

Gender, Segmentation and the Standard Employment Relationship in Canadian Labour Law, Legislation and Policy

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Using gender as its analytic lens, this article examines segmentation in the Canadian labour market by focusing on the standard employment relationship. It illustrates how standard employment was crafted upon a specific gender division of paid and unpaid labour, the male breadwinner norm, and was only available to a narrow segment of workers. To this end, it traces how from the 1950s the standard employment relationship was supplemented by a growth in jobs associated with, and filled primarily by, women workers and it shows how women's increasing labour market participation in the late 1960s and early 1970s shaped demands for equality in employment policies.

Since the 1980s, a deterioration in the standard employment relationship has undermined both demands for and the basis of gender equality strategies and the article concludes by raising the question of the normative basis for regulating employment in order to move towards strategies for reregulation.

Keywords: Canada, employment, gender, labour, law

Introduction

Canadian labour law, legislation and policy is composed of a number of instruments animated by different policy goals that reflect and reify the gendered and segmented labour market in Canada. Each of these forms of law and legislation, although targeting different groups of workers, takes the notion of a standard employment relationship as its starting point, with the result that

the greater the divergence between the standard employment relationship and the actual employment relationship the less likely that the worker will be able to benefit from labour-related law, legislation and policy. The restructuring of the labour market in Canada has led to the disintegration of the standard employment relationship and the 'feminization of employment relationships' – a phenomenon whereby a growing proportion of work arrangements carry wages, benefits, terms and conditions of employment resembling those conventionally identified with women and other marginalized workers. This has not only disclosed the partiality of the standard employment relationship and the hierarchy of different forms of labour law and legislation, it has deepened the segmentation of the labour market.

This article critically examines segmentation in the Canadian labour market, taking gender as its analytic lens and focus.¹ It is divided into three parts. The first part describes the rise of the standard employment relationship as a normative model of employment, tracing its roots to labour legislation and policies arising during and immediately following the Second World War. While it outlines the positive dimensions of this employment relationship, this discussion also addresses the limits surrounding it, suggesting that male blue- and white-collar workers were the primary beneficiaries of the standard employment relationship and, hence, gendered labour market dualism existed in Canada from its institutionalization. The second part continues this historical sketch of employment norms in Canada, focusing attention on the shape of the standard employment relationship and the flip-side of this relationship in the 1960s and 1970s; this period began with non-standard employment relationships supplementing the standard employment relationship and explicitly gendered labour law, policy and legislation facilitating labour market dualism and ended with the growth of formal equality between the sexes, epitomized by the emergence of gender neutral employment standards, public sector collective bargaining and the growth of other equity-oriented policies. However, formal equality between men and women went hand in hand with deteriorating employment norms. As evidence of the worsening conditions of employment endured by both men and women workers beginning in the 1970s, the third part addresses the breakdown of the standard employment relationship, turning its attention to the drastic changes occurring in the labour market, examining the proliferation of non-standard employment made possible by

deregulation and the impact of these developments on collective bargaining, employment standards and equity-oriented legislation. Its crucial finding is not the frequently touted ‘expanding menu of employment options’ that the rise and spread of non-standard employment relationships is said to provide but, instead, growing and persistently gendered polarization between standard workers and non-standard workers and among non-standard workers themselves – that is, the feminization of employment relationships.

A caveat must be offered here. This article is the first part of a two-part series on gender, segmentation and the standard employment relationship in Canadian labour law and policy that is devoted to describing the roots of labour market segmentation in Canada. Consequently, it does not address the policy options available in the face of the rise of non-standard employment relationships and the feminization of employment in Canada. Instead, this task is taken up in our upcoming article ‘By Whose Standard: Reregulating the Canadian Labour Market’ to be published in the next issue of this journal.

The Rise of the Standard Employment Relationship and Segmented Labour Legislation

The History and Origins of the Standard Employment Relationship

The history and evolution of labour law, legislation and policy in Canada is intricately intertwined with what has come to be known as the standard employment relationship (SER). The SER is best characterized as a continuous, full-time employment relationship where the worker has one employer and normally works on the employer’s premises or under his or her supervision (Butchtemann and Quack, 1990: 315; Muckenberger, 1989a: 267; Schellenberg and Clark, 1996: 1; Tilly, 1996: 158–9). Its essential elements include an indeterminate employment contract, adequate social benefits that complete the social wage, the existence of a single employer, reasonable hours and employment frequently, but not necessarily, in a unionized sector. The high level of compensatory social policies, such as pensions, unemployment insurance and extended medical coverage associated with the SER are particularly noteworthy since, in combination with the existence of the standard employment contract, they have historically, ‘incorporated a degree of regularity

and durability in employment relationships, protected workers from socially unacceptable practices and working conditions, established rights and obligations, and provided a core of social stability to underpin economic growth' (Rodgers and Rodgers, 1989: 1).

While its roots may be traced to national and supranational developments in the interwar years, ranging from the emergence of the ILO as the guardian of international labour standards to Canada's endorsement of full employment, the SER became the normative model of (male) employment in Canada in the golden age of rapid postwar accumulation, economic expansion and productivity growth as workers successfully secured associational rights and as collective bargaining gained legitimacy. It rose to dominance in a period (1943–8) when organized workers' militancy was strong and, thus, employers and the state took the threat of revolt seriously. It was the product of an entente between business and organized labour, mediated by the state, that corresponded with the emergence of Fordism as a production regime and endorsed the male breadwinner norm and the notion of a 'family wage'. A central element of this postwar agreement was a particular understanding of the gendered division of paid and unpaid labour, whereby women were to be responsible for the social reproduction (both daily and generational) of the population and, in turn, were relegated to secondary labour markets and/or presumed to have access to subsistence (in part or in full) through the male wage. The basis upon which this division is negotiated is what Jill Rubery called the 'gender contract' inside and outside the labour market (Rubery, 1998: 23).²

Although numerous pieces of labour legislation contributed to bringing the SER into being, Order-in-Council PC 1003 (1944) was the most important. Modelled on the American Wagner Act and representing the positive side of the capital–labour accord, the key elements of PC 1003 consisted of: union certification by union membership cards and majority vote, exclusive bargaining agent status defined by bargaining units, protection against unfair practices and enforceable obligations on employers to bargain in good faith (O'Grady, 1992). PC 1003 was based on two structural features, a bargaining unit determination process that presumed that collective bargaining would take place at the level of the work-site and a commitment to majority rule in union representation, which were incorporated in provincial and federal statutes in the immediate postwar period.

From organized labour's perspective, the postwar compromise was a dramatic victory. Industrial unionism was firmly established in the leading sectors of the Canadian economy, where pattern bargaining had been secured. In the decade following the end of the Second World War, trade union membership increased from 15.7 percent of the non-agricultural workforce to 23.6 percent (Russell, 1990). With increased union strength came significant rises in real wages, which were largely achieved through a form of productivity sharing, pioneered in the automotive industry, whereby annual wage increases were pegged to increases in efficiency (Taylor and Dow, 1988). Fringe benefits, such as pensions, paid holidays, shorter work weeks, sick pay and disability insurance began to emerge as standard features in collective agreements in leading sectors (Roberts and Bullen, 1984). Seniority increasingly became the most important factor for distributing job-related benefits (Jamieson, 1968). Thus, the legal regime of collective bargaining introduced in PC 1003 contributed to the ascendancy of the SER as a norm.

On the downside, however, even though PC 1003 and its provincial and federal successors provided workers with a form of industrial citizenship (Arthurs, 1967), it promoted a specific form of responsible unionism (Fudge and Glasbeek, 1995; Panitch and Swartz, 1993). Unions came to emphasize their own institutional security and their members' employment-related benefits rather than organizing new sectors. Despite the fairly rapid increase in trade union membership, the growth of unionization after the Second World War was extremely uneven. Workers in the resource, mass production and transportation industries joined the skilled craftworkers in the ranks of organized labour, so that in the mid-1950s 'the typical union member was a relatively settled, semi-skilled male worker within a large industrial corporation' (Heron, 1989: 92). Except in Saskatchewan, collective bargaining legislation did not cover public sector employees, thereby excluding increasing numbers of workers from the right to bargain collectively through the union of their choice. Moreover, even within the private sector, in which some form of collective bargaining legislation was very likely to apply, certain industries and workplaces were a better fit than others. In the secondary sector, which was highly competitive and labour intensive, the legislation did not assist union representation and collective bargaining (Jamieson, 1968: 348-9; Ursel, 1992: 249-50).

In large measure, this was a result of combination of the fragmented structure of collective bargaining, which was reflected in and reinforced by bargaining unit determination policies adopted and administered by labour relations boards (Fudge, 1988; Logan, 1948; Millar, 1980) and employers' retention of their legal rights to refuse to recognize a trade union that did not successfully navigate its way through the legislated recognition procedures. Only the strongest trade unions obtained anything that approximated industry-wide bargaining and, even then in most cases, it was not legally enforceable. Plant-by-plant bargaining became the norm; 'instead of working towards the generalization and equalization of power and wage rates, [the collective bargaining system that developed] accentuated the differentials of power and anomalies of disparate wage rates' (Pentland, 1968: 170). Moreover, the bias towards certification at the level of the workplace made it difficult for workers in small workplaces in the competitive sector, unless they enjoyed a monopoly of specific skills, to wield enough bargaining power to secure a collective agreement, even if they were unionized (Woods, 1973: 25). The cost of organizing and servicing small bargaining units, combined with the difficulty of obtaining significant contract improvements from marginal firms facing stiff competition, was a strong disincentive for unions to mount major organizing drives in these sectors (Fudge, 1993).

The structural limitations of the collective bargaining regime were reinforced and overlaid by other features of the postwar compromise. At the macro level, the systemic segmentation of the labour market enabled leading firms to concede higher wages to some organized workers in the core sectors while, at the same time, a large category of unorganized workers remained available to help lower aggregate labour costs. Workers in core firms shared a narrow economic self-interest in maintaining a segmented labour market, since it provided low-cost consumer goods. Moreover, the composition of the secondary workforce was sufficiently distinct from that of the primary sector such that different working conditions, wages, standards and the absence of union representation were considered natural, or, at least, uncontroversial (Vosko, 2000). As Jane Ursel (1992: 239) observed, 'women constituted the largest pool of such labour in Canada and were, therefore, a key component in the segmentation strategy of capital'.

Given its narrow focus, not surprisingly, the normative model of employment and, more specifically, the regime of collective bargain-

ing fostered by PC 1003 and its successors in the 1940s and 1950s were highly gendered. Although it did not explicitly exclude women workers from coverage, collective bargaining legislation was designed to serve the interests of male workers in industrial sectors (Forrest, 1995: 140). Moreover, the narrow and highly gendered lenses through which federal and provincial labour relations boards interpreted this legislation contributed to a fragmented structure of collective bargaining, one that was premised on labour market segmentation rather than solidarity. This narrowness led to differential treatment of standard and non-standard workers under labour law and policy as well as within unions (Forrest, 1995; Fudge, 1993; Sugiman, 1994; Ursel, 1992). Given its exclusionary character, the PC 1003 model perpetuated, rather than eradicated, labour market dualism. The gender contract which underpinned it assumed that women were economically dependent upon men.

The Dual Labour Market

Due to the normative pre-eminence of the SER and the legislation that made it a reality after the Second World War, scholars often underplay both the dualism persisting in the labour market in this 'golden' era and the legal instruments upholding the flip-side of the SER (Arthurs, 1967); the primary effects of this oversight are that segmented labour law, legislation and policy are disregarded. According to Muckenberger (1989b: 386), 'the selective function of the SER has probably always existed, and was one reason why it was always a normative, partly fictitious, reference model rather than an empirical pattern of employment'. Gendered assumptions about the appropriate role of women in the labour market served to make its selective function invisible at worst and unproblematic at best.

Even though a sizeable percentage of workers benefited from the post-Second World War capital-labour accord, provisions in PC 1003 (and related instruments) and the emergence of an SER, the Canadian labour market continued to be characterized by gendered dualism in the 1940s and 1950s. The majority of workers in its bottom tiers were those engaged in non-standard employment relationships (NSERs) whose ranks were, not surprisingly, filled disproportionately by women, immigrants and workers outside core industrial sectors (Arat-Koc, 1997; Avery, 1995; Bakan and

Stasiulis, 1997). In contradistinction to the SER, whose features are easily discernible, NSERs are more easily defined by what they are not, than by what they are and they have grown in variety over the course of the century (Vosko, 2000). In 1990, the Economic Council of Canada defined them as simply, 'those [forms of employment] which differ from the traditional model of a full-time job' (Economic Council of Canada, 1990: 12). While NSERs, which range from part-time, temporary and contract work to self-employment, differ in many respects, they often entail less income security than SERs. Although NSERs are heterogeneous in form and, therefore, not all forms are precarious, historically most non-standard workers have endured a lower level of social benefits and entitlements than standard workers, have been covered by an inferior set of labour laws and legislation than their counterparts in SERs, and have been subject to atypical employment contracts (Armstrong and Armstrong, 1994; Fudge, 1997; ILO, 1997; Vosko, 2000). NSERs and the social norms and ideologies (such as the ideology of domesticity and the male breadwinner norm) that initially reinforced them amounted to the package constituting the underside of the postwar compromise.³ They upheld the SER as the normative model of male employment while satisfying the persisting demand among employers to maintain a consistent supply of casual workers, especially in regions, industries and occupations perceived to be inferior to standard white-collar work and blue-collar industrial work (Ursel, 1992; Vosko, 2000).

Owing to their perceived status as secondary breadwinners, married women performing temporary and part-time clerical work exemplified non-standard workers in this period. Often working through temporary help agencies or hired directly by firms on a temporary basis, these non-standard women workers – the majority of whom were young, white and Canadian born (Lowe, 1987; Vosko, 2000) – were also excluded from standard labour protection because they did not fit the mould of the SER. They engaged in an early variant of the triangular employment relationship common in the contemporary temporary help industry that is characterized by a fixed-term contract (which may or may not be full-time), where the worker may be assigned to several worksites off the employer's premises, where employer responsibility may be shared between two parties and where benefits extended are routinely inferior to those enjoyed by standard workers (Vosko, 1997b). Moreover,

exclusionary policies and practices directed at married women by both federal and provincial governments and private sector employers (for example, marriage bars and disentitlements to unemployment insurance), and virtually unchallenged by organized labour until the 1960s, limited both their position in the labour market and their access to social benefits and entitlements (Archibald, 1970; Fudge, 2000; Hobbes, 1993; Hodgetts et al., 1972; Morgan, 1988; Pierson, 1990; Porter, 1993; White, 1980).

These types of impediments to labour force participation not only led women to remain in, or return to, the labour market on a part-time, casual or intermittent basis after the Second World War, it led to the casualization of certain spheres of female-dominated employment, like clerical work. Thus, in spite of the normative pre-eminence of the SER, a gendered dual labour market persisted in the 1940s and 1950s; the system of segmented labour law, legislation and policy was integral to shaping this pattern.

Segmented Labour Law, Legislation and Policy

The notion of industrial pluralism, which came to characterize the conventional wisdom concerning appropriate labour relations law and legislation from the late 1940s to the late 1980s in Canada, is that collective bargaining is the primary mechanism for regulating the terms and conditions of employment and that direct statutory intervention, in the form of minimum employment standards, is an adjunct to that process (Adams, 1991; Arthurs, 1967; Fudge, 1991; Woods, 1968). Employment standards legislation, like the legal regime of collective bargaining, historically assumed a particular norm, but in its case the norm was female and subordinate, rather than male and dominant (Fudge, 1991, 1996a). The gendered norms of labour law, legislation and policy in Canada are revealed further by examining the impact of the legacy of protective and minimum wages legislation on statutory employment standards in the post-Second World War period.

Originating in the 1880s, the earliest form of protective labour standards legislation in Canada, the Factory Acts, was a response to the threat posed to Victorian social order by women's employment outside the home. Women's paid employment, especially alongside men in factories, 'not only undermined the privileged

position of men in the labour market and at home, but also their gender identity which was in part constructed around their ability to earn a family wage and to be independent at work' (Tucker, 1990: 117–18). The ideal solution was a combination of 'family wages' for men, protection for women and the exclusion of children.⁴ The Factory Acts initiated the legal distinctions in employment between male labour, on the one hand, and female and child labour, on the other, and established the legal precedent of focusing on women's sex – their reproductive capacities – rather than their economic needs, as a continuing preoccupation of labour legislation (Backhouse, 1991; Chernier, 1982; Creese, 1991; Tucker, 1990). The legislation focused on the possible adverse effects of work on women's health, offspring, mortality and morality, requiring that special consideration be made for women in the areas of sanitation and comfort.

The issue of women's substandard wages was not addressed until the end of the First World War when the concern was not so much with women's poverty, but with the storm of labour unrest that was building at the end of the war. In 1917, Alberta became the first province to enact minimum wage legislation, providing the same wage to be paid to both men and women (McCallum, 1996). However, this precedent of requiring the same minimum wages for men and women was not followed in other provinces and was quickly abandoned in Alberta. Led by Manitoba, the provinces established administrative boards to set wages for female employees. The wage standard selected was designed to provide a woman with a subsistence living in the event that she was entirely self-supporting and had no dependants (Kealey, 1987; Russell, 1991). According to J.W. Macmillan, an official involved in the administration of these schemes in Manitoba and Ontario, 'they provide for nothing more than the least upon which an independent working woman can subsist' (Macmillan, 1933: 30; Derry and Douglas, 1922; Russell, 1991). This benchmark failed to take into consideration the needs of women who were not dependent upon men but supported dependants (McCallum, 1986).

Protective legislation must be understood in terms of its symbolism and ideological legacy. When minimum wages were extended to men workers beginning in the late 1920s, they were higher than those required to be paid to women workers (Creese, 1991; Malles, 1976; Ursel, 1992). The effect of setting minimum wage rates for women workers was to reinforce a specific understanding of the

role of women: 'through protective legislation that differentiated the conditions of hiring men, women and children workers, state intervention reinforced women's economic inequality, their maternal role and their dependence on a male breadwinner' (Creese, 1991: 121).

Contrary to popular sentiment, the years 1939 to 1945 'did not mark any major advances towards [women's] equality in the workplace' (Sangster, 1985: 74). Although women's labour market participation rate increased dramatically during the war, the majority of women were employed, not in war industries, but in traditional 'women's work' (Forrest, 1995: 141). On those few occasions when labour shortages required women directly to replace men, the War Labour Board, which administered the system of wage controls imposed during the war and its immediate aftermath, made it possible for employers to reclassify those positions (Sugiman, 1994: 46; Ursel, 1992: 202).

After the war, government policies reflected the belief that men should be the primary wage earners since they were designed to reduce women's attachment to the labour market. The federal government encouraged women to undertake training in such areas as domestic service, household management, waitressing and hairdressing (Pierson and Cohen, 1984). Canada's full employment policy was specifically limited to men (Porter, 1993). Employers either got rid of women workers or confined them to lower paid and lower status jobs. Unions helped to strengthen sex-based segregation in many workplaces by negotiating sex-based classifications and seniority lists that operated to the disadvantage of women workers (Sugiman, 1994: 27).

None of these discriminatory practices offended the principles of PC 1003 or its immediate legislative successors (Forrest, 1995: 150). The 'fair employment statutes' enacted across the country, beginning with Ontario in 1944, prohibited discrimination because of race, creed, colour and trade union membership, but not on account of sex (Malle, 1976: 12–13). Despite the enactment of legislation providing for women's equal pay beginning with the Fair Remuneration of Female Employees Act in Ontario in 1951, different wage rates for men and women workers under minimum wage legislation were the norm across the country until the late 1960s. It was not uncommon for a jurisdiction to prohibit discriminatory wage rates for women who performed the same jobs as men while simultaneously providing for different wages for men and women workers in minimum wage legislation and orders (Ursel,

1992: 246). The positive thrust of the Fair Remuneration Act was undermined by its narrow commitment to requiring employers to pay women the same as men who performed the same work. This permitted a huge legal loophole for employers by permitting occupational segregation as a means for them to escape equal pay obligations. If employers were willing to comply with the legislation, women's wages improved. However, there is little evidence that apart from school boards, which had explicit sex discriminatory wage rates, many employers voluntarily complied. The complaint procedure was inadequate and the official authorized to enforce the legislation was unsympathetic to women's complaints of wage discrimination. Small differences in job descriptions were allowed to stand unchallenged as a basis for different wages and a union's consent to occupational segregation was considered to be a legitimate basis for wage discrimination. Any positive symbolic impact of the legislation was likely undermined by its regressive educational impact. Employers learned that it was perfectly legal to avoid paying women the same as men through the practice of occupational segregation (Malarkey and Hagan, 1989; Tillotsen, 1991).

After the war, provincial governments enacted legislation that provided for minimum working conditions and fringe benefits in employment in response to union demands and to provisions bargained in collective agreements. By 1950, the groundwork for a comprehensive labour standards system existed in practically all jurisdictions (Malles, 1976). These standards were designed to apply to those workers who did not enjoy the benefits of collective bargaining. Since the vast majority of women workers were not unionized, they were forced to rely on these standards. Even in firms in which production workers were well organized, office workers (who were predominantly women) were almost entirely ignored by union organizers during the 1940s and 1950s (Meyero-witz, 1985). Union drives in the retail sector, in which many women worked, also ran up against the limitations built into collective bargaining legislation (Sufirin, 1982).

Despite the fact that collective bargaining legislation was (and is) gender neutral on the face of it, it has historically assumed a standard worker in an SER. That standard worker was male, worked full-time, had a dependent family and had a relatively secure job in a large private sector firm in the manufacturing, resource-extraction sectors. Employment standards legislation, by contrast, was both explicitly gendered, through the different wage

rates for men and women, and implicitly gendered, both via occupationally specific wage orders and the legacy of sex-specific protective legislation. Moreover, collective bargaining legislation applied to the primary labour market, while employment standards were the resort of the workers in the secondary labour market. Thus, the bottom segment of labour law, legislation and policy, which was composed of minimum standards legislation, was based on 'feminine' norms, ideologies of domesticity and feminized employment relationships.

During the 1950s, labour law, legislation and policy revealed a 'bias towards access rather than equity' (Ursel, 1992: 246). On the one hand, there was an impulse towards formal legal equality for women in employment: basic employment standards were extended to men, equal pay for equal work legislation was introduced in several jurisdictions and the legal barriers to the employment of women were dismantled (Malle, 1976: 13; Ursel, 1992: 246). On the other hand, women's unequal treatment remained enshrined in many laws. Between 1950 and 1957, unemployment insurance regulations disqualified women from receiving benefits when they married unless special requirements were met (Porter, 1993). Moreover, several jurisdictions maintained different minimum wages for men and women workers (Creese, 1991; Ursel, 1992: 246-7).

The Feminization of the Labour Force, the Gradual Rise of NSERs and Gendered Labour Legislation

Throughout the 1960s and into the 1970s, the SER stabilized. It became the model of employment against which social and labour market policies, such as unemployment insurance and pension policy, were constructed. Some of its chief benefits and entitlements also extended to a growing number of male blue- and white-collar workers in the private sector and to public sector workers, where women's numbers expanded in the late 1960s and early 1970s. The late 1960s and early 1970s saw the extension of modified forms of collective bargaining legislation to the public and broader public sectors (Fudge and Glasbeek, 1995; Ursel, 1992; White, 1993). These developments not only generated increases in union density in Canada, they led to an increase in women's participation in the union movement, as the percentage of unionized women rose from 15.9 percent in 1967 to 21.4 percent in 1972 (Table 1). Moreover, as public service workers earned collective bargaining rights, the

TABLE 1
Union Membership and Density by Sex, selected years 1967–97

	Union Membership (000s)			Union Density ^a (%)		
	Both Sexes	Men	Women	Both Sexes	Men	Women
1967	2,056	1,654	402	33.2	40.9	15.9
1972	2,355	1,780	575	31.9	37.9	21.4
1977	2,785	2,003	781	31.2	37.4	22.6
1982	2,997	2,016	981	31.0	37.8	24.0
1987	3,614	2,261	1,353	32.0	36.0	27.0
1992	3,803	2,216	1,587	33.2	36.1	29.8
1997 ^b	3,547	1,949	1,598	31.1	32.4	29.6

Source: Akyeampong (1997).

^a Union density is the ratio of the number of employees who belong to a union to the number of paid employees.

^b Average for January–September 1997.

feminization of the labour force, which we define as rising labour force participation rates among women (Vosko, 2000), accelerated and ‘gender-neutral’ labour law, legislation and policies became more equity oriented (Fudge, 2000; Ursel, 1992). Gender equality at work became the norm of the new gender contract. The problem was that it did not include equality at home, where women retained primary responsibility for performing unpaid domestic work, especially when it came to caring for children.

The Feminization of the Labour Force and the Spread of NSERs

What had been a gradual rise in labour force participation among women in the late 1950s, with a brief dip and rebound in the early 1960s, accelerated in the late 1960s and early 1970s (Table 2). The removal of marriage bars and other limits to women’s employment in the federal public service, the growing need for two incomes in households and rising employment in clerical occupations, health care and the public sector stimulated this growth such that women’s labour force participation rates rose by over 10 percentage points between 1961 and 1971 (Armstrong and Armstrong, 1994: 16; Porter, 1998). Despite the extension of collective bargaining rights to public sector workers and increasing labour force participation

TABLE 2
Labour Force Participation, 1941–91

Year	Female Participation Rate (%)	Female Percentage of Labour Force
1941	20.7	18.5
1951	24.0	22.0
1961	29.5	27.3
1971	39.9	34.6
1981	51.8	40.8
1991	59.9	45.0

Source: Armstrong and Armstrong (1994).

rates among women, not all employment growth in this period entailed the extension of SERs. Rather, while NSERs still supplemented SERs through the 1960s and into the 1970s, the growth of NSERs began to accelerate by mid-decade.

Beginning in the mid-1970s, there was considerable growth in part-time work, contract work, temporary work, home-based work, self-employment and on-call work, growth that hastened in the 1980s and 1990s (Akyeampong, 1997; Krahn, 1995; Lipsett and Reesor, 1997). And, trends in Canada were consistent with those at the international level. In the OECD, most countries experienced substantial increases in at least one form of non-standard employment from the mid-1970s to the early 1990s (ILO, 1997; OECD, 1995). The feminization of the labour force and the gradual rise of NSERs went hand in hand. Moreover, growing militancy among women workers, women's groups and unions advocating change led to formal equality gains for women as employment norms deteriorated.

From Sex Discrimination to Gender-Neutral Employment Standards and Equality-Oriented Labour Law

Labour legislation enacted during the 1960s, especially as the decade progressed, demonstrated an unambiguous commitment to formal equality for women in employment. In addition to guaranteeing sex equality in employment, labour law, legislation and policy were characterized by the implementation of universal minimum

employment standards. 'Fair employment practices' laws, later to be called human rights legislation, extended protection against discrimination in employment to sex in the 1960s. These provisions were followed by the gradual implementation of equal pay for equal work legislation across Canada (Malles, 1976: 12–13). Simultaneously, sex segregation in minimum wages was dismantled as the labour movement pushed for universal standards applicable to all workers, regardless of sex (Creese, 1991: 131; Malles, 1976: 12). By 1970, minimum wages of general application, hours-of-work regulation, public holidays, paid holidays and notice of termination of employment became the norm in many jurisdictions across Canada (Malles, 1976: 12–13). Along with these general standards, the 1960s saw the enactment of protection for pregnant women who had to take time off work (Malles, 1976: 14).

The extension of employment benefits and entitlements, initially secured by workers who enjoyed collective bargaining to workers in individual employment relationships, was accompanied by the extension of collective bargaining rights to workers in the public and broader public sectors who, with the exception of those living in Saskatchewan, previously had been excluded from collective bargaining legislation. By 1973, every government in Canada had legislation providing for collective bargaining by public sector workers. Although it was modelled on private sector collective bargaining statutes, legislation designed for the public sector was inferior in several respects: it placed limitations on the right to strike, excluded a range of issues from the scope of bargaining and constrained workers' choice of bargaining representative (Fudge and Glasbeek, 1995: 384–5). Despite its weaknesses, public sector collective bargaining legislation marked the third wave of unionization in Canada. This trend resulted in an increased feminization of the labour movement since the organization of public sector employees accounted for the largest increase in the unionization of women, a 106 percent increase for women compared to a 40 percent increase for men between 1966 and 1976 (White, 1980: 22). The 1970s were a period of consolidation of women's participation in the labour market and the women's movement pressured Canadian governments for legislation designed both to promote sex equality in the workplace and to allow women to combine child-bearing with employment (Bird, 1970; Creese, 1991; Ursel, 1992). By 1973, employment protection for pregnant employees was provided, in

one form or another, in the federal jurisdiction as well as in six provinces and in 1972 the Unemployment Insurance Act was revised to provide for maternity benefits (Malles, 1976: 13). As well, human rights tribunals across the country made it illegal for employers to sexually harass female employees. The federal government quietly ratified ILO Convention 100, equal pay for work of equal value, in the autumn of 1972 and by the end of the 1970s, three Canadian jurisdictions introduced legislation putting the principle of equal value into practice. But, despite both the huge influx of women into the labour market and the legislative commitment to formal equality for women workers in employment in every jurisdiction in Canada, at the end of the 1970s the nature of women's paid work remained quite static. Formal legal equality was not enough to remedy the legacy of discrimination that continued to disadvantage women in the labour market. Legal prohibitions against discrimination on the basis of sex, while an important political victory, did not address the range of policies and practices that, although not explicitly discriminatory on the basis of sex, had a discriminatory impact on women workers. Women continued to be crowded into a small range of low-paid occupations (Armstrong, 1984: 54). Moreover, the female norm of employment departed significantly from that of men: women were much more likely than men to work part-time and on a temporary basis (Porter, 1998; Vosko, 2000; White, 1993).

The Breakdown of the SER

Corresponding with a host of macro-, meso- and micro-level changes related to labour law, legislation and policy, the fall of the SER in the 1980s and 1990s presents perhaps the most pressing dilemma for legislators and policy-makers in the current period. Beginning in the mid-1970s, firms began to opt for subcontracting over vertical integration, stimulating job growth in small firms. Coinciding with these changes in firm behaviour, the growth of non-standard forms of employment began to surpass the growth of full-time, full-year employment, polarization became a defining feature in the labour market and decentralization and deregulation took place. Cracks began to appear in the SER and labour law, legislation and policy were ill equipped to repair them.

Macro-Level Changes

At the macro level, the fall of the SER corresponded with a host of international and national developments. In the early part of the period between 1970 and the late 1990s, developments at the international level ranged from the end of the Bretton-Woods system to the oil shocks and other commodity shortages. Subsequently, governments in advanced welfare states initiated and/or further developed free trade agreements, first among one another – witness the North American Free Trade Agreement (NAFTA) – and then with trade partners in the South under initiatives such as the Caribbean Basin Initiative. At the economic level, every OECD country except USA, the UK and the Netherlands faced rising unemployment. Simultaneously, in the Canadian context, men's labour force participation rates declined and women's plateaued (see Table 3).

TABLE 3
Labour Force Participation Rates by Sex, 1975–93

Year	Women	Men	Women as Percentage of Labour Force
1975	44.4	78.4	36.9
1976	45.2	77.6	37.6
1977	46.0	77.7	38.1
1978	47.9	78.1	38.9
1979	49.0	78.5	39.4
1980	50.4	78.4	40.1
1981	51.7	78.4	40.8
1982	51.7	77.0	41.2
1983	52.6	76.7	41.8
1984	53.6	76.6	42.4
1985	54.6	76.6	42.8
1986	55.3	76.6	43.2
1987	56.4	76.6	43.6
1988	57.4	76.6	44.1
1989	57.9	76.7	44.3
1990	58.4	75.9	44.7
1991	58.2	74.8	45.0
1992	57.6	73.8	45.0
1993	57.5	73.3	45.2

Source: Statistics Canada (1994: Cat. 75–507E).

Accompanying these trends, the G-7 countries endorsed an economic platform to fight inflation in countries running balance of payments deficits and to encourage expansion among countries (like Japan) with balance payment surpluses (Gill and Law, 1988). Beginning in the 1980s, these types of economic policy measures translated into a shift from redistributive welfare-oriented to competition-driven and, in several cases, workfare-oriented social policy in the OECD area (McBride, 1998; Vosko, 1998). In the 1980s, more welfare states embraced neoliberal policy measures prescribing deregulation and greater coordination between social and labour market policy and accepted downward harmonization that amounted to 'regulating precariousness' (at best) where labour standards are concerned.⁵

At a national level, in Canada, where the federal government's commitment to fighting inflation signalled the last straw in the abandonment of the full-employment goal (Campbell, 1991: 10), the federal and provincial governments embraced various types of 'active labour market' policies indicative of a strategy of competitive austerity (Albo, 1994; McBride, 1998). In many respects, Canada took the middle ground – between the paths followed by continental Europe and the USA, the UK, Australia and New Zealand – when it came to macroeconomic policy-making affecting labour. However, this still entailed actually chipping away at the SER. In making the choice to abandon completely full employment, the federal government initiated assaults on public sector workers' wages and collective bargaining rights and restricted access to social programmes for all workers (Canada, 1986; Panitch and Swartz, 1993). These initiatives complemented the changes in the labour market that also eroded the SER.

Changes in the Labour Market: Firm Behaviour

Demand factors, including patterns of behaviour among firms, led to the erosion of the SER in the 1980s and 1990s and the feminization of employment relationships. Two aspects, corporate restructuring and demand for labour, are particularly pertinent to this analysis.

The most salient example of corporate restructuring has been the shift from vertically integrated manufacturing firms, typified by General Motors, in which parts were produced and assembled by

the firm to a multiplicity of contractual relations with suppliers, such as Magna (the giant auto parts manufacturer), contractors, marketing specialists and other forms of highly integrated networks within a sector (Schenk, 1995: 201). Vertical disintegration has gone hand in hand with downsizing, subcontracting and franchising (Adams, 1991: 162). The net result of these forms of corporate restructuring has been not only a growth in small business, but a shift in the share of employment provided from large to small businesses (Wannell, 1991).⁶ Since the late 1970s, small businesses have been the key contributors to net job growth in Canada. Between 1979 and 1989, for example, businesses with fewer than 100 employees created just under 90 percent of all growth in employment in Canada (Manley and Martin, 1994: 3). Slightly more than half of all Canadians working in the private sector were either self-employed or working in businesses with fewer than 100 employees in 1991. Between 1983 and 1991, the share of employment in large (over 500 employees) firms declined from 40.1 percent to 36.4 percent (Picot and Dupuy, 1996: 15).

This shift in employment from large to smaller firms helps to account for the deterioration in the conditions pertaining to the SER and its erosion as the norm of employment. Jobs created in small firms tend to be less stable and durable, paying lower wages and providing fewer fringe benefits, than those created in large firms (Morisette, 1991: 41–3; Picot and Dupuy, 1996). Under Canadian collective bargaining law, on account of the certification procedures and the cost of servicing small units, it is difficult to unionize small firms (Adams, 1991: 162; O'Grady, 1992: 158). Morisette (1993) showed that during 1986, compared to small firms, an hour worked in a large firm was five times more likely to be unionized and five times more likely to be covered by a pension plan. And many forms of legal regulation designed to improve the terms and conditions of employment, such as severance pay and pay equity, for example, simply do not apply to small firms (Armstrong and Armstrong, 1994: 27).

The second aspect of firm behaviour that helps to account for the erosion of the SER and the proliferation of non-standard forms of employment is the adoption of a core worker/contingent worker strategy by private sector firms faced with increasingly competitive market pressures and public sector firms confronted with a cash crisis (Becker, 1996; Osberg et al., 1995: 205). Employers have increasingly opted for greater use of subcontractors, casual

employees, temporary help agencies and part-time workers, as well as transformed employees into independent contractors (Osberg et al., 1995; Thompson, 1994: 31–2). While these demand-side strategies have predominated in the service sector (Osberg et al., 1995), non-standard work is not confined to service industries. Adams et al. (1994: 47, 49) found that the incidence of non-standard work has risen significantly in all major industry groups. While these researchers discovered that the desire for flexibility was the predominant reason given by employers for using non-standard workers, they noted that the need to control labour costs was the second most important reason given. A significant part of the savings in labour costs by private sector firms that used NSERs can be attributed to a combination of not having to pay full social insurance contributions for these workers (Osberg et al., 1995: 78) and the lower wages and benefits that are typically paid to them.⁷

The Proliferation of NSERs

Beyond changes in firm behaviour, other labour market trends contributed to destabilizing the SER. In conjunction with women's rising labour force participation rates (from 44.4 percent in 1975 to 57.5 percent in 1993) and declining labour force participation rates among men (falling from 78.4 percent to 73.3 percent during the same period), the proliferation of NSERs was central among these trends (see Table 3). This development was so significant that researchers at Human Resources Development Canada reported that the growth of non-standard employment was so extensive in the 1980s and 1990s that only 33 percent of Canadian workers were said to hold 'normal jobs' in the mid-1990s (Lipsett and Reesor, 1997). Still, from the mid-1970s to the late 1990s, Canadians witnessed particularly rapid growth in some NSERs, such as temporary help work and self-employment, and more steady growth in others, such as part-time work.

From 1976 to 1994, the proportion of workers employed part-time climbed from 11 percent to 17 percent, with 15- to 24-year-olds experiencing the brunt of this trend and women continuing to dominate in this type of employment (Krahn, 1995: 35–6). Corresponding with the growth in part-time work, multiple job holding also increased (see Tables 4 and 5), a phenomenon that is particularly prevalent in the service and primary sectors and

TABLE 4
Multiple Job Holding Rate by Occupation, 1977, 1987 and 1997
 (in percentages)

	1977	1987	1997
All occupations	2.4	4.1	5.2
Managerial	2.3	3.9	4.2
Natural sciences	2.0	3.7	3.5
Social sciences	3.0	4.8	8.0
Religion	N/a	8.4	5.3
Teaching	4.0	6.4	7.8
Medicine and health	2.0	5.1	8.5
Artistic, literary and recreational	4.5	7.1	7.9
Clerical	1.9	3.6	4.9
Sales	2.2	4.1	5.6
Service	2.4	4.8	6.3
Primary	1.6	3.0	3.5
Farming	5.1	6.8	7.8
Processing	2.0	2.5	3.4
Machining	1.7	3.0	2.4
Fabricating, assembling and repairing	2.0	2.6	3.1
Construction	2.1	3.1	3.4
Transport equipment operating	2.9	4.1	4.5
Material handling	2.1	3.0	3.7
Other crafts	2.3	3.8	4.2

Source: Labour Force Survey.

common among young women, 8.8 percent of whom held more than one job in 1997. The rise in multiple job holding is illustrative of the decline of the relatively high level of the remuneration and benefits associated with standard work since multiple job holders are subject to lower earnings and fewer job benefits, such as pension, health and dental plans and union coverage, than workers relying on a single job (Sussman, 1997: 28). And, only 83 percent of multiple job holders vs 89 percent of single job holders held a permanent job in 1997, another trend indicative of the decline of the SER.

While it decreased over the long term, a 'renaissance' in self-employment also occurred in the 1980s and 1990s, with women and immigrants joining the ranks of the self-employed in greater numbers. Historically, men have dominated the self-employed workforce. However, women's share of self-employment has grown substantially in recent decades, especially between 1976 and 1997. Overall, the number of self-employed women quadrupled

TABLE 5
Multiple Job Holding Rate by Industry, 1977, 1987 and 1997
(in percentages)

	1977	1987	1997
All industries	2.4	4.1	5.2
Primary	4.6	6.1	7.0
Manufacturing	1.9	2.6	2.8
Construction	1.9	3.2	3.6
Transportation and storage	2.4	3.7	4.2
Communication	2.2	3.8	4.6
Utilities	2.0	3.3	4.3
Trade	2.1	3.8	5.1
Finance, insurance and real estate	1.8	3.5	3.7
Business services	2.1	4.9	4.6
Government services	3.0	4.3	4.8
Educational services	3.7	5.8	7.3
Health and social services	2.0	5.0	8.2
Accommodation, food and beverage services	2.2	4.5	6.3
Other services	2.8	5.3	6.5

Source: Labour Force Survey.

during that period, whereas the number of men did not quite double. Moreover, women tend to be overrepresented as independently self-employed (own-account), rather than self-employed employers (Hughes, 1999; Stanford, 1999). As well, 11 percent of immigrant workers vs 8 percent of Canadian-born workers were self-employed in 1991 and both immigrant men and women are more likely to be self-employed than their Canadian-born counterparts (Gardner, 1995: 28). In contrast to part-time work and multiple job holding, however, self-employment continued to be the preserve of older workers in the 1990s (Crompton, 1993; Hughes, 1999; Krahn, 1995).

Unlike self-employment, temporary employment, which grew in the late 1980s and early 1990s, was especially common among young people, who represented 32 percent of all temporary workers in 1995 (Statistics Canada, 1994). Work through temporary help agencies grew especially rapidly in the 1980s, as the temporary help industry expanded into sectors and occupations ranging from health care to public sector work and trucking (Hamdani, 1996; Vosko, 1997a). Despite the high level of insecurity associated with temporary help work and the absence of a continuous employment

TABLE 6
Job Tenure among Agency Temporaries (in percentages)

Tenure	Agency Temporaries
1-6 months	61.7
7-12 months	7.6
1-5 years	18.4
6 years +	12.4

Source: Statistics Canada (1996: Cat. 71M001GPE).

relationship in this type of NSER, temporary help workers have surprisingly high average job tenures (see Table 6), which is more indicative of the changes in firm behaviour, such as the growing response to subcontracts, than changes in labour supply. In other words, the growth of this form of non-standard employment signals the erosion of benefits and entitlements among workers, as well as the ineffectiveness of minimum standards legislation, more than a decline in the duration or continuity of employment. Combined with the growth of multiple job holding, which is particularly prevalent among the self-employed, part-time workers and temporary help workers, rising income polarization and high rates of overtime among certain workers, it entails the erosion of the terms and conditions of the standard employment contract.

Polarization

Non-standard forms of employment are not mutually exclusive; for instance, self-employed and temporary workers often work part-time or on-call. Nor are they necessarily synonymous with 'precarious employment' (Rosenberg, 1989: 398; Vosko, 2000) or what others (Belous, 1989; Polivka and Nardone, 1989) label 'contingent work'.⁸ Still, growing income polarization between standard and non-standard workers as well as among non-standard workers and downward pressure on wages (particularly among young men) are suggestive of a relationship between the spread of NSERs and precarious employment.

In the 1980s and 1990s, there were signs of growing polarization in earnings among Canadians, which some argue resulted in a growth

of poverty-level wages, especially among the young and the old (Picot, 1998). Young male workers – especially those that already had low earnings – bore the brunt of this trend, as evidenced by the widening gap between the highest and the lowest earning men. As Denis Morissette (1997: 9) notes:

... between 1981 and 1988, the real hourly wages of men in the bottom earnings quintile remained virtually the same, while those of men in the top quintile increased by almost 4 percent. *At the same time, the average number of hours worked by men in the bottom quintile fell by almost two hours per week (to 30.9 hours) while those in the top quintile rose by almost 2.5 hours (to 45.0 hours).* (emphasis added)

This development reveals a relationship between the growing polarization in wages and recent trends in overtime; full-time and professional workers are working more overtime, though largely unpaid, with one employer than their low-wage counterparts in part-time employment or other NSERs, who are more prone to moonlighting than attaining overtime in their main job (Duchesne, 1997; Sussman, 1997).

At first glance, the declining earnings of young men, alongside the media discourse that suggests that women are catching up in the ‘earnings race’, imply that women’s rising labour force participation has meant greater access to better jobs (Vosko, forthcoming). Recent research on the earnings of women, however, suggests a more nuanced conclusion. A study by Katherine Scott and Clarence Lochhead in 1997 found women’s gains in the economy to be ‘restricted largely to members of the baby boom generation’ or those 40–54 years of age. The data indicate a convergence of earnings between men and women under age 25, largely attributable to declining wages among young men: ‘in 1994, there was a 4.5 percent difference in concentration of young men and women in the lowest wage decile (below Can\$24,000), a decline of 12.1 percent in one decade’ (Scott and Lochhead, 1997: 2) (see Table 7). Still, the wages of older men in higher income groups stabilized in this period and sharp gender differences in earnings remained in all age groups.

Despite the apparent downward pressure on young men’s wages, the evidence of both continued gender differences in earnings and increasing polarization within certain NSERs suggests that a pattern of gender redifferentiation is occurring with the decline of the SER

TABLE 7
Percentage of Full-Time Full-Year Earners with Annual Earnings less than
Can\$24,000, by Age, 1984–94

Age group	Full-Time Full-Year Earners, 1984 (%)		Full-Time Full-Year Earners, 1994 (%)		Percentage point change, 1994 minus 1984	
	Women	Men	Women	Men	Women	Men
18–24 years	72.3	55.7	71.8	67.3	–0.5	11.6
25–39 years	40.5	16.6	39.6	19.5	–0.6	2.9
40–54 years	45.3	11.9	34.0	11.2	–11.3	–0.7
55–64 years	52.4	15.2	42.6	15.1	–9.9	–0.1
Total	40.0	18.8	39.9	19.0	–8.1	0.2

Source: Scott and Lochhead (1997: 19).

(Vosko, 2000). Trends in self-employment reflect this process. Consistent with the growing body of scholarship arguing that a sizeable percentage of today's independent self-employed are involuntarily self-employed (Linder, 1989) – that is, they have turned to self-employment because of downsizing, layoffs and employers' desire to shed the costs of employment-related benefits and responsibilities – the growth of self-employment among women is largely confined to the category of the independent (or own-account) self-employed and to relatively low-wage occupations such as child-care and sales (Hughes, 1999). Not only are there sharp wage differences between self-employed employers and the independent self-employed, they are compounded by gender-based differences within each category.⁹ While the latter trend is related to age-old patterns of sex segregation by industry and occupation, it is nevertheless important to highlight since it reveals that the proliferation of NSERs may mean casualization (Broad, 1997) or the 'gendering of jobs' (Vosko, 2000: Ch. 5), whereby more jobs take on the character and conditions of work conventionally associated with 'women's work' (Armstrong, 1996). The continuing dual character of labour law, legislation and policy, the deterioration of minimum standards legislation which have the potential to serve as tools of equity and the declining number of workers that collective bargaining and other legislation based on an SER cover promise to heighten the tendency of income and occupational polarization.

Contradictory Trends in Labour Law, Legislation and Policy in the 1980s and 1990s

The 1980s were marked by two divergent tendencies in labour law, legislation and policy. On the one hand, substantive equality (or equity) replaced formal equality as the legal norm in employment (Bilson, 1995). Pay equity legislation was introduced in many jurisdictions: although it was mostly confined to the private sector, the federal government enacted employment equity legislation and the Supreme Court of Canada adopted an adverse impact, or systemic, approach to discrimination (Cornish, 1996; Fudge, 2000). On the other hand, public sector workers' collective bargaining rights were rolled back through legislation and private sector employers struck much harder bargains with trade unions. The result was that at the same time as substantive equality was being pursued, wages and employment conditions were deteriorating.

Although substantive equality was very prominent on the political agenda, monetarist economic policies struck a deeper chord and had a more profound impact. The federal government responded to the deep recession of 1981–2 by targeting its own workers for wage restraint, imposing wage controls and suspending collective bargaining rights for two years in 1982 (Panitch and Swartz, 1993; Swimmer, 1995: 382). Six provincial governments quickly followed the federal government's lead. According to Swimmer and Thompson (1995: 14) 'governments at all levels attempted to reduce public employment during the 1980s, sometimes by cutbacks in services, but more often by contracting the service to the private sector. In general, public sector managers took a harder line at the bargaining table.'

Unlike the case in the public sector, there was no direct, legislative attack on private sector workers' rights to bargain collectively or to strike. While private sector collective bargaining legislation was amended and revised by several provincial governments during the 1980s, on the whole the changes amounted to tinkering, rather than a substantial shift in the balance of power towards employers (Swimmer, 1996). However, despite the general continuity in private sector labour legislation across the country from the 1970s throughout the 1980s, bargaining by employers was much tougher in the 1980s than it had been. The high unemployment rate helped persuade unions that it was in their members' interest to accept concessions, with the result that wage freezes or actual pay cuts were

widespread, master agreements were torn up and two-tiered contracts were implemented (Palmer, 1992: 347–8). Global competitiveness and the alleged need for freer trade, which were tangibly brought home to Canadians during the 1988 federal election, accelerated these bargaining trends with the result that the length and breadth of the wage deceleration since 1980 has been unprecedented (Panitch and Swartz, 1993: 143).

The 1991–2 recession simply deepened these trends within both public sector and private sector labour relations. Several provinces and the federal government enacted legislation to freeze or reduce public sector compensation, ‘in the process cancelling collective bargaining and overriding collective agreements which were in force’ (Fryer, 1995; Swimmer and Thompson, 1995: 17). Simultaneously, unemployment in the private sector exceeded 11 percent. The upshot was that, after the short recovery in the mid-1980s, the downward trend of wage settlements resumed such that by 1992 wage settlements fell to their lowest levels on record (Panitch and Swartz, 1993: 143).

The emphasis on debt reduction in the 1990s and the resulting attack on public sector workers’ wages undermined the effectiveness of pay equity in improving the wages of women workers. Until 1996, when Quebec introduced pay equity legislation, Ontario was the only jurisdiction in Canada that imposed an obligation on private sector employers to ensure that male- and female-dominated job classes receive the same pay, although private sector firms’ compliance with pay equity there has been very poor (Gunderson, 1994: 80). While annual pay equity adjustments in those provinces that have pay equity legislation have been fairly substantial, ranging from Can\$2500 to \$3000 (Weiner, 1995: 93), only Ontario made the effort to ensure that public sector wage controls did not undermine pay equity (Fryer, 1995: 358).

Despite the overall continuity in private sector collective bargaining legislation, union density in the private sector has decreased across Canada (see Table 1). In part, this is due to the changing composition of economic activity. From 1976 to 1992 union density in the goods sector declined from 43 to 38 percent. This substantial decline is largely accounted for by the drop in employment and the consequent decline of unionization in manufacturing: the share of paid workers in manufacturing dropped from 22 to 16 percent and their unionization rate dropped from 43 to 33 percent from 1976 to 1992 (Statistics Canada, 1994: 58). In contrast, the service

sector saw major growth both in employment and unionization during the same period; however, the growth in unionization was largely confined to the public service sector.

The decentralized and fragmented legal bargaining structure effectively precludes the organization of much of the increasingly significant service sector and smaller workplaces (Baigent et al., 1992; Fudge, 1993; Langille, 1991: 616). Despite clear evidence that existing labour legislation and policies pertaining to the private sector effectively exclude an increasing proportion of Canadian workers from enjoying the legal right to union representation for the purposes of collective bargaining, no Canadian jurisdiction has revised its legislation to reflect the changing composition of economic activity or the changing behaviour among firms.

The Impact of the Breakdown of the SER on Employment Standards, Equity Legislation and Collective Representation

The erosion of the SER and the proliferation of NSERs has had a detrimental impact on the effectiveness of labour law, legislation and policy in providing adequate basic employment standards, pay and employment equity, as well as forms of collective representation, for growing numbers of workers. This is because employment and labour law has been designed for workers in SERs. The failure of these laws and policies to reflect the changing nature of employment relationships amounts to the deregulation of the labour market.

Generally, the closer a worker's employment relationship conforms to the SER, the more likely it is that the worker will enjoy the benefits of statutory minimum employment such as overtime pay, notice of termination, public holidays, vacation leave and pay, and maternity and parental leave. Several commentators have noted the lack of fit between employment standards legislation and NSERs (Advisory Group on Working Time, 1994; Advisory Committee on the Changing Workplace, 1997; Fudge, 1991; HRDC, 1997).

A variety of trends within the contemporary labour market undermine the effectiveness of pay and employment equity legislation and policy in achieving the goal of improving women's pay, working conditions and employment opportunities. Corporate downsizing, contracting out, privatization, increased homework and use of

temporary help agencies and self-employment all undermine the potential of equity legislation (Bakker, 1991; Fudge, 1996b, 2000; Urban Dimensions Group, 1989: 9). For the majority of women who work in small firms, have non-union jobs or perform non-standard employment, the promise of pay and employment equity has been illusory (Fudge, 1996b; McColgan, 1997: 310–12).

Not only does private sector collective bargaining legislation create barriers to unionizing small workplaces and firms in the business and personal service sector, it is inapposite for the growing numbers of casual, own-account self-employed and temporary workers (Fudge, 1993; Langille, 1991; MacDonald, 1998: 262–7; Sims, 1995: 239–43). In part, this is because under legislation across Canada collective bargaining is non-portable and depends upon the existence of a continuous employer–employee relationship (Sims, 1995: 240). Own-account self-employed and contract workers, together with employees provided through temporary help agencies, derive little benefit from existing collective bargaining laws. Moreover, labour boards' bargaining unit policies have effectively disenfranchised casual employees and homeworkers on the basis that they do not share a community of interest with those workers who enjoy an SER (Fudge, 1993; MacDonald, 1998: 263–7).

Conclusion

Using gender as an analytic lens to examine forms of labour market regulation contributes to an understanding of the persistent, albeit shifting, character of labour market segmentation. The gender contract is a key element of, and influence upon, employment relations. The first and second parts of this article demonstrated that from the post-Second World War era to the mid-1970s the Canadian labour market was structured on the basis of two distinct, and highly gendered, categories of workers: standard workers, so-called primary wage earners who benefited from labour regulation surrounding the regime of worksite-based collective bargaining first covering industrial workers and then extended to white-collar workers, and non-standard workers, who engaged in a diversity of employment relationships, which, despite their dissimilarity, resulted in these workers' relegation to coverage under minimum standards legislation. Behind this gendered distinction between standard and non-standard workers was an implicit 'contract' (albeit one that was

never a reality for many women because of inequitable relations of distribution in households, inadequate male wages and so forth) between men and women. This contract rested on the assumption that women had access to subsistence through their attachment to men (husbands, fathers and brothers) and, thus, the male wage. With the decline of the SER since the mid-1970s, there has been a growing polarization between standard workers – whose numbers are declining – and non-standard workers as well as among workers engaged in NSERs. The breakdown of the SER and the proliferation of NSERs described in the third part of the article has resulted in an increasing mismatch between the instruments of labour regulation and ‘new’ employment norms (and disclosed the partiality of the *always* tenuous ‘gender contract’ of the postwar era) rather than an expanding menu of genuine employment options that provide satisfactory benefits and security for workers. While dualism persists in the contemporary Canadian labour market, its terms have changed, making a broad constellation of labour policies designed to secure the highly gendered standard/non-standard employment distinction outmoded but still facilitating the feminization of employment. These developments, combined with the deregulation of labour policy, underscore the pressing need for new principles and policy options designed to reregulate employment relationships and to revive the collective bargaining system and a new ‘gender contract’ that distances itself from old employment norms and recognizes the failings (and false assumptions) of the old (and highly gendered) regime of labour regulation. The second article in this series examines the prospects and policy options for reregulating the Canadian labour market and further develops the notion of the ‘gender contract’.

Notes

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1. In using the term ‘gender’, we are referring to the social processes by which cultural meanings come to be associated with sexual difference and the ways in which sexual difference forms the basis for social exclusions and inclusions and

constitutes inequalities in power, authority, rights and privileges. While sexual differences are the ontological basis for gender discourses, which are constructed through a range of institutions (such as the family, the state and unions) and policies, gender is a socially constructed concept and characteristic that is fundamental in all social relationships. Thus, the term 'gender' as used herein refers to both historically and socially constituted relationships and to a tool of analysis used to understand how social relationships and cultural categories are constituted (Creese, 1999; Frader and Rose, 1996; Lerner, 1997; Scott, 1986).

2. Although Rubery introduces the notion of a 'gender contract' in her article she devotes limited space to defining the concept or examining its different manifestations in different periods and contexts. One of our central tasks in this two-part series, however, is to develop this concept and examine what a new and progressive 'gender contract' would entail in the present Canadian context.

3. Domestic labour is an important example of non-standard employment as it illustrates the racialization, as well as the gendering, of the segmented labour market in Canada (Arat-Koc, 1997; Bakan and Stasiulis, 1997; Cunningham, 1991).

4. The political impetus behind the first factory legislation in Ontario was to protect women and children from the ravages of industrial capitalism. However, women's organizations were not involved in the campaign, although the legislation had broad support. It was not until the 1890s that women's paid employment became a prominent issue on the agenda of middle-class women's reform organizations (Backhouse, 1991: 221).

5. For further discussion of how to assess the degree to which downward harmonization is a reality in North America and Europe under international trade agreements, see Gunderson (1998) and Vosko (1997a).

6. Although there is no standard definition, small businesses are often identified by the number of people they employ. Usually a manufacturing firm is considered to be a 'small business' if it has fewer than 100 employees. A small business in the service sector generally has fewer than 50 employees. Further complicating any evaluation of firm size and its impact on conditions of employment generated by the labour market is the fact that there is no necessary correlation between firm size and workplace size. The latter is the key for purposes of collective bargaining law in Canada. Since the late 1970s, Canada has witnessed a proliferation of small workplaces and a marked shift in employment to these establishments (Fudge, 1996b).

7. Several of the most recent changes to unemployment insurance (now employment insurance) lessen these savings. The extension of coverage to part-time workers who work fewer than 15 hours per week and new provisions allowing multiple job holders to accumulate benefits from several jobs in 1996/7 require more non-standard workers and their employers to pay employment insurance premiums. However, while this appears to be a progressive move on the surface (one designed to acknowledge the proliferation of NSERs) for many part-time workers and multiple job holders, the likelihood of ever accessing benefits is minimal because of the introduction of a new 'hours system'. This system raises the number of hours required to qualify for employment insurance benefits drastically from the old unemployment insurance formula in which entitlements were based on weeks. For example, under the old unemployment insurance act the standard claimant was required to work the equivalent of 180–300 hours in the 52 weeks prior to making a claim (adjusted to regional unemployment rates). But, under the new system, despite the extension of coverage to non-standard workers, the worker is required to work 420–700 hours. With these

new qualifying requirements, many part-time workers will be insured for the first time but still ineligible for benefits. For a discussion of these changes see Vosko (forthcoming).

8. The 'new' forms of work arrangements are variously described as 'non-standard' or 'atypical' employment, 'precarious' or 'contingent' work, and are populated by a 'flexible' component of the labour force. While these terms tend to be used interchangeably, they are not synonymous; each focuses on aspects of the changes in the nature and outcomes of employment rather than on the impact of those changes as a whole. Research on non-standard employment takes as its point of departure the standard or typical employment relationship. The term 'contingent' indicates the conditional, transitory and insecure nature of certain kinds of work commonly identified with a wide range of employment practices, including: part-time, temporary, employee leasing, self-employment, contracted out, and home-based. Still other researchers prefer to focus on precarious work, concentrating on the range of factors which contribute to whether a particular form of employment exposes the worker to employment instability, a lack of legal and union protection, and social and economic vulnerability. For a discussion of these definitional issues and their import, see Fudge (1997).

9. In 1996, full-time, full-year male self-employed employers earned Can\$45,522 per year on average, while full-time, full-year female self-employed employers earned just Can\$31,488 on average and full-time, full-year male independent self-employed workers earned Can\$28,067 on average, while female independent self-employed workers earned Can\$18,893. For those self-employed outside of full-time, full-year work, male and female employers averaged Can\$25,209 and Can\$14,687 respectively in 1996. In comparison, male and female own-account workers made Can\$15,414 and Can\$11,306 respectively in 1996 (Hughes, 1999).

References

- Adams, G. (1991) 'Towards a New Vitality: Reflections on 20 Years of Collective Bargaining Regulation', *Ottawa Law Review* 23(1): 239.
- Adams, Roy J., Gordon Betcherman and Beth Bilson (1994) *The Canadian Workplace in Transition*. Kingston: Queen's University/IRC Press.
- Advisory Committee on the Changing Workplace (1997) 'Collective Reflections on the Changing Workplace'; available at: www.reflection.g.c.ca/report/report_e.txt
- Advisory Group on Working Time and the Distribution of Work (1994) Report, Minister of Supply and Service, Hull.
- Akyaempong, E.B. (1997) 'A Statistical Portrait of the Trade Union Movement', *Perspectives on Labour and Income* Winter: 45.
- Albo, G. (1994) '“Competitive Austerity” and the Impasse of Capitalist Employment Policy', pp. 144–70 in R. Miliband and L. Panitch (eds) *Socialist Register 1994: Between Globalism and Nationalism*. London: The Merlin Press.
- Arat-Koc, S. (1997) 'From “Mothers of the Nation” to Migrant Workers', pp. 53–79 in A. Bakan and D. Stasiulis (eds) *Not One of the Family*. Toronto: University of Toronto Press.
- Archibald, K. (1970) *Sex and the Public Service*. Ottawa: Ministry of Supply and Services.

- Armstrong, P. (1984) *Labour Pains: Women's Work in Crisis*. Toronto: The Women's Press.
- Armstrong, P. (1996) 'The Feminization of the Labour Force: Harmonizing Down in a Global Economy', pp. 29–54 in I. Bakker (ed.) *Rethinking Restructuring: Gender and Change in Canada*. Toronto: University of Toronto Press.
- Armstrong, P. and H. Armstrong (1994) *The Double Ghetto*, 3rd edn. Toronto: McClelland and Stewart.
- Arthurs, H. (1967) 'Developing Industrial Citizenship: A Challenge for Canada's Second Century', *Canadian Bar Review* 45: 787.
- Avery, D. (1995) *A Reluctant Host*. Toronto: McClelland and Stewart.
- Backhouse, C. (1991) *Petticoats and Prejudice: Women and the Law in Nineteenth Century Canada*. Toronto: The Women's Press.
- Baigent, J., V. Ready and T. Roper (1992) *A Report to the Honourable Moe Shihota Minister of Labour: Recommendations for Labour Law Reform*. Victoria, British Columbia: Ministry of Labour and Consumer Services.
- Bakan, A. and D. Stasiulis (1997) 'Foreign Domestic Worker Policy in Canada and the Social Boundaries of Modern Citizenship', pp. 29–52 in A. Bakan and D. Stasiulis (eds) *Not One of the Family*. Toronto: University of Toronto Press.
- Bakker, I. (1991) 'Pay Equity and Economic Restructuring: The Polarization of Policy?', pp. 254–80 in J. Fudge and P. McDermott (eds) *Just Wages: A Feminist Assessment of Pay Equity*. Toronto: University of Toronto Press.
- Becker, C. (1996) 'Labor Law Outside the Employment Relation', *Texas Law Review* 74: 1527.
- Belous, R. (1989) 'How Human Resource Systems Adjust to the Shift toward Contingent Workers', *Monthly Labour Review* March: 7.
- Bilson, B. (1995) 'Workplace Equity: A Seat at the Policy Picnic?', pp. 103–47 in R. Adams, G. Betcherman and B. Bilson (eds) *Good Jobs, Bad Jobs, No Jobs: Tough Choices for Canadian Labour Law*. Toronto: C.D. Howe Institute.
- Bird, F. (1970) *Royal Commission on the Status of Women in Canada. Report*. Ottawa: Queen's Printer.
- Broad, D. (1997) 'The Casualization of the Labour Force', pp. 53–73 in A. Duffy, D. Glenday and N. Pupo (eds) *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*. Toronto: Harcourt Brace.
- Butchtemann, C.F. and S. Quack (1990) 'How Precarious is "Non-Standard" Employment? Evidence for West Germany', *Cambridge Journal of Economics* 14: 315.
- Campbell, R.M. (1991) *The Full-Employment Objective in Canada, 1945–85: Historical, Conceptual, and Comparative Perspectives*. Ottawa: Economic Council of Canada.
- Canada (1986) *Commission of Inquiry into Unemployment Insurance*. Ottawa: Ministry of Supply and Services.
- Chernier, N. (1982) *Reproductive Hazards at Work: Men, Women and the Fertility Gamble*. Ottawa: Advisory Council on the Status of Women.
- Cornish, M. (1996) 'Employment and Pay Equity in Canada – Success Brings Both Attacks and New Initiatives', *Canada-US Law Journal* 22: 256.
- Creese, G. (1991) 'Sexual Equality and the Minimum Wage in BC', *Journal of Canadian Studies* 26: 120–40.
- Creese, G. (1999) *Contracting Masculinity: Gender, Class and Race in a White-Collar Union, 1944–1994*. Toronto: Oxford University Press.

- Crompton, S. (1993) 'The Renaissance of Self-Employment', *Perspectives on Labour and Income* Summer: 22.
- Cunningham, N. (1991) 'Seduced and Abandoned: The Legal Regulation of Domestic Workers in Canada from 1867 to 1940', unpublished MA thesis, Osgoode Hall Law School, York University.
- Derry, Kathleen and Paul H. Douglas (1922) 'The Minimum Wage in Canada', *Journal of Political Economy* 30: 155.
- Duchesne, Doreen (1997) 'Working Overtime in Today's Labour Market', *Perspectives on Labour and Income* Winter: 9.
- Economic Council of Canada (1990) *Good Jobs, Bad Jobs: Employment in the Service Economy*. Ottawa: Ministry of Supply and Services.
- Forrest, A. (1995) 'Securing the Male Breadwinner: A Feminist Interpretation of PC 1003', pp. 139–62 in C. Gonick, P. Phillips and J. Vorst (eds) *Labour Gains, Labour Pains: Fifty Years of PC 1003*. Halifax: Fernwood Publishing.
- Frader, L. and S. Rose (1996) 'Introduction: Gender and the Reconstruction of European Working-Class History', pp. 1–33 in L. Frader and S. Rose (eds) *Gender and Class in Modern Europe*. Ithaca, NY: Cornell University Press.
- Fryer, J. (1995) 'Provincial Public Sector Labour Relations', pp. 341–67 in G. Swimmer and M. Thompson (eds) *Public Sector Collective Bargaining in Canada*. Kingston: Queen's University/IRC Press.
- Fudge, J. (1988) 'Voluntarism and Compulsion; The Canadian Federal Government's Intervention in Collective Bargaining from 1900 to 1946', PhD thesis, Oxford University.
- Fudge, J. (1991) *Labour Law's Little Sister: The Employment Standard Act and the Feminization of Labour*. Ottawa: Canadian Centre for Policy Alternatives.
- Fudge, J. (1993) 'The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader-Based Bargaining', pp. 231–48 in L. Briskin and P. McDermott (eds) *Women Challenging Unions: Feminism, Militancy and Democracy*. Toronto: University of Toronto Press.
- Fudge, J. (1996a) 'Rungs on the Labour Law Ladder: Using Gender to Challenge Hierarchy', *Saskatchewan Law Review* 60(1): 237.
- Fudge, J. (1996b) 'Fragmentation and Feminization: The Challenge of Equity for Labour-Relations Policy', pp. 57–87 in J. Brodie (ed.) *Women and Canadian Public Policy*. Toronto: Harcourt Brace.
- Fudge, J. (1997) 'Precarious Work and Families', Working Paper, Centre for Research on Work and Society, York University.
- Fudge, J. (2000) 'Exclusion, Discrimination, Equality and Privatization: Law, the Canadian State and Women Public Servants, 1908–1999,' paper on file with the authors.
- Fudge, J. and H. Glasbeek (1995) 'The Legacy of PC 1003', *Canadian Labour and Employment Law Journal* 3(3/4): 357.
- Gardner, Arthur (1995) 'Their Own Boss', *Canadian Social Trends* Summer: 26.
- Gill, S. and D. Law (1988) *The Global Political Economy*. Baltimore, MD: The Johns Hopkins University Press.
- Gunderson, M. (1994) *Comparable Worth and Gender Discrimination: An International Perspective*. Geneva: ILO.
- Gunderson, M. (1998) 'Harmonizing of Labour Policy Under Trade Liberalization', *Relations industrielles* March: 24.

- Hamdani, D. (1996) 'The Temporary Help Service Industry: Its Role, Structure and Growth', *Service Indicators* 2nd Quarter (Cat. 63-016XPB): 73.
- Heron, C. (1989) *The Canadian Labour Movement*. Toronto: Lorimer.
- Hobbes, M. (1993) 'Equality and Difference: Feminism and the Defence of Women Workers During the Depression', *Labour/Le Travail* 32: 201.
- Hodgetts, J.E., W. McClosky, R. Whitaker and V.S. Wilson (1972) *The Biography of an Institution: The Civil Service Commission of Canada, 1908-1967*. Montreal and London: McGill-Queen's University Press.
- HRDC (Human Resources and Development Canada) (1997) *Evaluation of Federal Labour Standards (Phase I): Final Report*. Ottawa: HRDC.
- Hughes, K. (1999) *Gender and Self-Employment in Canada: Assessing Trends and Policy Implications*. Ottawa: Centre for Policy Research Network.
- ILO (1997) *World Employment Report, 1996/97*. Geneva: International Labour Office.
- Jamieson, S. (1968) *Times of Trouble: Labour Unrest and Industrial Conflict in Canada, 1900-66*. Study Prepared for the Task Force on Industrial Relations. Ottawa: Privy Council Office.
- Kealey, L. (1987) 'Women and Labour During World War II: Women Workers and the Minimum Wage in Manitoba', pp. 76-99 in M. Kinnear (ed.) *First Days, Fighting Days: Women in Manitoba History*. Regina: Canadian Plains Research Centre.
- Krahn, H. (1995) 'Non-Standard Work on the Rise', *Perspectives on Labour and Income* Winter: 35.
- Langille, B. (1991) 'Canadian Labour Law Reform and Free Trade', *Ottawa Law Review* 23(3): 581.
- Lerner, G. (1997) *History Matters: Life and Thought*. New York: Oxford University Press.
- Linder, M. (1989) 'What is an Employee? Why it Does, But Should Not, Matter', *Law and Inequality* 7(2): 155.
- Lipsett, B. and M. Reesor (1997) *Flexible Work Arrangements: Evidence from the 1991 and 1995 Survey of Work Arrangements*. Ottawa: Human Resources and Development Canada.
- Logan, H. (1948) *Trade Unions in Canada*. Toronto: Macmillan.
- Lowe, G. (1987) *Women in the Administrative Revolution: The Feminization of Clerical Work*. Toronto: University of Toronto Press.
- McBride, Stephen (1998) 'The Political Economy of Training in Canada', paper prepared for the Working Group on Labour Market Flexibility, Centre for Work in Society, York University, North York, Ontario.
- McCallum, M. (1986) 'Keeping Women in their Place: The Minimum Wage in Canada', *Labour/Le Travail* 17: 29-56.
- McCallum, M. (1996) 'Labour and the Liberal State: Regulating the Employment Relationship, 1867-1920', *Manitoba Law Journal* 23: 574-93.
- McColgan, A. (1997) *Just Wages for Women*. Oxford: Clarendon.
- MacDonald, D. (1998) 'The New Deal Model of Collective Bargaining and the Secondary Labour Market', PhD dissertation, Northeastern University.
- Macmillan, J.W. (1933) *The Limits of Social Legislation*. Toronto: Clarke and Irwin.
- Malarkey, Robert and John Hagan (1989) 'The Socio-Legal Impact of Pay Equity in Ontario, 1946-1972', *Osgoode Hall Law Journal* 27(2): 297.
- Malles, P. (1976) *Canadian Labour Standards in Law, Agreement and Practice*. Ottawa: Economic Council of Canada.

- Manley, J. (Minister of Industry) and P. Martin (Minister of Finance) (1994) *Growing Small Businesses*. Ottawa: Industry Canada.
- Meyerowitz, R. (1985) 'Organizing the United Automobile Workers: Women Workers at the Ternstedt General Motors Parts Plant', pp. 235–58 in R. Milkman (ed.) *Women, Work and Protest*. London: Routledge and Kegan Paul.
- Millar, F.D. (1980) 'Shapes of Power: The Ontario Labour Relations Board, 1944–50', PhD thesis, York University.
- Morgan, N. (1988) *The Equality Game: Women in the Federal Public Service, 1908–1987*. Ottawa: Canadian Advisory Council on the Status of Women.
- Morissette, Denis. (1997) 'Declining Earnings of Young Men', *Canadian Social Trends* Autumn: 8.
- Morissette, R. (1991) 'Are Jobs in Large Firms Better Jobs?', *Perspectives on Labour and Income in Canada* 3(3): 40.
- Morissette, R. (1993) 'Canadian Jobs and Firm Size: Small Firms Pay Less?', *Canadian Journal of Economics* XXVI(1): 159.
- Muckenberger, U. (1989a) 'Non-Standard Forms of Employment in the Federal Republic of Germany: The Role and Effectiveness of the State', pp. 267–85 in G. Rodgers and J. Rodgers (eds) *Precarious Jobs in Labour Market Regulation: The Growth of Atypical Employment in Western Europe*. Belgium: International Institute for Labour Studies.
- Muckenberger, U. (1989b) 'Non-Standard Forms of Work and the Role of Changes in Labour and Social Security Legislation', *International Journal of the Sociology of Law* 17: 386.
- OECD (1995) *OECD Employment Outlook, 1995*. Paris: OECD.
- O'Grady, J. (1992) 'Beyond the Wagner Act, What Then?', pp. 153–69 in D. Drache (ed.) *Getting on Track: Social Democratic Strategies for Ontario*. Montreal: McGill-Queen's Press.
- Osberg, L., F. Wien and Jan Grude (1995) *Vanishing Jobs: Canada's Changing Workplaces*. Toronto: Lorimer.
- Palmer, B. (1992) *Working Class Experience: Rethinking the History of Canadian Labour, 1800–1991*, 2nd edn. Toronto: McClelland and Stewart.
- Panitch, L. and D. Swartz (1993) *The Assault on Trade Union Freedoms*. Toronto: Garamond.
- Pentland, H. (1968) *A Study of the Changing Social, Economic and Political Background of the Canadian System of Industrial Relations, Draft Study Prepared for the Task Force on Industrial Relations*. Ottawa: Privy Council Office.
- Picot, Garnett (1998) 'What is Happening to Earnings Inequality and Wages in the 1990s?', *Statistics Canada*, Cat. 11F0019MPGE No. 116.
- Picot, G. and R. Dupuy (1996) *Job Creation by Company Size Class: Concentration and Persistence of Job Gains and Losses in Canadian Companies*, Research Paper Series, No. 93, Analytical Studies Branch. Ottawa: Statistics Canada.
- Pierson, R.R. (1990) 'Gender and the Unemployment Insurance Debates in Canada, 1934–1940', *Labour/Le Travail* 25(Spring): 77.
- Pierson, R. and M. Cohen (1984) 'Educating Women for Work: Government Training Programs and Women, Before, During and After World War II', pp. 208–43 in M. Cross and G. Kealey (eds) *Modern Canada*. Toronto: McClelland and Stewart.
- Polivka, Anne E. and Thomas Nardone (1989) 'On the Definition of "Contingent Work"', *Monthly Labour Review* December: 9.

- Porter, A. (1993) 'Women and Income Security in the Post-War Period: The Case of Unemployment Insurance, 1945–62', *Labour/Le Travail* 31(Spring): 111.
- Porter, A. (1998) 'Class, Gender and the State: The Case of Unemployment Insurance in Canada', PhD thesis, York University.
- Roberts, W. and J. Bullen (1984) 'A Heritage of Hope and Struggle: Workers, Unions, and Politics in Canada, 1930–1982', pp. 105–40 in M. Cross and G. Kealey (eds) *Modern Canada, 1930s–1980s*. Toronto: McClelland and Stewart.
- Rodgers, G. and J. Rodgers (eds) (1989) *Precarious Jobs in Labour Market Regulation: The Growth of Atypical Employment in Western Europe*. Belgium: International Institute for Labour Studies.
- Rosenberg, S. (1989) 'From Segmentation to Flexibility', *Labour and Society* 14(4): 363.
- Rubery, J. (1998) *Women in the Labour Market: A Gender Equality Perspective*. OECD Working Papers, Vol. VI, No. 75. Paris: OECD.
- Russell, B. (1990) *Back to Work? Labour, State, and Industrial Relations in Canada*. Scarborough, Ontario: Nelson.
- Russell, B. (1991) 'A Fair or Minimum Wage? Women Workers, the State, and the Origins of Wage Regulation in Western Canada', *Labour/Le Travail* 28: 59–88.
- Sangster, J. (1985) 'Canadian Working Women', pp. 59–78 in W. Cherwinski and G. Kealey (eds) *Lectures in Canadian Labour and Working-Class History*. St John's: Committee on Canadian Labour History.
- Schellenberg, G. and C. Clark (1996) *Temporary Employment in Canada: Profiles, Patterns and Policy Considerations*. Ottawa: Canadian Council on Social Development.
- Schenk, C. (1995) 'Fifty Years after PC 1003: The Need For New Directions', pp. 193–214 in C. Gonick, P. Phillips and J. Vorst (eds) *Labour Gains, Labour Pains: 50 Years of PC 1003*. Winnipeg: Society for Socialist Studies/Fernwood Publishing.
- Scott, J. (1986) 'Gender: A Useful Category of Historical Analysis', *American Historical Review* 93: 1053–73.
- Scott, K. and C. Lochhead (1997) *Are Women Catching up in the Earnings Race?*, Paper No. 3. Ottawa: Canadian Council on Social Development.
- Sims, A. (1995) *Seeking a Balance: Canada Labour Code Part I, Review*. Ottawa: Minister of Supply and Services.
- Stanford, J. (1999) *Paper Boom*. Ottawa: Canadian Centre for Policy Alternatives.
- Statistics Canada (1994) *The Labour Force*, Cat. No. 70-001. Ottawa: Statistics Canada.
- Statistics Canada (1996) *Survey of Work Arrangements, 1995*, Cat. No. 7100MGPE. Ottawa: Statistics Canada.
- Sufrin, E. (1982) *Eaton Drive: The Campaign to Organize Canada's Largest Department Store, 1948–1952*. Toronto: Fitzhenry and Whiteside.
- Sugiman, P. (1994) *Labour's Dilemma: The Gender of Politics of the Auto Workers in Canada, 1937–1979*. Toronto: University of Toronto Press.
- Sussman, Deborah (1997) 'Moonlighting: A Growing Way of Life', *Perspectives on Labour and Income* Summer: 24.
- Swimmer, G. (1995) 'Collective Bargaining in the Federal Public Service of Canada: The Last Twenty Years', pp. 368–405 in G. Swimmer and M. Thompson (eds) *Public Sector Collective Bargaining in Canada*. Kingston: Queen's University/IRC Press.

- Swimmer, G. (1996) 'Provincial Policies Concerning Collective Bargaining', pp. 351–78 in D. Dunn (ed.) *Provinces: Canadian Provincial Politics*. Peterborough: Broadview Press.
- Swimmer, G. and M. Thompson (1995) 'The Future of Public Sector Industrial Relations', pp. 1–19 in G. Swimmer and M. Thompson (eds) *Public Sector Collective Bargaining in Canada*. Queen's University at Kingston, IRC Press: 430.
- Taylor, D. and B. Dow (1988) *The Rise of Industrial Unionism in Canada – A History of the CIO*, Research and Current Issues, Series No. 56. Kingston: Industrial Relations Centre, Queen's University.
- Thompson, M. (1994) *Rights and Responsibilities in a Changing Workplace: Review of Employment Standards in British Columbia*. Victoria, British Columbia; Ministry of Labour and Consumer Services.
- Tillotsen, S. (1991) 'Human Rights Law as a Prism: Women's Organizations, Unions and Ontario's Female Employees Fair Remuneration Act, 1951', *Canadian Historical Review* 72(1): 532.
- Tilly, C. (1996) *Half a Job: Bad and Good Part-Time Jobs in a Changing Labor Market*. Philadelphia, PA: Temple University Press.
- Tucker, E. (1990) *Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850–1914*. Toronto: University of Toronto Press.
- Urban Dimensions Group (1989) *Growth of the Contingent Workforce in Ontario: Structural Trends, Statistical Dimensions and Policy Implications*. Toronto.
- Ursel, J. (1992) *Private Lives, Public Policy: 100 Years of State Intervention in the Family*. Toronto: The Women's Press.
- Vosko, Leah F. (1997a) 'The Rise of the Temporary Help Industry in Canada and its Relationship to the Decline of the Standard Employment Relationship as a Normative Model of Employment', a background paper prepared for Collective Reflection on a Changing Workplace, The Labour Program, HRDC.
- Vosko, Leah F. (1997b) 'Legitimizing the Triangular Employment Relationship: Emerging International Labour Standards from a Comparative Perspective', *Comparative Labor Law and Policy Journal* Fall: 43–77.
- Vosko, Leah F. (1998) 'Workfare Temporaries: Workfare and the Rise of the Temporary Employment Relationship in Ontario', *Canadian Review of Social Policy* November: 55–79.
- Vosko, Leah F. (2000) *Temporary Work: The Gendered Rise of a Precarious Employment Relationship*. Toronto: University of Toronto Press.
- Vosko, Leah F. (forthcoming) 'Gender Differentiation and the Standard/Non-Standard Employment Distinction in Canada, 1945 to the Present', in Danielle Juteau (ed.) *Social Differentiation in Canada* (in French and English). Toronto/Montreal: University of Toronto Press/University of Montreal Press.
- Wannell, T. (1991) *Trends in the Distribution of Employment by Employee Size: Recent Canadian Evidence*, Research Paper, No. 39, Analytical Studies Branch. Ottawa: Statistics Canada.
- Weiner, N. (1995) 'Workplace Equity', pp. 78–102 in G. Swimmer and M. Thompson (eds) *Public Sector Collective Bargaining in Canada*. Kingston: Queen's University/IRC Press.
- White, J. (1980) *Women and Unions*. Ottawa: Canadian Advisory Council on the Status of Women.
- White, J. (1993) *Sisters and Solidarity*. Toronto: Thompson.

Woods, H. (1968) 'Task Force on Labour Relations', *Canadian Industrial Relations: Final Report*. Ottawa: Privy Council.

Woods, H. (1973) *Labour Policy in Canada*, 2nd edn. Toronto: Macmillan.

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