All England Reports, p. 615.

⁸³ Abortion Act 1967, Elizabeth II 1967, Chapter 87.

⁸⁴ Figures are subject to various methods of reporting in different countries, and comparisons should be made with caution.

230. Countries with more liberal abortion laws have sharply reduced the number of illegal abortions, though these have not been completely eradicated even in countries such as Hungary, where abortion is granted on request. Illegal abortions survive for several reasons such as the lack of privacy offered by the official procedure, the cost of the operation and hospitalization, the shortage of adequate medical staff and hospital space and the lack of information among some segments of the population.

231. In the United States, efforts have for some years been made to persuade state legislatures to adopt statutory exceptions to the general prohibition of abortion, particularly in cases of rape, incest and deformed foetus. About 10 states had taken action along these lines by 1967. More recently the reform movement has pressed for complete repeal of the prohibition of abortion, on the grounds that a woman has the right to decide whether or not to bear a child. Dramatic developments towards reform are now taking place in legislatures and courts. Two recent State Supreme Court decisions⁸⁵ have extended the "right to privacy" to cover termination of pregnancy. In September 1969 Mr. Justice R. A. Peters of the Supreme Court of the State of California, in one of these cases, stated: "The rights involved in the instant case are woman's rights to life and to choose whether to have children. . . . The fundamental rights of the woman to choose whether to bear children follow from the Supreme Court's and this court's repeated acknowledgement of a 'right to privacy' or 'liberty' in matters related to marriage, family and sex." At the same time four state legislatures (Hawaii, New York, Alaska and Maryland) were considering bills granting abortion on the request of the woman under different conditions which have to do with residency requirements, performance of the operation by a qualified physician in a licensed hospital, and the period of time after the beginning of the pregnancy. The New York bill has been passed and came into effect on July 1, 1970. However judicial interpretation of the law may settle the issue in the United States when the United States Supreme Court renders judgment in appeal on the abortion cases mentioned above.

232. The amendment of the Canadian Criminal Code in 1969 adapted the law to current medical practice by allowing, under section 237 (4) of the Criminal Code,⁸⁶ a qualified medical practitioner in an accredited or approved hospital to procure a miscarriage if the hospital's therapeutic abortion committee, by a majority of its members, has certified in writing that the continuation of the pregnancy would endanger the life or health of the woman. This formal procedure may make it even more difficult for some women

⁸⁵ *People v. Belous* in California, September 1969, and *United States v. Vuitch* in Washington, D.C., November 1969.

⁸⁶ Criminal Law Amendment Act, 1968-69. *Statutes of Canada*. 1968-1969, Chapter 38.

to obtain a therapeutic abortion than it was in the past. The principal benefactor of this law is the medical profession which will know exactly under what conditions a therapeutic abortion can be performed and criminal responsibility avoided. It can even be argued, and illustrated by the experience of other countries, that a therapeutic abortion committee has the effect of reducing the number of therapeutic abortions performed by a hospital.⁸⁷ The current law cannot be relied upon to reduce the number of illegal abortions or the maternal deaths and injuries that follow the improper medical practices used in many illegal abortions. The first report issued by the Dominion Bureau of Statistics since the Code was amended shows that only 235 legal abortions were performed over a three-month period in six provinces: Prince Edward Island, Nova Scotia, New Brunswick, Saskatchewan, Alberta and British Columbia.

233. Requiring the approval of a hospital therapeutic abortion committee has the effect of limiting the possibility of obtaining legal abortion.⁸⁸ Approval is not easily obtained and involves delay. For many women in remote areas there is no nearby hospital, accredited, approved or otherwise. Under the present law, they cannot get legal abortions even though qualified medical practitioners may be at hand, unless the life of the mother is endangered.

234. Is there a case, then, to broaden the grounds for abortion in Canada? It is common knowledge that illegal abortions are taking place. The number cannot be accurately known; estimates range from 30,000 to 300,000 a year. Dr. Serge Mongeau⁸⁹ gives an estimate for Quebec of from 10,000 to 25,000 annually, for Canada the figure would be 40,000 to 100,000. If the estimate of 100,000 were accurate, it would mean that one pregnancy in five is being aborted by illegal means. Prosecution is not an indication of the number of illegal abortions, since an average of only 30 persons are convicted each year. Law enforcement is non-existent except in a few cases where the woman's life has been seriously endangered.

235. Who are the women who seek abortions? Most national statistics indicate that the majority are married and already have two or three

⁸⁷ In New York where formerly therapeutic abortions had to be reported to the Health Service, there was a decrease of 65 per cent of such abortions from 1943 to 1962, following the appointment of hospital abortion committees. Another factor could be the reduction of clinical indications calling for such an operation, as a result of medical development in this field.

⁸⁸ Abortions may be performed only in accredited or approved hospitals. A hospital is accredited by the Canadian Council on Hospital Accreditation if it provides certain facilities: in January 1970 of the 948 general hospitals in Canada only 450 were accredited. Hospitals may be approved by the provincial ministers of health: it is not known how many fall within this category.

⁸⁹ Mongeau, Dr. Serge, and Renée Cloutier. *L'Avortement*. Montreal, *Les Éditions du Jour*, 1968.

children.⁹⁰ For example, a study made in Sweden of women who had abortions showed that 66 per cent were married. In Czechoslovakia, the proportion of married women among those seeking legal abortions was 82 per cent in 1962. In the United States, the Kinsey Report, in 1953, indicated that of 5,293 women interviewed, 1,044 admitted having had abortions; of these, 11 out of 20 were married; the great majority had been aborted by a doctor.

236. Fifteen years ago there was no public demand for legalized abortion. However, in a national opinion survey released on March 7, 1970, a Gallup Poll of Canada showed that 43 per cent of the adult population favoured legislation that would permit a woman to terminate pregnancy at any time during the first three months. Another type of survey carried by the French and English editions of *Chatelaine* in January 1968 indicated that the respondents were certainly in favour of liberalizing the abortion laws. Fifty-six per cent and 54 per cent of the respondents of the English and French versions, respectively, felt that the law on legal abortions should copy Britain's new law, while (respectively) 32 per cent and 25 per cent believed that it should be granted at the request of the women. Combining these two groups would show that more than three-quarters of *Chatelaine's* respondents, both English and French, favoured abortion on request or close to it.

237. During the public hearings of this Commission many organizations and individuals urged the liberalization or the repeal of all abortion laws. We also heard eloquent appeals to retain them. Some people consider the foetus as being a human life and for them abortion amounts to murder. Others believe that the foetus, though having the potentiality of human life, is not yet a human being, and consequently these people do not regard abortion as harming any existing person. The conviction that women have the right to make their own decisions about abortion was often expressed in the formula: "A woman should have control of her own body." Three excerpts from briefs illustrate this point of view: "This is a problem for which only the woman involved can answer. She knows her circumstances and her emotional limitations. She alone should be allowed to make the decision. We cannot and dare not stand in judgment. This one additional pregnancy may be the 'final straw' to break one otherwise reasonably stable home . . . who then cares for any other children? . . . who then cares and

⁹⁰ Potts, Malcolm. "Legal Abortion in Eastern Europe". *The Eugenics Review*. Vol. 59, 1967, p. 232, and Mongeau, Dr. Serge, and Renée Cloutier. *L'Avortement*. Montreal, *Les Éditions du Jour*, 1968, p. 76.

pays for her broken health, physical and mental?"⁹¹ "The law should be amended to permit abortion at the mother's request after she has received the best medical advice available. Such legislative reform would then allow the Canadian woman complete dignity as a person with full rights, no longer subject to a discrimination imposed in a different century by an altogether different society."⁹² "We do not feel that the proposed changes in abortion legislation go far enough in giving women control over their own bodies."⁹³

238. Public opinion seems to have moved very quickly in the same direction. There is now in New York and a dozen other American cities a National Clergy Consultation Service on Abortion, begun three years ago, which refers about 25,000 women a year to physicians in the United States and abroad. Many American Roman Catholics favour the repeal of laws against abortion rather than their liberalization, preferring to leave the matter to the conscience of the individual rather than see it delineated in a statute. Most Protestant churches take a similar view. During our public hearings, women of all faiths pleaded for a repeal of abortion laws.

239. It is not the function of this Commission to give preference to one trend of religious opinion over another. Moral judgments change with time or when seen in other and wider perspectives.

240. A law that has more bad effects than good ones is a bad law. We believe the present abortion law should be amended. As long as it exists in its present form thousands of women will break it. Breaking the law forces them to resort to methods that seriously endanger their physical and emotional health. The present law also discriminates against the poor, who do not have the means to get an abortion, for example, by going outside the country.

241. We have come to the conclusion that each woman should have the right to decide if she will terminate pregnancy. We believe that a woman who has been the victim of rape or incest should not be forced to bear a child. We propose that the approval of a hospital abortion committee be no longer required and that the decision be made by the woman after consultation with her physician. Anytime during the first 12 weeks of pregnancy is considered to be a relatively safe period in which to perform an abortion.

242. Therefore, we recommend that the Criminal Code be amended to permit abortion by a qualified medical practitioner on the sole request of any woman who has been pregnant for 12 weeks or less.

⁹¹ Brief No. 250.

⁹² Brief No. 29.

⁹³ Brief No. 437.

243. Further, we recommend that the Criminal Code be amended to permit abortion by a qualified practitioner at the request of a woman pregnant for more than 12 weeks if the doctor is convinced that the continuation of the pregnancy would endanger the physical or mental health of the woman, or if there is a substantial risk that if the child were born, it would be greatly handicapped, either mentally or physically.

(iii) One-Parent Families

244. About 90 per cent of one-parent families are headed by a mother.⁹⁴ In most divorce actions, the custody of the children is given to the mother. In cases of desertion, it is usually the father who has left. Statistics show that most wives outlive their husbands. The unmarried mother, rather than the father, usually keeps her child.

245. Such families occupy a marginal position in Canadian society. The social problems experienced by the single parent mother range from feeling herself an outcast to concern about rearing her children without a father's influence. Frequently she is in a difficult financial position, a matter which we discuss more fully in the Chapter on poverty where we have recommended a guaranteed annual income for sole-support parents.

246. Women who find themselves in charge of their households, with responsibility for one or more children, often show great resourcefulness and strength and may resent the implication that they are special cases needing society's help. Increasingly they are working out a way of coping independently with life and providing a home environment which meets the needs of their children.

247. Society should provide supporting service for all parents, as we have pointed out in the preceding pages, but it is especially important for the sole-support mother to have day-care centres and other facilities available to her and she should receive priority as long as shortages exist. But society should also give more recognition to the single parent with children as a valid family group. Appropriate counselling services, group housing for single parents, special summer camps, and organizations such as Parents Without Partners may be of some value to the sole-support mother, but it is preferable to draw her into wider social programmes and to include her wherever the family unit is being considered. Segregation is not the best solution for either mother or child. Educators should be aware of the

⁹⁴ Schlesinger, Benjamin. "The One-parent Family: an Overview." *Family Life Co-ordinator*. Vol. 15, no. 4, October 1966.

one-parent family when choosing teaching aids or leading classroom discussion, in order that the separate roles of two parents should not be over-emphasized or the one-parent child made to feel deprived.

The Unmarried Mother

248. In Canada there are an increasing number of children being born out of wedlock, particularly during the last decade. For the period 1921-25, children born of parents who were not married to each other constituted 2.2 per cent of all live births; this percentage was approximately twice as large in 1960 (4.3 per cent) and almost doubled again during the following seven years to 8.3 per cent in 1967. Roughly one third of the mothers of children born out of wedlock are under 20 years of age. One third are between 20 and 25 years. During the five-year period 1962-67, when the total number of these births increased from 21,818 to 30,057 (an increase of 38 per cent), the increase was greater for younger mothers than for those in the older age groups: the percentage increase was 53 per cent for women under 20; 47 per cent for those aged 20-24; and 23 per cent for those aged 25-29. There was no increase for women over 30 years of age.⁹⁵

249. The unmarried mother is still often judged harshly and may find that expressions of tolerance from society are not translated into the practical matters of child care, employment and housing. Nevertheless, attitudes are becoming more realistic. For example, in some places, an unmarried pregnant girl is encouraged to continue her education. Some school boards provide tutoring services at home and others provide special classes during late pregnancy and until the girl is able to return to school.

250. In Canada, as in other countries, there is a growing tendency for unmarried mothers to keep their children. Child-care agencies report a marked increase in the number of their clients who make this decision. We have no information as to what arrangements other women are making. The decision to keep the child may be influenced by a shift in the pattern of adoptions. The supply of parents wishing to adopt is proportionately less than it was 10 or 15 years ago. It may take longer to place children than formerly. Temporary foster home arrangements for infants are not always available.

251. The single woman who keeps her child may feel isolated and rejected. She may have some difficulty in making social contacts. Landlords, who question her dependability as a tenant, may make housing a problem

⁹⁵ Dominion Bureau of Statistics. *Vital Statistics. Annual Reports*. Ottawa, Queen's Printer.

for her. When several unmarried mothers attempt to form a co-operative household to share their financial resources and the care of their children, they sometimes meet opposition from neighbours.

252. Although an unwed mother may be concerned about the welfare of her child, she may be ill-prepared emotionally or financially to look after it. The necessity of trying to be both mother and father puts pressure on her and may create confusion and ambiguity in the mind of the child.

253. Other countries have dealt with these problems in various ways. For example, in Britain co-operative bed-sitting rooms are provided for the unmarried mother and her child for a limited time. In the Scandinavian countries,⁹⁶ the mother has the right to use the title Mrs.⁹⁷ A child born out of wedlock has the legal right to the father's name and is entitled to share in his father's estate to the same extent as if he were born in wedlock. The word "illegitimate" has not been used in their legislation since 1917. In these countries, counselling services offer the unmarried mother a wide range of help from practical baby-care and housekeeping suggestions to help with her emotional conflicts. Household assistance is provided when necessary and day nurseries are available after the child is six months old. Maternity homes provide care for the mother after her baby is born. Collective homes and apartment buildings are available until her child is three years of age, after which transitional period she is expected to manage for herself. Grants for housing and furniture help her to set up her own household. Further education and job training are supplied free of charge, plus a living allowance for the mother and her baby, until she is self-supporting.

254. In our opinion, every effort should be made to integrate unmarried mothers with children into the main stream of the life of the community. We have recommended a guaranteed annual income for them as for other sole-support parents, which would give them a degree of financial independence. More social services are needed to help them with difficult adjustments. Therefore, we recommend that the governments of the provinces, territories and municipalities make every effort to integrate the unmarried mother, who keeps her child, into the life of the community, by making sure that she (a) is not discriminated against in respect of employment and housing, (b) receives help with child care if necessary, and (c) has access to counselling to help her with emotional, social and economic problems.

255. Traditionally, the unmarried father has been regarded as a stranger to the situation. Where an adjudication of paternity is obtained it imposes

⁹⁶ Schlesinger, Benjamin. "Unmarried Mothers Who Keep Their Children." Background paper prepared for RCSWC, 1970, Appendix A.

⁹⁷ In Canada, no law prohibits any woman from using the title of Mrs.

on him a duty to contribute to the support of the child, and possibly the mother as well, and absolves him from any further obligations of fatherhood. The child, as a result, may be denied his father's name, inheritance, custody and care. Some efforts are now being made by social agencies to involve the unmarried father in the planning and care for the child.

256. It is the practice in some parts of Canada for the authorities to require, before public assistance is given, that an unmarried mother initiate a paternity suit, when the father is known, in order to establish support for herself and her child. We believe that such pressures should not be placed on an unmarried mother, if she is reluctant to take this action.

257. Therefore, we recommend that provinces and territories amend where necessary the regulations relating to welfare programmes so as to prohibit the exertion of any influence on the unmarried mother to press for an order of affiliation.

Taxation and Child-care Allowances

Introduction

1. Many married women who work outside the home and contribute to the family budget are taxpayers, and as taxpayers they face problems peculiar to their situation in the family. The White Paper on Taxation¹, presented on November 7, 1969, to some extent acknowledged the existence of a tax problem for working mothers but this aspect was virtually overlooked in the public discussions that followed its presentation.

2. Many briefs submitted to the Commission claimed that the present tax system unfairly discriminates against married women who work for pay and acts as a disincentive to their entering the labour market. They contended that this tax barrier adversely affects all Canadians by depriving them of the higher standard of living that would result from increased production if more married women worked in the labour force. Our analysis of these problems led us to recommendations that involve not only the taxation system but also some form of social security.

3. Objectors to the present tax system as it affects women point out three main shortcomings. First, it is claimed that married women who decide to enter the labour force indirectly raise the effective tax rates paid by their husbands. The personal exemption of \$1,000 allowed to a husband because of his "dependent" wife is reduced dollar for dollar if the wife earns an annual income over \$250; it is thus eliminated when she earns \$1,250 or more. The higher the husband's income, the higher the additional tax he will pay if his "dependent" wife works outside. Since the net addition to the family's income may not be worthwhile, this tax "penalty" may deter married women from joining the labour force. It is considered particularly unfair that a husband's exemption is reduced if his wife earns between \$250 and \$950 a year, but it is not reduced if his child earns a similar amount. Dependents other than the wife are allowed to earn up to \$950 before diminution of the taxpayer's exemption on their behalf.

¹ Minister of Finance. *Proposals for Tax Reform*. Ottawa, Queen's Printer, 1969, 96 pages.

4. Second, expenses for the care of children or other dependants are denied to a working mother as a legitimate deduction from her gross salary or wages. Under the present system, the wife who works outside and has one or more dependants who require care pays a tax on earnings out of which she has to pay for child-care. Since the couple must pay for child-care services out of net income, after payment of income tax, a working mother has to earn a substantial salary if her working outside is to be financially more profitable than the value of her services in the home.

5. Third, the tax system discriminates against a husband and wife partnership and against the spouse who employs the other spouse in an unincorporated business or in professional work since a spouse cannot deduct the wages or salary of the other spouse from taxable income as a business expense.² On the other hand, a husband or wife who operates an incorporated business, of which he or she may be the main shareholder, may deduct the spouse's salary as a business expense. The ruling therefore penalizes small family businesses, such as farms and retail stores, that cannot afford incorporation, and partnerships, and professions, such as those of lawyers, doctors or accountants, which by law cannot incorporate. The Income Tax Act is particularly unfair to husband-and-wife partnerships. When a married couple is in partnership, the Minister of National Revenue may in his discretion deem the entire income to be that of either husband or wife, and there is no appeal against his ruling.

6. The briefs suggested a number of ways to correct these inequities. Among many solutions, three main reforms were advocated: (a) working women with dependants should be allowed to deduct from their gross income the actual expenses incurred for the care of young children or other dependants such as elderly relatives; (b) a husband's tax exemption for married status should not be reduced or eliminated if his wife earns more than \$250 a year, or the amount should be \$950 for a wife as it is for children; (c) section 21 (2) (3) and (4) of the federal Income Tax Act should be repealed and replaced with legislation that would permit a taxpayer to claim as a deductible business expense wages or salary paid to a spouse employed in a partnership or unincorporated business or in professional work, provided

² Section 21 (2), (3) and (4) of the Income Tax Act, 1952, *Revised Statutes of Canada*, 1952, C. 148, as amended: "(2) Where a person has received remuneration as an employee of his spouse, the amount thereof shall not be deducted in computing the spouse's income and shall not be included in computing the employee's income. (3) Where, in a taxation year, a person has received remuneration as the employee of a partnership in which his spouse was a partner, the proportion of the remuneration that the spouse's interest in the partnership business was of the interest of all the partners shall be deemed to have been received by the spouse as part of the income from the business for the year and not to have been received by the employee. (4) Where a husband and wife were partners in a business, the income of one spouse from the business for a taxation year may, in the discretion of the Minister, be deemed to belong to the other spouse."

that the work is actually done by the spouse and that the payment is not excessive. These earnings should be considered as income of the employed spouse.

The Problem As We See It

7. The Commission endeavoured to find a tax system that would reflect a just balance between the legitimate aspirations of married women and the interests of other taxpayers. We also wanted to give married women a free choice between staying at home or entering the labour force.

8. We recognized that the choice between working at home or working outside cannot be free for women whose family income is too small to support the family. In Chapter 6 we will examine some aspects of poverty. Admitting that the multiple problems arising from poverty cannot be solved in the general framework of a taxation system, we nevertheless recommend certain compensatory measures that combine specific allowances with a revised taxation system.

9. Although we recognize that the present system may act as a disincentive that deters some women from working outside, any proposed changes must preserve an extremely delicate balance. Is it possible to remove the existing disincentive without at the same time creating a positive incentive for all married women to work outside?

10. We consider the present tax system unfair not because it overtaxes indirectly the incomes of married women who work outside the home, but because it undertaxes the incomes of those taxpayers without dependent children whose wives work at home and because it overtaxes families with dependent children. This is due to the technique of personal exemptions, as it is stated in section 26 of the Income Tax Act: "(1) For the purpose of computing the taxable income of an individual for a taxation year, there may be deducted from his income for the year such of the following amounts as are applicable: (a) \$2,000 in the case of a taxpayer who, during the year was (i) a married person who supported his spouse, . . ." This means that a husband is granted a married status exemption of an extra \$1,000 under the present system, \$1,400 under the White Paper proposals, over and above his personal exemption of \$1,000 (or \$1,400), presumably to reflect the nondiscretionary expenses incurred in maintaining his wife as a "dependant".

11. This rationale for exemptions in our opinion involves a fallacy. In most cases the wife who works at home as a housekeeper, far from being a dependant, performs essential services worth at least as much to her

husband as the cost of the food, shelter and clothing that he provides for her. We agree with the many economists who consider these services a form of family income. There is therefore no justification for classing a wife as a dependant in the same way that a child is a dependant. And yet the exemption for a child amounts only to either \$300 or \$550.³

12. The present tax system is strongly biased in favour of couples without dependent children when the wife stays at home. We believe that the loss of or the reduction in the married status exemption of \$1,000 if the wife earns more than \$250 constitutes the real tax barrier against married women who work outside the home. For this reason any measures we recommend to remove the disincentive will appear to discriminate against married women who work in the home. We kept this in mind when trying to establish a just balance between these apparently conflicting interests.

13. The Commission asked a taxation expert, Dr. Douglas G. Hartle, to study the issues involved and to devise a system with a view to 1) removing the present disincentive and 2) respecting the women's freedom of choice. The system he proposed to us is innovative and involves a number of technical elements which we will explain as briefly as possible.

Summary of the System Proposed by D. G. Hartle⁴

14. The proposed system rests mainly on three elements: (1) the distinction between discretionary and non-discretionary income; (2) the theory of imputed income; (3) tax-credits for children.

(1) The concept of discretionary income

15. Individuals should be taxed in proportion to their discretionary incomes. The discretionary income of an individual is the sum that remains after deducting from gross income the expenses necessarily incurred to earn that income and maintain oneself. A distinction is made between discretionary expenses (for example, gifts to one's family or friends) and non-discretionary expenses (the cost of food, shelter, clothing, medical expenses), that are required to maintain the individual and his family in the socially expected manner, that is, above the bare subsistence level. It might be assumed, for example, that an individual with an income of \$4,000 has to use 80 per cent of it to meet his non-discretionary expenditures. It might be assumed that an individual with an income of \$8,000 has to spend

³ Section 26(c) of the Income Tax Act. *Revised Statutes of Canada*. 1952, C. 148 as amended.

⁴ Hartle, Dr. Douglas G. "Taxation of the Incomes of Married Women". A Study prepared for the R.C.S.W.C. 1968-69.

60 per cent to meet these non-discretionary expenses. Family responsibilities would increase the amount of such non-discretionary expenses and would be taken into account. To put the matter in another way, discretionary income—the income remaining after deducting non-discretionary expenses—would provide a measure of the individual's ability to pay taxes.

16. In the proposed system, income is defined as any addition to an individual's economic power to command goods and services for personal use, whatever the origin or form of such increase, and whether consumed or saved. Income is not confined to money receipts. Wages in kind and gifts in kind are encompassed by the income concept adopted by the author of the study.

(2) *The theory of imputed income*

17. Married women, the study emphasizes, usually make a major contribution to the family through the provision of housekeeping and child-care services. These services have an economic value, even though they are not included in the estimates of the Gross National Product, because they cannot yet be adequately measured. They represent an income in kind that is just as valuable to the family as cash income. Hence the idea of the imputed income of housewives, i.e., the economic value to themselves and to their family, of those services performed in the home.⁵ This principle, however, is not restricted to the housewife. Any services which one provides for oneself, e.g., painting one's kitchen or making one's own clothes, generate income in kind. From this viewpoint, every individual has an income, for those who do not have a money income must have income in kind in order to survive.

18. In the system proposed in the study, each physically and mentally able individual of working age would be deemed to have an imputed income of \$2,000 attributable to self-rendered services. (This figure of \$2,000 is essentially arbitrary because of difficulties of measurement; the amount could be set anywhere between \$1,000 and, say, \$5,000.) The \$2,000 imputed income would be included in the tax base. But for those individuals who receive earned income, the first \$2,000 of such income, salary or wages, would not be taxed, on the grounds that this part of earned income was merely a substitute for imputed income and represented no addition to the tax base.

19. However, including imputed income in the tax base would be virtually unacceptable if it were not associated with another element of this system: non-discretionary expenses. According to the basic assumption mentioned

⁵ These imputed services can be valued either by estimating the cost of purchasing similar services in the labour market or the cash income foregone by the mother who works in the home.

above, while every person has a gross income (whether earned or imputed), every person also has non-discretionary expenses that are recognized in the tax system. There is always a proportion of gross income that is not subject to tax. For a married woman who received no earned income and had only an imputed income of \$2,000, it might be assumed that such expenses represented 90 per cent of her income. Thus \$1,800 would be automatically subtracted and the balance of \$200 would be the only amount taxable. Therefore, only a small proportion of imputed income would in fact be taxed. To illustrate, it might be assumed that the tax rate was 50 per cent of one's discretionary income. If the housewife did not work outside and had only imputed income, the maximum tax she would be required to pay would be \$100: the tax at a rate of 50 per cent of a discretionary income of \$200 arising from an assumed imputed income of \$2,000.

20. According to the author of the study, taxing imputed income is the ideal solution to the problem of fair treatment as between one-worker or two-worker couples. Because the housewife's imputed income now escapes tax altogether, there is a great tax advantage in favour of working in the home. If, however, the imputed income of the housewife were taxed to the family, there would be no tax consequences (up to the amount of \$2,000) when the wife decided to substitute an hour of work outside the home for an hour of work in the home. The only change would be the substitution of cash income for income in kind, but it would be taxed either way. Another advantage of this approach is that the tax base would be broadened and this would permit lower rates of tax.

21. The system proposed in the study contains two other elements that should be mentioned: the Family Unit concept, as proposed in the Report of the Royal Commission on Taxation,⁶ and the so-called tax on marriage. The proposed system involves the aggregation of the incomes of husband, wife and children and the filing of a joint return. The aggregated income of the family would be subjected to a special tax rate schedule that would be different from the schedule applied to unattached individuals. A man and a woman with identical incomes would pay a slightly higher tax after marriage. Because aggregation involves automatic averaging of incomes of spouses, men and women with substantially different incomes who married would realize a tax saving.

22. Aggregation and joint filing would not be mandatory. Husbands and wives would be given the option to file separately. But if they chose to file separately, they would have to forego the possible averaging advantages of aggregation and would have to pay the tax on marriage.

⁶ Royal Commission on Taxation. *Report*. Vol. 3, Ottawa, Queen's Printer, 1967, p.97 and following.

23. The so-called "tax on marriage" would not be imposed to penalize marriage but to achieve greater equity as between single taxpayers and married taxpayers. In fact the "tax on marriage" would be imposed to reflect the fact that married people, and generally any two people living together, can live more cheaply than two individuals living apart, although it is agreed that they cannot live as cheaply as one. If this assumption is correct, then married couples have a greater ability to pay taxes. When the spouses have extremely unequal incomes, aggregation can confer a tax advantage on marriage even if the rates were made higher for married couples than for unattached individuals.

(3) *Tax-credits*

24. To deal with the problem of child-care expenses, the proposed system would provide tax credits instead of exemptions. A tax credit of \$500 per dependent child under 12 is suggested and would be provided for all families with children, whether or not the mother works outside, because the non-discretionary expenses of parents are independent of their labour force status. Tax credits, it is contended, achieve greater equity than does the present exemption of \$300 (or \$550) per child, or the deduction of actual expenses for child care, both of which tend to provide more relief for upper-income parents.

25. The proposed system would imply an important shifting in the tax burden. Presumably the typical middle-income, one-worker families would carry a heavier fraction of the tax burden than they do under the present system. On the other hand, two-worker couples in the lower and middle-income groups would pay less taxes, especially if they have children, because of the relief provided by tax credits.

The Commission's Appraisal of this System

26. We recognize that the Hartle system would offer a solution to all three of the major problems that were stated in the briefs. (1) By assuming that all individuals of working age have an imputed income, the tax barrier against married women working outside the home would be totally removed without "special" treatment for women. The system becomes neutral with respect to working in the home or outside of it. (2) With a system of tax credits for children, the mother would find that working outside was feasible because the tax credit would offset the taxes on substantial earned income and allow her to buy the services she needs. There would be no extra tax on her employment income below \$2,000. (3) With aggregation, there would

be no need for provisions in the law that attempt to prevent husbands and wives from averaging their incomes through the payment of wages to each other. Moreover, both parents would be recognized as having the responsibility for the care of the children.

27. Despite these advantages, the Commissioners found themselves unable to recommend the system as a whole, mainly because of a major objection to the inclusion of imputed income in the tax base.

28. Although the concept of imputed income is theoretically sound, we feel that its implementation would pose great difficulties. The proposed system requires that "every physically and mentally able individual of working age" should be deemed to have an imputed income. Inevitably there would be a number of cases for which the system would have to provide an exemption. For example, those who were too young or too old to work would have to produce proof of their age, while individuals who were physically or mentally unable to work would have to produce a medical certificate to claim exemption. For most taxpayers, this would be straightforward. But how would the Department of National Revenue deal with borderline cases? What about those who are physically fit to work but are involuntarily unemployed? Imputing income might be unfair to some individuals, in addition to the administrative difficulties involved in its application. Furthermore we found it undesirable that a married woman who stays at home keeping house for her family and having no income of her own should be liable for a tax which her husband would have to pay.

29. The system proposed in the study may be considered as one valuable approach. Since we were unable to recommend this system we had to seek other solutions to our problems. Any approach had to be discussed in the light of our particular objectives, since taxation raises a number of fundamental issues. Before explaining the system we are recommending, we now state the basic principles we adopted and the objectives we aimed to meet. We also mention a few problems that make a satisfactory solution difficult to find.

The Commission's Approach

Principles and objectives

30. Almost all Canadian women work in the labour force before marriage. Many work until their first pregnancy. An increasing proportion remains in the labour force when they have children or re-enter it after the youngest

child has started school or after the children grow up. Whether or not they have children, some women have to work because of financial necessity and others willingly seek paid employment.

31. We were therefore looking for a system which would be neutral in the sense that it would preserve a married woman's freedom either to stay at home or to enter the labour force, and which would treat her fairly whatever her choice. This means eliminating, as much as possible, the "disincentive to work" created by the present system. On the other hand, mothers of young children who would prefer to stay at home and look after them should not be forced to work outside for financial reasons and the tax system should reflect the expenses for child-care whether or not the service is provided by the mother.

32. Other aspects of neutrality should be respected for taxpayers generally. In removing one kind of discrimination we wanted to avoid creating an undue advantage in favour of married women compared with men or single women. Few men and single women have such freedom of choice, since most of them are obliged to work. We are aware that any tax system will inevitably seem to favour one group over another.

The problem of exemptions

33. In the light of these objectives, we believe that the amounts of the dependants' exemptions given under our present system are wrongly apportioned, that is, comparatively speaking the tax exemption for a dependent spouse (usually the wife) is too high and that for a dependent child is too low. It is illogical to attach the lower exemption to the child who unquestionably requires services of a high value and so is properly classed as a dependant and, at the same time, to attach the higher exemption to the wife at home who unquestionably supplies services and so should not be included in the dependent class.

34. In all justice the married status exemption should not be given when there is no dependant in the family. We believe that a woman does not become economically dependent by virtue of her marriage. If she is in fact dependent, it is the result of the couple's personal choice. A childless couple has the right to decide that the wife will devote all her time to homemaking but there is no reason why the State should attach an advantage to this choice by giving the husband a married status exemption. This represents a discrimination in favour of married people.

35. The situation is quite different when there are young children. Children are truly dependent upon their parents. They must have food, clothing, medical care, education, and supervision by at least one adult. When the mother

assumes the daily care of a child, she is of course precluded from earning income through outside employment and her contribution to the family is in services. Her husband provides the cash for necessities as his contribution.

36. It cannot be denied that a family with dependent children must face higher non-discretionary expenses. The costs, in terms of money, for goods and services increase with the age of the children, while the costs in terms of time devoted to their care and supervision tend to decrease as the children grow up. The true dependants in a family are the children, and therefore the exemption given by the State in our tax system should be for them instead of for the married woman working in the home. We should therefore reduce or eliminate the married status exemption and increase the financial subsidy for children and other dependants. We first deal with the married status exemption.

Married Status Exemption: Child-care Allowances

37. We considered four possible approaches to the married status exemption: (1) to keep it as proposed in the White Paper (at \$1,400); (2) to reduce it; (3) to phase it out gradually over a period of 10 or 15 years, taking into account the age of a married woman and the likelihood she will participate in the labour force; (4) to do away with it immediately.

38. We rejected the first solution because we believe it is inequitable. The higher the exemption given to a husband, the greater the incentive for the wife to work in the home. The White Paper proposal to increase this exemption from \$1,000 to \$1,400 would only make it more difficult for married women who wish to enter paid employment.

39. The fourth approach was also rejected. Although we feel that the married status exemption is basically unfair, we do not want it eliminated immediately. Since it is now generally taken for granted as part of our tax system, its abrupt elimination would be unfair to older couples where the wife has never worked outside and is not expected to do so.

40. We are left therefore with the two moderate approaches: to phase out the married status exemption gradually or to reduce it. To phase it out gradually on the expectations that, in time, all married women will be in paid employment, is not desirable because of factors which interfere with their participation in the labour force. Although an increasing number of girls now take advantage of higher education and training and therefore have better job opportunities than women in previous generations, it does not necessarily follow that all women will find suitable paid employment. A young married woman in a small community may find that the few jobs available

for workers with her degree of education are already filled. A major handicap for married women seeking employment may be the fact that they have less mobility than a single man or woman or even a married man.

41. Consequently, we have decided to recommend that the married status exemption be reduced, to make it possible to be more generous toward true dependants, especially children.

42. A taxpayer's exemption for dependent children is currently \$300 for each child under 16, and \$550 for each older child. In the White Paper, it is suggested that these remain unchanged. As we mentioned earlier, we feel that these amounts are inadequate because they do not reflect the high costs of child care. The White Paper does propose additional relief for child-care expenses when both parents are working. In addition to the general exemption for children, baby-sitting expenses and other costs could be deducted up to \$500 per child under 14, with a maximum of \$2,000 per family. "The total allowed would also be no more than two-thirds of the earned income of the parent with the lower earned income; it would be necessary to ensure that in fact there is not a parent at home."⁷ Deductions must be supported by receipts.

43. Any tax recognition of child care is welcome, and this reform is in part what was asked for at the Commission's hearings. The Commission, however, has two main objections to this type of relief as proposed in the White Paper. First, allowing the deduction of actual expenses would tend to be more profitable to taxpayers in the higher income brackets than it would to those in the lower-income groups, as this is the normal effect of an exemption. We are opposed to this tax relief being granted in the form of deductions, because it tends to give an undue advantage to the people who already have a greater ability to pay.

44. Our second objection is that the deduction is contingent on the mother being in the labour force. The proposed change does not recognize the care given to a child by a mother who stays at home. Admittedly, the White Paper proposal is intended to help mothers who work to supplement the family income, since "for families in these circumstances, child-care expenditures constitute a real cost of earning income."⁸ It is easy to evaluate this cost when, for example, a mother has to pay \$2,000 a year for a baby-sitter or housekeeper to replace her services in the home. But any compensation for the cost of caring for a dependant should not be contingent on the mother being in the labour force, because these services have to be

⁷ *Op. cit. Proposals for Tax Reform*, p. 15.

⁸ *Ibid. Proposals for Tax Reform*, p. 15.

provided whether the mother works in the home or outside. For the mother who works at home, this cost might be valued in terms of the cash income she foregoes by looking after children at home instead of taking paid employment.

45. We believe that the State should give adequate compensation for the cost of true dependants, whether that cost is measured in cash outlays or in time devoted to care and supervision, or both. This compensation should be given to all families that support such dependants, whether the mother stays at home or works outside.

46. We considered recommending a substantial increase in the present exemptions for dependants, which would further reduce a family's taxable income, but rejected the idea because exemptions by their very nature provide a larger benefit to families in higher income groups than to those in lower income groups.

47. Tax credits are preferable to exemptions.⁹ Tax credits are independent of the size of income and do not benefit the rich, at least in dollars, more than the poor. It is of course true that a \$300 tax credit will mean more to a taxpayer with a small income, who pays perhaps a \$500 tax than to someone with a higher income who pays a tax of \$5,000. But tax credits also have shortcomings: they benefit only those whose income is high enough to be taxed. They do not provide adequate relief for families who have no taxable income or whose tax liabilities are so small that they could not use the full credit. These low-income families are those whose financial need may force the mother to take a job.

48. Consequently, the solution we recommend is to provide substantial cash allowances for dependent children. Since our primary concern is with the dependants as they affect the mother, we have considered only children under 16 years of age. We suggest an allowance in the order of \$500 a year for each dependent child. This amount is proposed not as a definite figure but as an indication of the size of the relief necessary to restore some degree of equity. This allowance should be taxed to avoid subsidizing wealthy families and to enable the government to recoup part of the money distributed. It would replace the present system of Family Allowances¹⁰ and the income tax exemption for a dependent child under 16 years of age.

49. Consistent with the principles mentioned above, we believe that the extra exemption for married status should be approximately \$600. According

⁹ A tax credit is an amount deducted from the tax payable; a tax exemption is an amount deducted from the taxable income.

¹⁰ Under the Family Allowances system introduced in 1944, mothers receive \$6 a month for each child under 10 years of age, and \$8 for children from 10 to 16 years.

to the White Paper proposals, the husband's personal exemption would be \$1,400; if we add \$600 for his wife, their combined exemption would be \$2,000, which is what it is now. However when the dependent spouse is 60 years or over, we believe the couple should be entitled to the \$2,800 exemption proposed in the White Paper.

50. Therefore, we recommend that the federal Income Tax Act be amended in order that (a) the extra exemption allowed the taxpayer for the dependent spouse be reduced from the present \$1,000 to \$600 when the dependent spouse is under 60 years of age, and (b) the extra exemption allowed the taxpayer for a dependent spouse be the same as the individual personal exemption, when a dependent spouse is aged 60 and over.

51. Further, we recommend 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 Allowances system. It might also be desirable to extend the system to students over 16 and wholly dependent adults requiring care.

52. We recognize that a ceiling of \$2,000 on the total exemption would cause undue hardship to a married couple whose income is very low, especially if one of the spouses cannot find work. To require a couple whose income is below the poverty level to pay income tax is difficult to justify. We therefore suggest the introduction of a special device in the federal income tax system, so that no family would be taxed on an income below the poverty level.¹¹

53. Another problem mentioned earlier was raised in many briefs. When a taxpayer operating an unincorporated business or a professional person employs a spouse, this salary is not deductible as a business expense for purposes of income tax. Spouses who are partners in a business enterprise are subject to a similar rule. There are two possible solutions to that problem: (1) to delete the relevant sections of the Income Tax Act. There is no such restriction for parent-child relationship in business, and it seems to us that refusing to allow deduction for payment of wages or salary between the spouses is discriminatory. We understand there may be cases of abuse and administrative difficulties, but abuse is equally possible in parent-child relationships and in incorporated businesses. We see no reason to single out spouses in partnership or unincorporated businesses. (2) To introduce the family unit as a basis for taxation. This tax basis, used in many countries, was proposed by the Carter Commission. According to this system, the members of a family aggregate their incomes and file their income tax statement jointly.

¹¹ In the Province of Quebec, the Income Tax Act provides for a similar device.

Of course, a special tax rate schedule would apply. The schedules are usually set so that families who file jointly have an advantage, especially when there are large differences between the incomes of the members of the family.

54. We favour the second solution, with a more restricted definition of the family unit than the one adopted by the Carter Commission. In our view, the unit should include only the spouses; it could be called the marriage unit or marriage partnership unit. This appears to us to be a logical basis for taxing the income of a married couple. Married people could elect to file their income tax return separately or jointly. Those who preferred to file individually might have to forego the advantages of joint filing, but, as the Royal Commission on Taxation pointed out, only a small minority of taxpayers would incur a significant tax increase if they decided to file separately. If the marriage unit basis were adopted, the calculation of exemptions should reflect the system of exemptions outlined in our recommendation in paragraph 50.

55. Therefore, we recommend that the federal Income Tax Act be amended in order that husband and wife form a taxation unit and be permitted to aggregate their incomes, under a special tax rate schedule, in a joint return signed by both spouses with the option to file separately if they so desire.

56. If the above recommendation is not implemented, we believe that Section 21 (2), (3) and (4) of the Income Tax Act concerning the payment of wages to a spouse should be repealed.

57. Some fundamental elements and possible effects of our recommendation are as follows: (1) the extra exemption allowed a taxpayer for a dependent spouse under 60 years of age would be reduced from \$1,000 to \$600. (2) A cash allowance in the order of \$500 would be provided for each dependent child under 16. The allowance would be taxable. (3) No tax receipts would be required as evidence of child-care expenses because the child-care allowance would be paid to all mothers, whether the parents themselves care for the children or pay for a substitute. (4) The tax unit for married people would be the marriage partnership unit composed of the two spouses who would aggregate their incomes in a joint return, but husband and wife would be given the option of filing separately.

58. An illustration of our system compared with the present system and the one proposed in the White Paper is shown in Table 1.

Table 1. Estimate of the Financial Advantages or Disadvantages of the Recommendations of the Royal Commission on the Status of Women Compared to the Present Tax System and to the Proposals of the White Paper on Taxation for a Couple When Only One Spouse is Working for Pay

Relevant Financial Benefits in the Three Systems
(All figures relate to annual amounts)

Number of Children and marginal rate of income tax	Present System			White Paper System			RCSW System			Total benefits	Present situation	White Paper
	Family* allowances (non-taxable)	Tax saving** due to \$1000 married status exemption	Tax saving** due to \$300 child exemption	Family Allowances (non-taxable)	Tax saving due to \$300 married child exemption	Tax saving due to \$1400 married status exemption	Total benefits less tax***	child-care allowance less tax***	Tax saving due to married status exemption			
No child												
50%	—	\$500	—	—	—	\$700	\$700	—	\$300	\$300	—\$200	—\$400
30%	—	300	—	—	—	420	420	—	180	180	—120	—240
20%	—	200	—	—	—	280	280	—	120	120	—80	—160
1 child												
50%	\$84	500	\$150	\$84	\$150	700	934	\$250	300	300	—184	—384
30%	84	300	90	84	90	420	594	350	180	180	+56	—64
20%	84	200	60	84	60	280	424	400	120	120	+176	+96
2 children												
50%	168	500	300	168	300	700	1,168	500	300	300	—168	—368
30%	168	300	180	168	180	420	768	700	180	180	+232	+112
20%	168	200	120	168	120	280	568	800	120	120	+432	+352
3 children												
50%	252	500	450	252	450	700	1,402	750	300	300	—152	—352
30%	252	300	270	252	270	420	942	1,050	180	180	+408	+288
20%	252	200	180	252	180	280	712	1,200	120	120	+688	+608

*The full amount of the family allowance is a benefit since no tax is paid on it.
 **The tax saving due to an exemption is the tax that would be payable on that amount if it were not exempted from taxation.
 ***While \$500 is received for each child, the actual financial benefit is the amount remaining when the tax is paid on the \$500. If, for example, a tax of \$150 is paid on the \$500, the actual benefit is \$500 — \$150 or \$350.

59. We have attempted to make an approximation of the supplementary cost of implementing our proposed changes in the taxation system and child-care allowances. We questioned whether such proposals would not lead to astronomical costs to be met from public funds. Very rough calculations indicate that these costs would be high but probably not unbearable. Taking into account the supplementary cost of our suggested child-care allowances over and above the present Family Allowances and tax exemptions for children, as well as the accrued revenue resulting from the reduction of the married status exemption, we estimate that the total net supplementary cost of our proposals would probably be at least one billion dollars over the combination of the present Family Allowances and the changes included in the White Paper. However the real net cost of the changes we have proposed are probably much less than what we have estimated. One must consider that the relief given to families for their children will probably take a great proportion of them off the social assistance roll. Our proposed child-care allowances would result in a decrease in the government's subsidies needed for day-care centres.

60. We realize that the system we are recommending will impose a heavier tax burden on childless couples, because of the reduction in the married status exemption. For families with dependent children, the reduction in this exemption is usually more than compensated by the cash allowances. This is precisely the effect we wanted to achieve. It could be argued that this would raise the birth-rate. But from the experience of other countries it is almost impossible to ascertain whether it was the allowances which raised the birth-rate or to what degree other factors contributed to it. For example, in France, where generous children allowances were provided after the war, the birth-rate went up, while in the United States during the same period, when no allowances were given, there was a comparable rise in the birth-rate.

61. There are four main advantages in the tax system we have recommended: (1) relating tax relief to the child instead of to the wife would correct the injustice in the present tax system; (2) the contribution made by mothers who stay home to care for children would be recognized and fewer mothers would be forced to work outside for financial reasons; (3) the barrier to outside employment, that is, the loss of the married status exemption when a wife works, would be lower and the increase in the tax of the husband when a married woman enters the labour force would not be as large as it is now; (4) the allowances for children would help to cover the cost of child care when both parents work outside the home.

62. Our recommendations are realistic. Philosophically, they express in positive terms the way that current conditions have affected the status of the married woman as a dependant. Our plan provides a framework that can be adapted to bear more or less heavily on the various taxpaying groups affected by it. This tax system can be modified to suit changing needs without doing violence to its basic principles. The tax incidence that flows from our proposed tax premises can be adjusted by altering the exemptions and allowances to suit the taxpayer's particular classification.

Another Aspect of Taxation: Transfer of Assets between Spouses

63. The marriage partnership unit necessarily implies, in our view, that there should be no tax on transfers between husband and wife, whether made by gifts *inter vivos* or on the death of a spouse. This reform was especially needed in the field of estate taxes, and the Federal Government took the lead by exempting from tax all assets passing from one spouse to another by inheritance and by gifts *inter vivos*.¹² We believe the provinces should follow this lead.

64. Therefore, we recommend that those provinces that have not already done so amend their respective Succession Duties Acts in order to abolish succession duties on assets passing from one spouse to the other.

65. Our recommendations to provide financial security for sole-support parents and elderly people appear in the Chapter on poverty.

¹² An Act to Amend the Income Tax Act and the Estate Tax Act, *Statutes of Canada*, 1968-1969, C. 33.

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of livelihood in circumstances beyond his control." *The Universal Declaration of Human Rights, Article 25 (1)*.

Introduction

1. In the light of the facts presented in the Chapter on the economy it should not surprise anyone to learn that the women of this country are particularly vulnerable to the hazards of being poor. The relationship between women and poverty is apparent in the average earnings of those who are employed, and is even more obvious when one considers the women who are not in a position to earn incomes of any sort. The Commission received a great many briefs dealing less with abstract rights than with economic justice. We were told of the deserted wife with young children who had to live on a welfare allowance of \$115 a month; of the elderly woman whose old age pension was her only income; of the married woman whose husband was unemployed and who had to raise her family on an income of less than \$3000 a year, and of the aging single woman who devoted years of her life to looking after her elderly parents and was left in poor circumstances at their death, without the training or experience for a job. Sole-support mothers, widows, old women who could not afford to buy the medication they needed, came before the Commission and presented their problems with an eloquence impossible to convey here.

2. Through briefs and hearings and as a result of our research we concluded that (a) probably, in total, more women than men are poor, (b) there are specific groups of women, such as sole-support mothers, who are extremely poor, and (c) while discrimination and the lack of supporting social institutions cause hardship among women at all income levels, they cause greatest distress among women who are poor.¹

¹ "Wage discrimination against the poor is also a problem, especially among women and certain minority groups who may be faced with unfair recruitment and employment practices." The Economic Council of Canada. *Sixth Annual Review. Perspective 1975*. Ottawa, Queen's Printer, 1969, p. 113.

3. Beginning with a brief description of poverty in Canada, we analyze poverty as it affects women whatever their age or marital status. We examine more closely two groups of women: sole-support mothers and elderly women; and we make recommendations concerning these groups. We look also at the question of poverty among the Indian, *Métis* and Eskimo women in Canada.

Poverty in Canada

4. One Canadian in every five is poor.² This statement appears to hold true in the light of statistics for 1967, the latest available at the time of our enquiry. The Dominion Bureau of Statistics divides the population into two groups: families and unattached individuals. The estimated percentage of families with low incomes decreased from 21.2 per cent of all families in 1965 to 18.6 per cent of all families in 1967.³ But the number of unattached individuals has increased in late years, and many among them—both the very old and the very young—have little money to live on. In 1967 in Canada the poor numbered 831,500 families and 585,100 unattached individuals, and this count did not include people in institutions, people in the Yukon and Northwest Territories, or people on Indian reserves. "If poverty is defined as being synonymous with low levels of money income, nearly one-fifth of all families and two fifths of unattached individuals were living in poverty in 1967."⁴

5. The incidence of poverty is much greater in the Atlantic provinces, in eastern Quebec, and in Eskimo and Indian communities, than it is in Ontario, the prairies and British Columbia. In cities of 30,000 or more there is a lower proportion of poor families (11 per cent), in other urban areas it is somewhat higher and in rural areas the proportion is very high (41 per cent).⁵ But it should not be inferred from this that most of our poverty is rural, or that it is located exclusively in the eastern regions of Canada. There are acute poverty problems in Montreal and Toronto, and if we consider absolute numbers, over one half (54 per cent) of Canada's low-income families live in Ontario and the western provinces.⁶

² The "poor" (or "low-income group") are defined by the Dominion Bureau of Statistics which estimates a "poverty line" (in 1967 dollars) at \$1,740 for a single person; \$2,900 for a family of two; \$3,480 for a family of three; \$4,060 for a family of four; and \$4,640 for a family of five.

³ Dominion Bureau of Statistics. *Income Distribution and Poverty in Canada 1967*. Preliminary Estimates. Ottawa, Queen's Printer, October 1969, p. 12.

⁴ *Ibid.* p. 11.

⁵ *Ibid.* p. 14.

⁶ *Ibid.* p. 15.

6. A common assumption is that most of the poor are not working. But Dominion Bureau of Statistics data for 1967 indicate that two-thirds of the heads of poor families were in the labour force at least part of the year and one-third had worked the full year on a full-time basis.⁷

7. A basic assumption for these estimates was that any individual or family spending more than 70 per cent of total income on the necessities of food, shelter and clothing, was in a low-income category. On the average, families of different sizes have allocated about half of their income for the same basic expenditures.⁸

8. The Economic Council has proposed as a definition of poverty: "an insufficient access to certain goods, services, and conditions of life which are available to everyone else and have come to be expected as basic to a decent, minimum standard of living."⁹ The amount of income needed to achieve this "access" varies in different places. People who live in large urban areas generally have higher incomes than those living in rural areas, but they also have different expectations and higher living costs. The usual approach to measuring poverty statistically is to develop minimum budget requirements for families with differing characteristics and then to determine what proportion of family units have incomes insufficient to meet the estimated budget needs.

9. Poverty is to be without sufficient money, but it is also to have little hope for better things. It is a feeling that one is unable to control one's destiny, that one is powerless in a society that respects power. The poor have very limited access to means of making known their situation and their needs. To be poor is to feel apathy, alienation from society, entrapment, hopelessness and to believe that whatever you do will not turn out successfully. To be poor is to feel deprived of the means of obtaining even the most elementary things that others take for granted. According to recent investigations, it appears that there are few "voluntary poor"; that on the contrary most of the poor are ready to seize appropriate job opportunities when these are available. "... Some recent research suggests that the aspirations of the poor for economic opportunities and a middle-class style of life may be very strong, and that the desire to participate in a productive way in our society is more often frustrated than lacking." The poor are hindered by a "high in-

⁷ Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

⁸ Dominion Bureau of Statistics. *Urban Family Expenditures, 1959*. Cat. No. 62-521, Ottawa, Queen's Printer, 1963.

⁹ Economic Council of Canada. *Fifth Annual Review. The Challenge of Growth and Change*. Ottawa, Queen's Printer, 1968, p. 104.

cidence of inadequate skills and education, a lack of knowledge about how to seek out and exploit job opportunities, sickness, and a repeated thwarting of employment aspirations."¹⁰

10. Poverty breeds conditions that ensure that the poor remain poor: inadequate housing, bad nutrition, health problems, chronic illness, lack of education, a higher cost of living because so many purchases are made on an emergency or day-to-day basis at highest prices and at highest credit charges. All form part of the vicious circle of poverty.

Poverty in Relation to Women

11. The role of women as consumers is frequently stressed, with the connotation that women are a privileged group financially in the western world. The reverse is true if we consider women in relation to income. Up-to-date, over-all statistics will not be available until the 1971 national census is completed. But we can look at recent sample surveys which refer to various groups of women, and relate their incomes to those of men in the same circumstances. Thus we find that in 1967 the average income for men 65 and over was \$3,044; the average income for women 65 and over was \$1,596.¹¹ Incomes reported by all women for the year 1967 averaged \$2,303; for all men in the same year, the average income was \$5,331.¹²

12. An indication of poverty among women appears in Table 1. It shows the very low average incomes of three particular groups in the population: female heads of families; women not in families, and elderly women. (There is of course some overlapping: some of the elderly women appear in each of the other groups as well.)

Table 1. Annual Income of Selected Categories of Women, Canada, 1967

Categories of Women	Average Annual Income	Percentage with less than	
		\$1,500	\$3,000
1. Female heads of family.....	\$2,536	—	—
2. Women not in families.....	\$2,665	42.5%	63.4%
3. Women aged 65 and over.....	\$1,596	74.4	90.5

—Figures are not available.

SOURCE: Lines 1 and 2: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968. Line 3: DBS. *Income Distribution and Poverty in Canada, 1967*. Preliminary Estimates, Ottawa, Queen's Printer, October 1969.

¹⁰ *Op. cit.* Economic Council of Canada. *Sixth Annual Review*. p. 111.

¹¹ *Op. cit.* Survey of Consumer Finances.

¹² *Op. cit.* *Income Distribution and Poverty in Canada*. p. 7.

13. Another large group of poor women is made up of wives and mothers in two-parent families. Here we must turn to the statistics showing the number of low-income families with male heads.¹³ In 1967 there were in Canada 708,300 low-income families headed by a man.

14. Poverty affects all members of a family, but often it is the wife and mother who is subject to greatest stress. It is her immediate responsibility to cope with crowded, inadequate housing and limited budgets. Frequently she gives priority to the needs of her husband, who must present a suitable appearance to the outside world, and to the children, whose future depends on the care she can give them. Her needs come last, and she may be the last person in the family to receive medical or dental care, to have new clothing, or to enjoy any recreation or interests outside her home. If she takes a job to increase the family income she can probably earn very little. Usually she cannot afford to pay for household help and so she must do housework in addition to her outside employment.

15. The number of children in low income families (see Table 2) also adds to the difficulties which poverty presents for women: they are burdened with pregnancies and the care of large households.

Table 2. Number and Percentage of Low-income Families, by Number of Children, Canada, 1967

Number of children	Low-income families	All families	Percentage below poverty line
No children.....	346,700	1,798,500	19.3
1 child.....	111,500	802,000	13.9
2 children.....	126,000	823,100	15.3
3 children.....	102,100	528,800	19.3
More than 3 children.....	145,200	564,900	25.7
TOTAL.....	831,500	4,517,300	18.4

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

16. Although large families are becoming less frequent, there were still, in 1966, 125,437 families with seven or more children; among them were 38,775 families with nine or more children. Although such families are only 2.7 per cent of all Canadian families, they present special problems

¹³ Whereas the Dominion Bureau of Statistics category called "female heads of family" usually means a one-parent family, the one called "male-headed families" usually refers to a two-parent family. In fact about 98 per cent of these men have wives.

when the family has insufficient income. The needs occasioned by the presence of many children add to the hardships of poverty, if only in respect of housing: it is extremely difficult to find housing in large urban centres to accommodate families with as many as seven or more children.

17. Women not in families, living alone or in households where they are not related to other household members, present a different aspect of poverty. They are part of the group of men and women outside of families which is seen as a larger component in recent estimates of poverty in Canada. Of all women outside families, 47.3 per cent, or nearly half, have incomes below \$1,740. There are 364,500 unattached women in this category.

18. A surprising proportion of these unattached women on low income, 21.2 per cent, are between the ages of 14 and 25. Many may be assumed to be students, living apart from their parents but not wholly independent and with the prospect of earning a higher income in the future. Others, however, must be assumed to be part of the working poor or of the transient unemployed youth which is a new element in society.

Table 3. Average Annual Income of Female Unattached Individuals, Percentages Under \$1,500 and \$3,000, and Percentage Classified in Low-Income Category, Canada, 1961, 1965, and 1967

	Average Annual Income	Percentage with less than		Percentage Classified in Low-Income Category
		\$1,500	\$3,000	
1961.....	\$1,946	51.2%	77.6%	51.2%
1965.....	\$2,330	45.0	70.0	46.8
1967.....	\$2,665	42.5	63.4	47.3

SOURCE: For 1961—Podoluk, J. R. *Incomes of Canadians*. Ottawa, Dominion Bureau of Statistics, 1961 Census Monograph Series, 1968, Table 6.19, p. 149.

For 1965—Dominion Bureau of Statistics. Survey of Consumer Finances, 1966.

For 1967—Dominion Bureau of Statistics. Survey of Consumer Finances, 1968.

19. Society has tended to overlook the problems of the young woman not in a family. Many are not qualified or trained to earn adequate salaries. Of particular concern are the young girls who move from rural areas to the urban centres. Often they are alone and without money, unaware of the services available to them, and ill-equipped to find a job. In many cases, they are picked up by the police on vagrancy charges and may consequently acquire the stigma of a criminal record. Communities should provide hostels where they could stay on arrival. The Information Centres we have recommended

in the Chapter on education could also be of the greatest help to these girls. A counselling service directing them to job opportunities and training available under the Adult Occupational Training Act of the Department of Manpower and Immigration should be part of the hostel service.

20. Therefore, we recommend that the provinces and territories, in cooperation with municipalities and voluntary associations, provide a network of hostels for transient girls and women where counselling services on job opportunities and training facilities are made available.

21. Within the same group of unattached individuals are the many elderly women who live alone. We deal more particularly with their position later in this Chapter.

22. The harsh consequences of poverty are compounded for women. If a woman is among the "working poor" she knows the frustrations and disappointments, the sense of inferiority, which are the inevitable result of working hard for little return. Since she is a woman she may receive less pay than the man who works beside her, fewer opportunities to take a training course or a better job, less recognition by her employer of her need to earn. She may tend to underrate herself and her capacities still further. The feelings of helplessness and self-deprecation which are one of the most serious aspects of poverty may be hers in double measure.

23. Many more women than men must apply for public assistance. This is especially true of mothers who are left with dependent children. A large proportion of public assistance recipients in most municipalities are mothers with dependent children and they may bitterly resent having to approach the welfare administration for assistance. They suffer the humiliation of feeling they must account for everything they do, particularly to their neighbours. One welfare recipient said: "There is prejudice and discrimination simply because the word 'welfare' is tacked on every aspect of daily living."¹⁴

24. Many women who are poor continue to cope with multiple problems under the most difficult circumstances. In many poor homes it is the woman who keeps the family together. A number of examples, as well as the statements of social workers, lead us to believe that this attitude of striving to meet difficulties is common among women.¹⁵ A possible explanation of this may be that in our society the husband is seen in the role of breadwinner and provider and if he is unable to fill this role he may lose his self-esteem,

¹⁴ The Senate of Canada, *Proceedings of the Special Senate Committee on Poverty*. Ottawa, Queen's Printer, November 18, 1969, p. 22. Winnipeg Welfare Rights Movement.

¹⁵ American studies provide support for these observations. Carter, Genevieve M. "The Employment Potential of AFDC Mothers. Some Questions and Some Answers." *Welfare in Review*. Vol. 6, no. 4, Washington, July-August 1968, p. 4.

become discouraged and give up. A poor mother must remain a mother, keeping up her traditional functions of homemaking and child care. This may account for her seemingly greater ability to undergo the many strains associated with poverty.

25. During the past few years we have seen a more militant spirit develop among some women in low income groups. There are now about 215 organizations of the poor in Canada.¹⁶ They exist in almost every city. A great many of them are led by women. They have become actively involved in improving their neighbourhoods, protecting their rights as tenants, and presenting their case for better conditions to municipal, provincial and federal authorities. One group from Montreal expressed their protest in a brief to the Special Senate Committee on Poverty: "Do you expect us to sit idly by and accept your definitions of poverty and your band-aid solutions? Our children are rebellious now, and they turn their anger on their families. When they realize how helplessly we are trapped under the present structures, on whom will they turn their anger?"¹⁷

26. Social problems such as lack of education and ill health have a special significance for women. The relationship between education, employment and income is well known. Statistical data show a strong link between inadequate education and low incomes. As shown in the Chapter on education, fewer women have the educational requirements and hence the opportunities for occupations which offer a high income potential.

27. The disadvantages of little education appear to affect the income level of women even more than that of men, according to Table 4.

28. There is little doubt that ill health is often disastrous for families in low income groups. Ill health is both a cause and a consequence of poverty; it is an aspect of the self-perpetuating nature of poverty.¹⁸ The risk of malnutrition is greater for specific population groups, due to increased nutritional needs at certain stages of life: pregnant and nursing women are among the most vulnerable. A Canadian study has shown that malnutrition was prevalent among a sample of pregnant women in low income groups in Montreal.¹⁹ An important factor in the ill health of many poor mothers seems to be the after effects of pregnancies from which they could not take time to recover sufficiently.

¹⁶ Carota, Mario. *The Citizen Group Movement among the Low Income Citizens of Urban Canada*. a study sponsored by the Canadian Association of Neighbourhood Services. February 1970.

¹⁷ *Op. cit. Proceedings of the Special Senate Committee on Poverty*. December 9, 1969, p. 7. "Up to the Neck" Newsletter of Montreal.

¹⁸ W. A. Mennie. "Health and Poverty". *Medical Services Journal Canada*. Vol. 21, no. 11, December 1965, pp. 787-814.

¹⁹ The Montreal Diet Dispensary. *A Preliminary Report of a Nutrition Study on Public Maternity Patients*. Mimeographed, Montreal, March 1970.

Table 4. Percentage of Unattached Individuals on Low Income, By Sex, and Level of Education, Canada, 1967

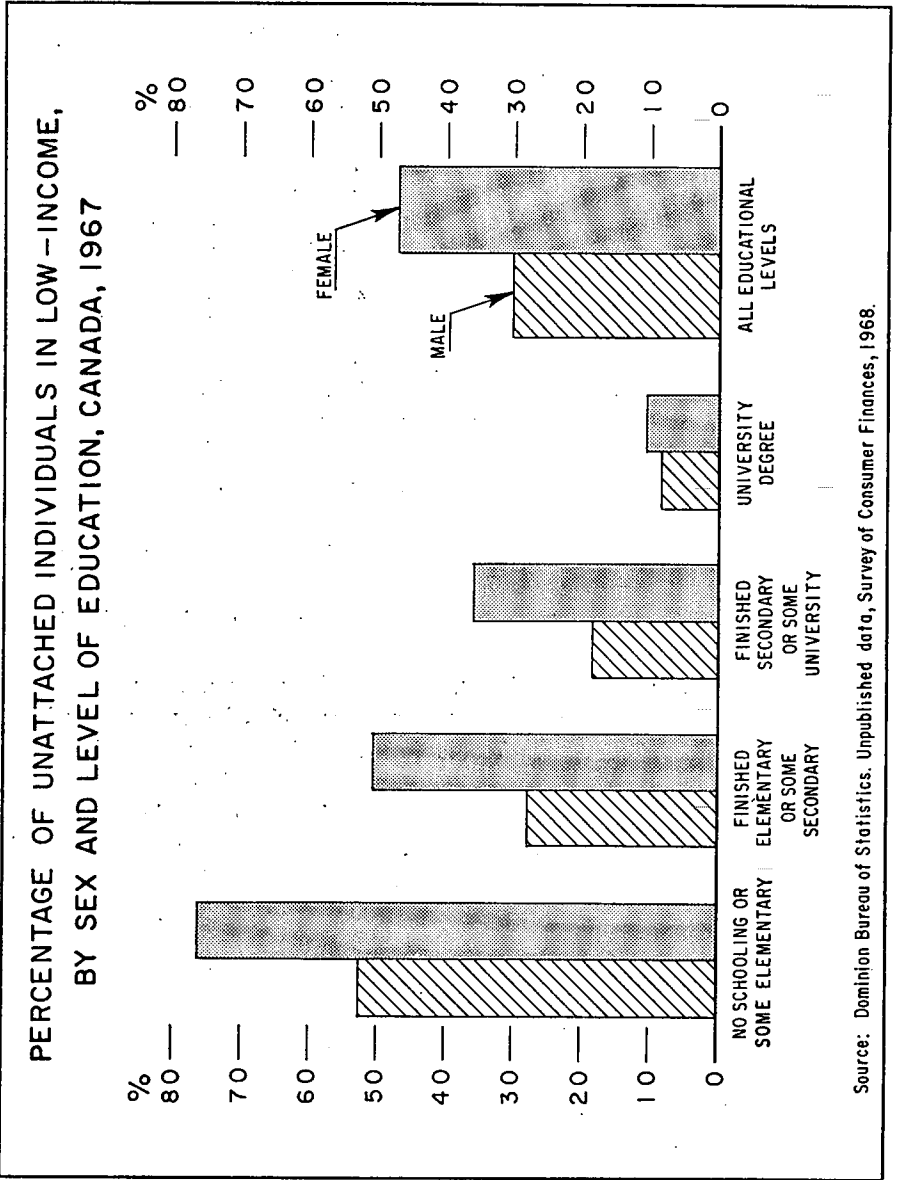
Sex and Level of Education	Number of persons		Percentage in Low-Income Category
	Low-Income	All	
Males—			
No schooling or some elementary	97,600	184,500	52.9%
Finished elementary or some secondary.....	82,900	296,400	28.0
Finished secondary or some university.....	34,700	185,800	18.7
University degree.....	5,400	63,900	8.4
All Educational Levels.....	220,600	730,600	30.2
Females—			
No schooling or some elementary.....	98,600	128,600	76.7
Finished elementary or some secondary.....	158,800	313,100	50.7
Finished secondary or some university.....	102,300	283,500	36.1
University degree.....	4,800	45,000	10.7
All Educational Levels.....	364,500	770,200	47.3

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

29. An important aspect of life for the poor woman is the inadequate supply of low cost housing. If she is a sole-support mother she may encounter prejudice among landlords, who consider her a poor tenant risk. For all women on low incomes, the disastrous lack of low-cost housing in Canada is of great concern. Canada is far behind other countries in the western world in this respect. Less than one per cent of our current housing stock is subsidized public housing, and even in 1969, public housing was only 3.9 per cent of new housing starts. In Britain, 50 per cent of housing construction in recent years has gone into subsidized public housing.²⁰ Public housing as we have known it in Canada has been criticized: some projects are described as ghettos, and there is a reluctance to stigmatize such housing by restricting its occupancy to welfare families and especially to sole-support mothers on welfare. We are concerned that such fears should not inhibit the provision of public housing of various types and designs. There are long waiting lists of people for public housing, whatever its disadvantages. One witness appearing before the Special Senate Committee on Poverty said: "Although public housing has certain drawbacks and may be a second-best

²⁰ Canadian Welfare Council Housing Committee. *The Current Housing Situation and Prime Issues*. Ottawa, Canadian Welfare Council, April, 1970. and Audain, Michael. *Towards a Comprehensive Housing Policy for Ontario*. Unpublished paper for the Canadian Welfare Council Housing Committee.

CHART — I



Source: Dominion Bureau of Statistics. Unpublished data, Survey of Consumer Finances, 1968.

solution for some people, it is certainly better than living in a rat-infested hole. We have not found one person living in these conditions who would not take public housing over their previous living accommodations."²¹

30. The living pattern inherited by generations of poor women makes it very difficult for them to break the bonds of poverty. They grow up more frequently in homes without a father; they are part of a population group which includes more common law relationships, more early pregnancy, more illegitimacy. The daughters of the poor drop out of school earlier, marry earlier, have more children and, more often than middle class girls, are deserted by their husbands and left without support. The teen-age girl from a poor family who drops out of school at 16 to get married is likely to marry a boy close to her own age who has not completed his education and therefore stands very little chance of earning an adequate income for his family. The girl has forfeited her chance of getting sufficient training to enable her to contribute financially to their needs.

31. There is a strong inter-relationship between many of these aspects of poverty. Each contributes to the next: the lack of education to the lack of a job; the lack of a job to poor housing and ill health. Women can escape the treadmill only with society's help and through many concurrent measures to correct the unjust position to which they are relegated.

Specific Groups of Women Affected by Poverty

32. It has been said that poverty in Canada today presents the problem of a large minority which exists in the midst of comparative affluence. In economies like Canada's with high and rising levels of income, poverty to an increasing extent is associated with specific groups rather than with all segments of the population. If, for example, heads of families are females, or not in the labour force, or are aged 65 and over, the probability of poverty is well above average. This analysis of poverty has led us to consider two groups of women: sole-support mothers, and elderly women.

Sole-support Mothers

33. More than one-third of all women who are heads of families are poor. In 1967, only 7.5 per cent of all families were headed by a woman, but 14.8 per cent of low-income families had female heads. There were 123,200 poor families headed by women.

²¹ *Op. cit.* Proceedings of the Special Senate Committee on Poverty. November 17, 1969, p. 50. Winnipeg Tenants Association.

34. The high incidence of poverty among these women is reflected in statistics relating to income and the number of children in the family, compared with the same characteristics for families with male heads. Table 5 indicates, for example, that 66.8 per cent of families with four or more children headed by a woman are poor, compared to 23.7 per cent of families of this size headed by a man.

Table 5. Incidence of Poverty Among Families, by Sex of Head and Number of Children, Canada, 1967

Sex of Head and Number of children under age 16	Number of Families		Percentage in low-income category
	Low-income families	All families	
Male heads—			
No children*†.....	300,800	1,608,100	18.7%
1 child.....	84,500	738,000	11.4
2 children.....	105,900	784,600	13.5
3 children.....	89,200	507,900	17.6
4 or more children.....	127,900	539,000	23.7
TOTAL.....	708,300	4,177,600	17.0
Female heads—			
No children*.....	45,900	190,400	24.1
1 child.....	27,000	64,000	42.2
2 children.....	20,100	38,500	52.3
3 children.....	12,900	20,900	61.9
4 or more children.....	17,300	25,900	66.8
TOTAL.....	123,200	339,700	36.3

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

*A head of family is not necessarily a parent; he or she may have no children but may look after one or more dependants, such as an elderly parent. Heads with children 16 and over are also in this group.

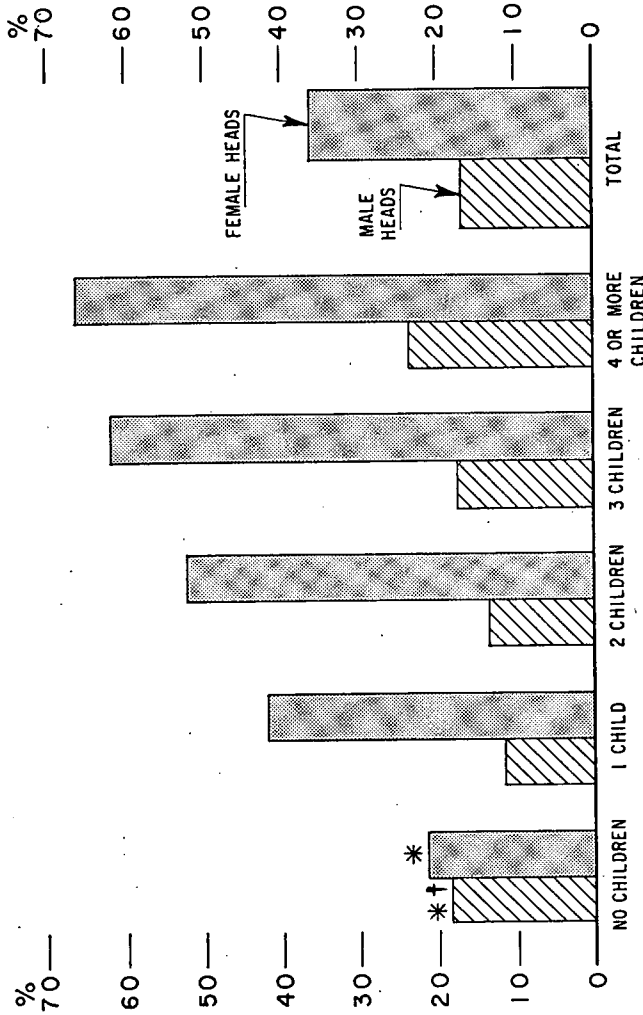
†Mostly married couples with no children or children 16 and over.

35. According to 1967 data, the average income for all women heads of families was \$2,536, compared with the average income of male heads of families of \$5,821.²²

²² *Op Cit.* Survey of Consumer Finances, 1968.

CHART-2

INCIDENCE OF POVERTY AMONG FAMILIES, BY SEX OF HEAD* AND NUMBER OF CHILDREN, CANADA, 1967



* A head of family is not necessarily a parent; he or she may have no children but may look after one or more dependants, such as an elderly parent. Also heads with children 16 and over are in this group.

† Mostly married couples with no children or children 16 and over.

Source: Dominion Bureau of Statistics. Unpublished data, Survey of Consumer Finances, 1968.

Table 6. Number of Families and Percentage Under Specific Annual Income by Sex of Head, Canada, 1967

Sex of Head	Number of Families	Percentage with Family Annual Income under		
		\$3,000	\$2,000	\$1,000
Both Sexes.....	4,518,000	13.2%	5.8%	1.9%
Male.....	4,178,000	11.7	4.9	1.5
Female.....	340,000	30.7	16.9	6.5

SOURCE: Dominion Bureau of Statistics. Unpublished data. Survey of Consumer Finances, 1968.

36. While Canadian families generally have become more prosperous, those headed by women have not kept pace. "Whether the head of the family was a man or a woman made a considerable difference in terms of income improvement over this 15-year period (1951-1965). The proportion of families with incomes under \$3,000 and headed by women declined by only 24 per cent. This contrasted with a drop of 58 per cent in the case of families headed by men."²³

37. Women who are the heads of families are either widowed, divorced, separated, deserted or unmarried mothers, and they usually have dependent children. More than other families in the average population, these families headed by a woman tend to be supported by welfare assistance. In 1967, 23 per cent of all families with female heads depended on government assistance as their major source of income, compared to six per cent of all families headed by males.²⁴ Since the inception of the Canada Assistance Plan in 1966, many of the conditions and restrictions formerly imposed on mothers applying for mothers' allowances have been changed or eliminated. In spite of this improvement, the welfare assistance payments now received are often tragically inadequate, as a few examples will show.

38. In 1968, for a needy mother with two dependent children, social assistance rates, excluding rent, in various provinces (except Quebec) ranged from about \$92 to about \$119 a month. This represents a budget to cover food, clothing, utilities, household supplies and personal care. The *Toronto Guides for Family Budgeting* sets a minimum of \$127.86 for the same needs. A rental allowance is paid in addition in most provinces, but it would appear that in many cases the allowance is quite inadequate. In large cities where the

²³ *Op Cit.* Economic Council of Canada. *Fifth Annual Review*. p. 120.

²⁴ *Op Cit.* Survey of Consumer Finances, 1968.

cost of living is higher, many families have to spend some part of their rental allowance on food, clothing and other items, and thus fall into default on their rent payments.

39. Social assistance rates for the City of Montreal for 1969 have been published. The maximum monthly allowance for a one-parent family with one child is \$125; with two children, \$135, and so on with an increase of \$10 per child.²⁵ If a mother needs assistance on a long-term basis, under the Quebec provincial scheme she will be paid according to different rates; a needy mother with one dependent child receives \$95 a month; with two dependent children, \$115 a month, and she is allowed \$20 for each additional child. If she is a deserted wife, technically she is not entitled to assistance until six months after desertion, or until she has a judgment for judicial separation, although she may receive emergency assistance for the six-month period.

40. Inadequate public assistance to sole-support mothers frequently leads to placing children in foster homes. One provincial assistance programme gives the mother \$20 a month for the care of a dependent child, yet is willing to pay a foster home from \$60 to \$75 a month to care for the same child. It would seem much more desirable to pay a higher sum to the mother to help her keep her family together.

41. Many briefs presented to the Commission described the plight of the sole-support mother: "The biggest single and continuing problem of sole-support mothers is a basic financial insecurity and a subsistence level of living which they have no real hope of improving".²⁶ "Women who are the sole breadwinners for their families find that they suffer from the conditions which handicap women in our society, yet they are expected to function like men, in supporting their families."²⁷ It is almost impossible for one adult to assume what is normally the responsibility of two, and the physical and mental strain involved has harsh consequences for these mothers, and results in a great deal of insecurity for their children. "Just as a couple will normally face the problems of existence with every chance of success, so the wife, when on her own, will find these same problems almost insurmountable. For this reason, society should be the substitute for the 'second partner' by means of programmes which provide moral, material and social security."²⁸

²⁵ However the amounts may vary according to other factors. For example, there are three possible types of assistance: regular, special and emergency.

²⁶ Brief No. 146.

²⁷ Brief No. 319.

²⁸ Brief No. 256.

42. It is always difficult for a sole-support mother to decide whether she should take a job or stay at home with her family. In 1967, statistics show that 56 per cent of women heads of families were out of the labour force, as compared with nine per cent of male heads of families. In most low-income families, when children grow up and begin working, the incidence of low income declines but in such cases all family members are likely to be working. In families headed by women, any working members are usually the children or relatives other than the family head. This situation leads to almost complete loss of income for the woman when her children leave home.

43. If a woman who is the head of a family decides to take employment she is often faced with the problem that, with insufficient education or training, it is difficult for her to earn an adequate income. Nearly one half (49.1 per cent) of all female heads of families in 1967 had either only elementary school education or no schooling; among the low-income families headed by a woman, 57.1 per cent of the women had only elementary schooling or in a few cases no schooling at all. Opportunities for the sole-support mother to upgrade her qualifications and acquire new skills must be greatly expanded. In the Chapters dealing with education and the family, we make recommendations for continuing education and for day-care centres.

44. We believe that the solution to the pressing needs of the sole-support mother is to provide her with a guaranteed annual income paid by the federal government. The same provision should be made for men who are single heads of families with dependent children. The poverty lines adopted by the Economic Council of Canada might serve as guidelines. Some indication of the numbers involved is shown in Table 5, which shows 77,000 female heads of low-income families with dependent children under 16 years of age. The number of low-income men who are sole-support parents is much smaller. Exact figures are not available. In 1967 at all income levels there were only 40,000 families consisting of fathers and children, but in some of these the children were adult, and only 19 per cent of these families had incomes under \$3,000 a year.

45. We recognize in principle the benefits of a guaranteed annual income for all Canadians. As a first step the income should be granted where the need is greatest, that is to single parents and especially to sole-support mothers who as a group represent a major category among the nation's poor. The assistance would be restricted to a group of citizens who, due to circumstances beyond their control, are in a difficult and vulnerable position: their income is substantially below that of the average Canadian and the care of dependent children restricts their participation in the labour force.

46. One method of providing a guaranteed annual income is through a negative income tax. Under this scheme, those whose incomes fall short of the statutory minimum are entitled to an allowance, just as those whose incomes exceed a statutory maximum have to pay an income tax. It should be noted that the allowance for child care recommended in the Chapter on the family would be counted as "income", unlike the existing Family Allowance which is tax exempt.

47. The negative income tax principle has already been introduced in the Guaranteed Income Supplement paid to old age pensioners. Sole-support mothers have a characteristic in common with the elderly: they have a tenuous relationship with the labour market and the question of work incentives for them is of little concern to society.

48. Therefore, we recommend that a guaranteed annual income be paid by the federal government to the heads of all one-parent families with dependent children.

49. We recognize that many women with dependants other than children may be in difficult circumstances. However, some of these dependants such as the elderly or the disabled may have alternative forms of social allowances, and we have therefore singled out sole-support mothers as the group most urgently in need of over-all assistance.

50. The guaranteed annual income would reduce expenditures under various federal and provincial assistance schemes. Any appraisal of costs would have to take into account the discontinuance of those benefits, as well as the additions to pre-tax income of such measures as the child allowance recommended by the Commission.

51. A frequent objection to selective programmes of this kind is that they encourage abuse. It may be said that the proposed plan would encourage husbands to desert so that their families could receive the guaranteed annual income. We believe that this possibility will be reduced if the Assessment Branches attached to Family Courts, which we have recommended in the Chapter on the family, become fully operative. Procedures for establishing the financial responsibility of a husband for his family would be clearly defined through the Assessment Branches. There should be close co-operation between Family Courts and the federal authority administering the Guaranteed Annual Income.

Elderly Women

52. In 1968, life expectancy for women in Canada was 75.6 years, compared to 69.0 for men. Population forecasts estimate that the number of

women in the older age groups will continue to increase more rapidly than the number of men and that, by the end of the century, nearly 57 per cent of the older population will be women.²⁹

53. To be old means, far too often, to be poor. In 1967, there were 223,000 families with heads 65 years of age and over, and 275,000 unattached individuals in the same age group, with incomes below the poverty line. Many of the families included a second elderly person, usually the wife.

54. The Guaranteed Income Supplement introduced in 1966 and subsequent increases have somewhat improved the financial situation of many older people. Yet these increases have not moved them above the poverty line: the maximum old age pension payable in 1970 (\$1,336.92) is still below the income limits used in estimating poverty.

55. Older women are often widows³⁰ who because their children have grown up and left home are no longer members of a family group. There are somewhat smaller numbers of elderly single, divorced and separated women. The 1967 statistics indicate that 262,000 women 65 and over are living alone. Among these women, 1967 statistics reveal that almost half are in the low-income groups and that this proportion represents no marked improvement compared with 1965 figures. Their reported average annual income was \$1,936 in 1967, while the poverty line for individuals was \$1,740 in the same year.

56. The incomes of older women living in families appear to be still lower. They have not been reported separately, but statistics show the 1967 average income for all women 65 and over, regardless of family situation, to be \$1,596. For all men in the same age group it was \$3,044 in the same year.³¹

57. Such a high proportion of incomes below the poverty line probably indicates that many elderly women have only their old age pensions to live on. This confirms the fact apparent in the 1961 statistics, that elderly women living alone are primarily dependent on social security payments. According to the Report of the Special Committee of the Senate on Aging, 70 per cent of all women age 70 and over, compared to 40 per cent of all men in the same age group, had no income other than government pensions and allowances.³²

²⁹ Brown, T. M. *Canadian Economic Growth*. Ottawa, Queen's Printer, 1965, Appendix E, Table 2, p. 283.

³⁰ The Senate of Canada. *Final Report of the Special Committee of the Senate on Aging*. Ottawa, Queen's Printer, 1966, p. 3.

³¹ *Op cit. Income Distribution and Poverty in Canada*. 1967, Table 5, p. 9.

³² *Op cit. Final Report of the Special Committee of the Senate on Aging*. p. 13.

58. There are now at least four government programmes designed to protect the aged against poverty: (1) a universal old age security pension; (2) a Guaranteed Income Supplement, which is implemented in the form of a negative income tax; (3) the Canada Pension Plan, under which payments are based on the contributor's earnings; (4) various provincial programmes operating under the Canada Assistance Plan, with a 50 per cent federal contribution.

59. Canada has had an old age pension plan since 1927. In 1951 the Old Age Security programme was introduced, under which the entire cost of a universal pension was assumed by the federal government. This scheme is tied to the cost of living and the benefit as of March 1970 was \$79.58 a month. In addition, a Guaranteed Income Supplement based on individual income is paid to a maximum of \$31.83 a month, making a total possible Old Age Security payment of \$114.41 or \$1,336.92 a year. In 1968 there were 1,378,000 people receiving the old age security pension. Over half of them, 742,000, had very little or no additional income, and applied for all or part of the guaranteed income supplement. Many people between 65 and 70 also find they must pay income tax because they are not eligible for the additional \$500 tax exemption to which those over 70 are entitled. A higher exemption level should be introduced to remove people at this income level from the tax rolls, so that they do not pay income tax when their incomes are below the poverty level.³³

60. The Canada Pension Plan, introduced in January 1966, is of limited assistance to elderly people. Thousands of people now over 65 are ineligible because they did not contribute during their working years. Moreover, the Canada Pension Plan is restricted to people in the labour force and their dependants. A woman who has not worked outside her home is not eligible in her own right though she may receive a widow's allowance.

61. The Canada Assistance Plan provides public assistance through provincial programmes to all individuals and families in need, and is frequently used to assist old age pensioners, or people between the ages of 60 and 65 who are not yet eligible for pensions, when their total income is insufficient to maintain them. The public assistance rates, however, are not enough in many cases to lift incomes even to the poverty level of \$1,800 for a single person in 1968.

62. In spite of all this legislation, our aged population is in constant danger of sliding into poverty. The paradox is that this danger exists even when times are at their best: when the standard of living of those in the

³³ A basic exemption of \$1,400 has been proposed in the White Paper on Taxation. Minister of Finance. *Proposals for Tax Reform*. Ottawa, Queen's Printer, 1969.

labour force is rising most rapidly. During 1968, wages and incomes went up by 8.8 per cent; allowing for the increased cost of living, the gain was still over four per cent. At the same time, the aged who depend solely on their fixed old age security income had a decline in their purchasing power of about two per cent.³⁴ This is due to the fact that the consumer price index went up by over four per cent, while the cost-of-living increase tied to the Old Age Security benefits is limited to a two per cent rise. There is a widening gap between the standard of living of the aged and the way in which most of the rest of the population can afford to live.

63. Old age usually brings a decline in health and a greater need for drugs and medical care. One woman on welfare testified at the hearings of the Commission that she received only \$5 a month to cover the cost of drugs, although the prescription drugs she required for her heart ailment amounted to nearly \$30 a month. The cost of care in a nursing home can quickly wipe out the small savings of a lifetime.

64. Too often elderly women, single or widowed, are left behind in our society. Thousands are living lives of loneliness and deprivation. While not starving, they are undernourished at a time when they need a good diet to maintain their health. They live in inadequate quarters, such as draughty attics or damp basement rooms. The cost of housing appears to affect women more than it does men. The Special Committee of the Senate on Aging found that elderly women, despite very low incomes, tended to pay more for rental accommodation than elderly men. Low-cost housing projects for the elderly are in short supply and cannot begin to accommodate the number of applicants.

65. Our conclusion is that Canada's old age security system is based on an excellent formula of payments, but lacks generosity. If social rights are to be at all meaningful, the standard of living of the aged should not be allowed to decline when the general standard of living in the country is rising.

66. Therefore, we recommend that (a) the **Guaranteed Income Supplement to the Old Age Security benefits be increased so that the annual income of the recipients is maintained above the poverty level, and (b) the Supplement be adjusted to the cost of living index.**

Poverty among the Indian, Métis and Eskimo Women of Canada

67. If it is true that large numbers of the poor in Canada are women, the poorest are the Indian, Métis and Eskimo women. According to the economic consultants to the Carrothers Commission: "Their (Indian and

³⁴ *Op. cit. Proceedings of the Special Committee Senate on Poverty*. June 19, 1969, Appendix N, p. 468. Canadian Welfare Council Submission.

Eskimo) incomes are so low as to bring them within the scope of the 'poverty' problem of Canada and at the lowest and most depressed strata of that problem."³⁵ Representations were made to this Commission concerning the hardships endured by women on the Indian reserves and in the northern territories, and the discrimination they encountered in white urban communities. A submission from the Alberta Native Women's Conference urged "large-scale anti-poverty programs" because "the general economic and social conditions in which we are presently living are below the standard of living of the majority of Canadians."³⁶ The same brief made the following proposal: "Whereas native persons have faced discrimination in housing and employment particularly in the cities, it is recommended that an educational program be provided for the white population as well as more strict enforcement of equal human rights laws."

68. Registered Indian and Eskimo people are excluded from the population sample used in the Dominion Bureau of Statistics surveys on income such as those taken in 1965 and 1967. The only figures available come from special surveys based on very limited samples. However, statistics concerning life expectancy and infant and maternal mortality are reliable indicators of general prosperity or the lack of it. Indians and Eskimos of Canada have a high fertility rate. According to the 1961 census for Canada, Indian women, who had just completed their fertility period, had given birth to an average of 6.7 children and Eskimo women to 6.5 children, twice the average for other Canadian women.³⁷ In 1965-66 the infant mortality rate among registered Indians of Canada was 49 per 1,000 live births.³⁸ Among Eskimos, for the period 1963-66, it was 95 deaths per 1,000 live births, nearly five times the rate for all Canada.³⁹ In 1967 the life expectancy of Eskimos of both sexes was estimated at 50 years. In 1968 it was about 66 for Indian women, while the figure for all Canadian women was nearly 76.

69. In 1965, 78.5 per cent of all Indian households had an annual income of less than \$3,000; 54.5 per cent had less than \$2,000 and 28.2 per cent less than \$1,000.⁴⁰ The Indian population derives a substantial proportion of its income from government assistance. The amount of public assistance

³⁵ *Report of the Advisory Commission on the Development of Government in the Northwest Territories*. Vol. 1, Ottawa, 1966, p. 71.

³⁶ Brief No. 310.

³⁷ This is still a little lower than, for example, the rate reported for rural French Canadian women of the same age (6.9 children). Dominion Bureau of Statistics. *Census of Canada 1961*. Bulletin 4, 1-8, Table H-4.

³⁸ Dominion Bureau of Statistics, Vital Statistics Section, unpublished data.

³⁹ Department of National Health and Welfare. *Life Expectancy of Canadian Eskimos*. Canada, 1969.

⁴⁰ A special survey by the Indian Affairs Branch of the Department of Indian Affairs and Northern Development, 1965. *Op. cit.* The Economic Council of Canada. *Fifth Annual Review*. p. 121.

paid to Indians was \$29,644 million in the fiscal year 1968-69.⁴¹ In a survey, Indian homes were found to be lacking sewers, septic tanks, toilets, running water, central heating and electricity. Poor housing conditions are a cause of serious health problems. The brief submitted to us by the Alberta Native Women's Conference said, "... the health situation of many native persons is critical due to scarce field personnel, poor transportation facilities and lack of adequate facilities and staff in hospitals."

70. The economic situation of the Eskimo people is even more serious, if possible, than that of the Indians. According to a 1966 report,⁴² the average income of the Eskimo in the Northwest Territories was less than one-sixth that of the white Canadian, which would bring it to about \$800 a year. This does not take into account the Eskimo's income in kind derived from trapping, hunting and fishing. On the other hand, the cost of those goods that must be purchased with cash is substantially higher than in most other parts of the country. Public assistance payments constitute an important part of the income of the Eskimo people, as they do among Indian families.

71. An increasing number of Indian girls and women are leaving the reserves to go to the nearest urban communities to look for work. Their background severely handicaps them, and many submissions at public hearings told of discrimination on racial grounds. Largely through their lack of education and experience and their sense of alienation, many eventually find themselves in trouble with the law. The provision of girls' hostels, as we have recommended earlier in this Chapter, would be especially beneficial to young Indian girls who need a friendly and helpful environment as they enter urban life.⁴³

72. Women who come to the cities with husbands who are seeking work also have an extremely difficult time in caring for their families. Such existing organizations as the friendship centres in various cities across Canada should be enabled to extend their services to reach all Indian girls and women adjusting to a new way of living in the city. They should be staffed by native people and should provide social facilities, meals and information about local services. They should be advertised through the rural settlements for the information of migrating families. Airports and bus

⁴¹ *Op. cit. Proceedings of the Senate Committee on Poverty*. January 20, 1970, Appendix A, p. 142. Submission of the Department of Indian Affairs and Northern Development.

⁴² *Op. cit., Report of the Advisory Commission on the Development of Government in the Northwest Territories*. p. 71.

⁴³ This proposal was also put forward in the brief from the Alberta Native Women's Conference, which said: "Whereas many young native girls move to the city without knowing what to expect, we recommend that half-way homes be established in cities where girls could live in for one to three months and receive information and guidance on employment possibilities, city services, educational opportunities, recreational facilities, budgeting, grooming, etc."

terminals should display information to direct migrants who wish to make contact with their own ethnic centres. Therefore, **we recommend that the federal government, the provinces, territories, municipalities and voluntary associations, in co-operation with native people, establish or expand friendship centres directed and staffed by people of Indian, Métis or Eskimo ancestry, to provide needed services.**

Conclusion

73. The specific situation of women in poverty was an unexpectedly significant finding in our investigation. We believe it has merited separate attention and we have made recommendations which have relevance only to the low-income groups. However, we have taken a different approach to such services as day-care centres, visiting homemakers, family planning clinics and greater educational and employment opportunities, and to the provision of child-care allowances. While these measures may be of greatest benefit to the poor, we believe they should be extended to the population as a whole. Selective policies not only stigmatize the services provided but may be more difficult to implement because they frequently receive less public support. Recommendations made in the Chapters on the family, the economy and education should therefore be considered as part of the changes which are needed to improve the position of poor women in Canada.