Lessons learned Gender equality in the Labour Market

Technical Report

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1. Purpose of the literature review

This report reviews policies and programs affecting gender equality in the labour market in Canada, the United States, Australia, New Zealand, and selected European nations. Focusing on research and evaluations conducted in those countries over the last thirty years, the study presents findings on the topic of gender equality and the labour market, with a view to identifying those programs and policies that have succeeded in improving the position of women in the labour market. Although published research and evaluations constituted the primary sources of information for the study, a number of key informants were also selected to review, comment and complete the information obtained from these sources. The key informants were chosen based on their expertise and knowledge of issues pertaining to gender equality. In all, 41 individuals¹ were consulted, including representatives from the Canadian federal government and provincial governments, national non-governmental organizations, and the United States' federal government.

The study examines mainstream policies and programs that may affect women and men differently, as well as targeted approaches aimed specifically at women or sub-groups of women. Wherever suitable data exist, the study identifies differential effects according to age, ethnicity, disability, urban/rural location, region/province, lone parenthood, Aboriginal status, or other relevant factors.

1.1 Programs and policies affecting gender equality in the labour market

A wide range of policies and programs may potentially affect women's position in the labour market. This report focuses on five important categories of policy/program initiatives.

Employment standards

Employment standards are designed to protect workers from possible exploitation through unregulated labour markets. These standards typically govern wages, working conditions, benefits and leaves, hours of work, vacations, and protection from unjust dismissal, and may be set out in legislation, in collective bargaining agreements, or through voluntary codes of conduct. Effective and wide-reaching employment standards are critical to protect the large numbers of women engaged in non-standard forms of work.

¹ See Appendix B for a full list of key informants.

Equal opportunities policies

As a first step toward gender equality, most countries have enshrined formal equality between the sexes in human rights and sex discrimination legislation. We do not examine national variations. However, we do review the effects of equal opportunities policies designed to improve women's chances in recruitment, training, and promotion. Equal opportunities policies such as employment equity legislation (in Canada) and affirmative action (in the United States) do not stop at granting women formal equality with men, but are positive measures intended to bring about substantive change.

Policies that affect pay

In most industrialized nations, the existence of a sizeable gender gap in pay is one of the most obvious indicators of persistent labour market inequality. Policies that affect pay may include initiatives specifically designed to address the gender earnings differential, such as equal pay for work of equal value and pay equity. But women's earnings can also be influenced by the overall structure of wages in the economy and by the mechanisms used to determine wages.

Labour market training

Public spending in Organization for Economic Cooperation and Development (OECD) nations concentrates to varying degrees on active labour market policies aimed at improving the job prospects and earnings potential of unemployed or under-employed individuals. In many countries, income support is increasingly contingent on participation in employment and training programs, a development which is bound to have major implications for low-income women who make up a large proportion of income assistance recipients. We review the evidence on publicly-sponsored employment and training programs. In keeping with the emphasis in this section on human capital development, we also examine the distribution of employer-sponsored training.

Policies to reconcile work and family responsibilities

One of the main reasons for women's inferior labour market status is the unequal distribution of responsibility for dependent care and household work between men and women. Policies to address this problem may either attempt to help women balance work and family duties with greater ease, or to facilitate the reallocation of some of the responsibility for unpaid work to men. We review leave policies, child care policies, and flexible work arrangements.

Implicit in the discussion of issues such as training, equal pay, and reconciling work and family responsibilities, is the role that cultural attitudes and social norms play in hindering women's progress in the labour market. Although this study does not focus specifically on policies and programs that aim to educate against discrimination, it is important to recognize education as a long-term instrument for changing the attitudes and norms that can be important obstacles to women's advancement.

1.2 Our review excludes certain policies

In developing the above typology of programs and policies, we have necessarily been selective. We have intentionally excluded a number of policies and programs that affect women's labour market outcomes in a substantial way. For example, although improvements in women's educational qualifications are one of the most important factors in accounting for their improved labour market status over the last thirty years, we do not discuss systems of formal education in this review.

Nor do we discuss income redistribution policies such as taxation, social assistance, and employment insurance in any detail. Research has demonstrated that these policies have important implications for women's labour market status. By creating incentives and disincentives to work, they can either reinforce women's secondary status in the labour market, or help to promote gender equality. However, these topics are significant enough to merit a separate discussion.

Other social welfare programs may also affect, directly or indirectly, women's position in the labour force. The ability to work and learn is clearly determined by one's state of health, but we do not review health policy in this study. Similarly, although we recognize that successful participation in the labour market depends on stable access to adequate housing, we do not examine housing policy in this review.

We acknowledge that sexual harassment and violence against women are significant obstacles to gender equality both within and outside the labour market. However, the present study does not review sexual harassment or domestic violence legislation.

Finally, we do not consider the potential labour market effects of women's participation in politics. Although casual observation suggests that countries with high rates of female participation in politics also enjoy relatively better labour market conditions and outcomes for women, an investigation of this link is beyond the scope of the present research.

1.3 Structure of the review

The study begins with an overview of women's position in the labour market in selected OECD countries. It then summarizes the main findings from a review of research on policies and programs affecting gender equality in the labour market. The review is structured according to the typology outlined above. Each section is further divided into sub-sections in order to organize and clarify the results of the review.

- Section 2 provides an overview of the pertinent issues.
- Section 3 describes the wider economic context in light of which the relevant policies and programs must be situated.
- Section 4 discusses employment standards and strategies for their implementation and enforcement.

- Section 5 discusses equal opportunities policies, specifically employment equity legislation and affirmative action policies.
- Section 6 considers various policies that affect income. The section begins with a discussion of the male/female pay differential and reviews explanations for the gap. It reviews the success of equal pay policies to correct the differential and examines the emerging literature on systems of wage determination.
- Section 7 reviews the record of publicly-funded employment and training programs in improving women's position in the workforce. It also reviews training in the private sector.
- Section 8 reviews policies to reconcile work and family responsibilities.
- Section 9 concludes with a summary of lessons learned.

2. Issues women face in the labour market

One of the most significant social and economic developments of the twentieth century has been the entry of women into the paid labour force. The growing participation of women in the labour market has been one of the basic trends at work in virtually all industrialized nations over the last half of this century. In the early 1960s, women, especially wives with dependent children, were still likely to remain at home and pursue domestic duties, while men, particularly husbands and fathers, were engaged in the paid workforce. But in contemporary industrialized societies, this scenario is increasingly rare.

Several factors account for the rapid expansion of female employment.

- Women are having fewer children and have more freedom to engage in paid work outside the home.
- Other demographic changes such as rising divorce rates, the increase in the number of single-parent families, and delays in marriage and child-rearing have also contributed to rising rates of female employment. Today many women cannot rely on a male breadwinner to provide for them, but must themselves work to support themselves and their families.
- Women's rising education levels, as well as the development of health services and other supports, have fostered women's entry into the workforce.
- Social attitudes have undergone a major transformation. The view, widespread in earlier generations, that women's role should not extend beyond child-rearing and the performance of domestic duties within the household, has largely been eclipsed.
- Structural economic changes have placed serious limits on the ability of a single male wage-earner to earn enough to support his family. The decline in traditionally male sectors of the economy, such as manufacturing and primary industries, has necessitated women's entry into the labour market. In 25% of dual-income earning families in Canada in 1993, the wife was the primary wage-earner, compared to 11% twenty-five years earlier.² For many dual-income families, women's earnings are an essential contribution to overall family income.
- The rapid expansion of the service sector has increased the demand for women's labour, although the quality of these jobs is open to question. Over the last few decades, for example, many women benefited from the growing availability of relatively high quality jobs in the expanding public sector. However, a larger proportion of women found employment in low-paying branches of the service sector, such as retail trade and personal care. Relatively low-skilled jobs account for the largest proportion of service jobs and have increased their share of total employment over the past two decades.

² Susan Crompton and Leslie Geran. "Women as main wage-earners." Perspectives on Labour and Income (4) (Winter 1995).

• New household technologies have been introduced, enabling some household tasks to be accomplished more quickly than they were in the past. The introduction of time-saving devices such as microwaves and dishwashers has allowed more women to enter the labour force, while simultaneously increasing the need for additional income to pay for them.³

The past thirty years have witnessed significant improvements to women's labour market position. Yet women continue to compete in the workforce on an unequal terrain with men, and to experience unequal labour market outcomes as a result. One of the major obstacles to gender equality has been the failure of workplace and social institutions, historically organized around the male breadwinner model of the family, to keep pace with changing labour market trends. Women's entry into the workforce, for example, has not significantly altered the allocation of responsibilities for domestic duties and child care within the home. A Canadian study examining the household division of labour among employed parents found that in most full-time, dual-earner families, the wife had primary responsibility for housework:⁴

- 52% of wives employed full-time had all of the responsibility for daily housework, while 28% had most of the responsibility.
- Only 10% of dual-earning couples shared housework responsibilities equally.

Thus women continue to bear the main responsibilities for child care and household work, and this is the case even in those countries, such as Canada, Sweden, Finland, and Denmark, which have achieved high rates of female participation in the labour force.

Many women who work outside the home are now confronting the "double day." This phenomenon has important implications for women's labour market status. Non-standard work patterns, such as part-time employment, are often adopted as a suitable solution to the conflicting demands of work and family. In fact, large numbers of women work part-time. In Canada, for example, close to one third of women with children under the age of six are engaged in part-time work.⁵

While many women prefer part-time work for family and other reasons, others work part-time because they cannot get full-time employment. There are several drawbacks to part-time work, including fewer benefits, reduced earnings, limited opportunities for career advancement, and greater insecurity. The frequently irregular hours associated with part-time work can make it *more*, and not less, difficult to combine with family duties.⁶

Other issues that pertain to gender equality in the labour market include:

- discrimination and sexual harassment in the workplace
- women's concentration in low paying sectors

³ Frances Woolley. "Work and Household Transactions: An Economist's View." In How Families Cope and Why Policymakers Need to Know. Ottawa: Canadian Policy Research Networks, 1998.

Katherine Marshall. "Employed parents and the division of housework." Perspectives on Labour and Income 5 (3) (Autumn 1993). Statistics Canada.

Katherine Marshall. "Balancing work and family responsibilities." Perspectives on Labour and Income 6 (1) (Spring 1994). Statistics Canada.

⁶ Pat Armstrong. Equal Pay for Work of Equal Value. Paper prepared for the Canadian Human Rights Commission. January 1998.

- higher rates of poverty in comparison to men
- women's under-representation in senior positions
- · obstacles to adequate education and training
- Lack of access to child and elder care

Addressing these issues is a goal of governments in all industrialized countries.

2.1 Gender equality as a policy goal

Most countries of the world recognize women's entitlement to equal rights with men, in accordance with international conventions and as a matter of social justice. The Convention on the Elimination of All Forms of Discrimination Against Women (1979), known as an "international bill of rights for women", is the second most widely ratified human rights treaty in the world. Many countries have also enacted legislation and established organizational structures on a domestic level to promote gender equality.

It is important to note that the concept of equality has evolved over time. At the turn of the century, the focus and debate on women's rights involved issues of "formal equality", or obtaining the same treatment, opportunity and privileges for women as for men. The advancement of women's formal equality led to very important reforms such as women's right to vote, and legal protection from discrimination on the basis of sex. However, it is increasingly recognized that treating men and women similarly will not lead to equal outcomes in many cases because of socio-economic differentials between them. The notion of "substantive equality" recognizes that both freedom from discrimination and positive actions are required to arrive at equal outcomes.

In recent years, the focus has also shifted from *women's* equality to *gender* equality. Gender refers not to men and women *per se*, but to the relationship between them and the ways in which roles are socially constructed. The concept of gender equality, therefore, implies a fuller understanding that social arrangements, not biological differences, lead to inequality, and that these are changeable over time and different between cultures.

The importance of advancing substantive gender equality is broadly accepted, as shown by international support for the *Beijing Platform for Action*, adopted at the Fourth UN World Conference on Women in 1995. In Canada, jurisprudence about the constitutional gender equality guarantees has affirmed a substantive approach to equality, which means that the yardstick of substantive equality can be applied to government legislation and programs.

In addition to conceptual issues about gender equality, policy-makers also face practical issues about which policies and instruments to pursue in order to meet gender equality goals. There are efforts to institutionalize gender-based analysis of policies, programs and legislation within many advanced industrialized countries to ensure that policies are developed with a good understanding of gender relations and differentials in the economy and society, and how these can shape policy outcomes. Work in this area is on-going, but best practices and case studies are beginning to emerge from many jurisdictions, of which this study is one contribution⁷.

⁷ For more information and resources, see Status of Women Canada's gender-based analysis website at <u>http://www.swc-cfc.gc.ca/gba-acs/index.html</u>.

3. Implications of the present economic context

Despite the gains women have made in the last three decades, a large body of research has recently emerged suggesting that major economic changes occurring on a global scale are having detrimental consequences for women's labour market position. At best, these developments are judged likely to limit further progress toward gender equality. While macroeconomic policies are not in themselves the subject of this study, it would be misleading to present a review of past policies and programs without drawing attention to present economic circumstances. In particular, the wider economic context may place constraints on what it is possible to achieve through policy interventions such as those reviewed in this study.

3.1 Economic restructuring

In recent years, the term restructuring has been used to refer to a series of changes occurring within the global economy. These changes include increased international competition between nations for investment, increased capital mobility, a greater emphasis on trade, and reduced public spending and regulation of the economy.⁸ With these changes there has been a move toward deregulation of labour markets, as well as a corresponding increase in flexible forms of labour such as part-time work, contracting and sub-contracting, outsourcing and homework⁹. At the same time, economies have shifted from a manufacturing to a knowledge base. This shift has been accompanied by rapid growth of the service sector and an increasing emphasis on the need for highly skilled specialist workers.

There is a considerable body of literature examining the differential impact on women and men of these labour market changes. In most industrialized nations, a pattern of "harmonizing down" for some men has emerged.¹⁰ In Canada, men's real earnings have not increased for over 20 years, and male participation rates have fallen over the same period. Certain traditionally male occupations, mainly in the primary resource industries and manufacturing, are disappearing altogether. These developments are having a particularly noticeable impact on young men. Between 1981 and 1995, young men decreased their representation in manufacturing industries and increased their presence in

⁸ Isabella Bakker. "Introduction: The Gendered Foundations of Restructuring in Canada." In Rethinking Restructuring: Gender and Change in Canada. Isabella Bakker, ed. Toronto: University of Toronto Press, 1996.

⁹ Statistics Canada reports that in 1999, 41% of employed women worked in a non-standard work arrangement - including part-time work, temporary work, self-employment, and multiple job holding - up from 35% in 1989. Although the proportion of men working in non-standard work arrangements has also grown over this period, men are still less likely than women to hold non-standard jobs (only 29% of men worked in non-standard jobs in 1999, up from 22% in 1989). (Statistics Canada, Women in Canada, Ottawa: Statistics Canada, 2000.)

¹⁰ Pat Armstrong. "The Feminization of the Labour Force: Harmonizing Down in a Global Economy." In Rethinking Restructuring: Gender and Change in Canada. Isabella Bakker, ed. Toronto: University of Toronto Press, 1996.

lower-paid sectors like consumer service.¹¹ A greater proportion was either unemployed, employed involuntarily part-time, or holding non-permanent employment. Many observers caution that the deterioration in men's labour market position may exaggerate the gains women have made over the last few decades.

Three trends associated with restructuring have important implications for women's labour market position.

Expansion of the service sector: wage polarization and rise in non-standard work

While the manufacturing and primary industries have declined, the service sector, where women have traditionally been concentrated, has grown quite substantially. The service sector is highly heterogeneous, encompassing both well-paid professional and technical occupations as well as low-skill, low paid occupations. A stratum of highly skilled, high-status workers has formed, coupled with a large mass of technically semi-skilled or unskilled workers who acquire their training on the job or in short courses lasting a few weeks.¹² Wage polarization has accompanied the growing demand for highly skilled workers and declining demand for unskilled labour. Increasingly, the workforce is segmented into a primary labour market offering good wages, job security, and opportunities for advancement, and a secondary labour market of low-paid, contingent workers.¹³ Women, and especially visible minority women, remain over-represented in the latter.

Furthermore, the service sector is the site of a large and growing proportion of non-standard forms of work, typically providing less job security, lower pay, and fewer fringe benefits.¹⁴ Non-standard forms of work include part-time, temporary work, non-day and shiftwork, multiple job-holding, contracting, sub-contracting, and homework. Women are much more likely than men to have non-standard employment.¹⁵ While the shift towards atypical forms of work may benefit women to the extent that they disproportionately occupy these kinds of jobs, the increased demand for female labour will not necessarily be accompanied by higher wages¹⁶

The expansion of non-standard work arrangements is occurring both in the lower-tier service sector, which includes retail trade, domestic service, and other consumer services, as well as in the upper-tier service sector, including education, health and welfare. However, non-standard employment has increased in virtually all segments of the labour market. Effective employment standards legislation, including regulations governing pay, hours, working conditions, and benefits, will be critical in protecting the large numbers of women engaged in atypical forms of work. A discussion of employment standards follows in the next section.

¹¹ Miles Coark. "Long-Term Prospects for the Young." *Canadian Economic Observer* (January 1999). Statistics Canada.

¹² Guy Standing. "Global Feminization through Flexible Labor." World Development 17 (7) (1989).

¹³ Economic Council of Canada. Good Jobs, Bad Jobs: *Employment in the Service Economy*. Ottawa: ECC, 1991.

¹⁴ Harvey Krahn. "Non-standard work on the rise." *Perspectives on Labour and Income* 7 (4) (Winter 1995). Statistics Canada.

¹⁵ Krahn, ibid.

¹⁶ Morley Gunderson. Women and the Canadian Labour Market: Transitions Toward the Future. Ottawa: Statistics Canada and Minister of Industry, 1998.

Decline of the public sector

A second important development associated with restructuring is the decline of the public sector. Over the past few decades, growth of the public sector has been an important factor in women's integration into the labour market in industrialized countries. The OECD reports that women are now over-represented among public employees in all countries.¹⁷

The public sector has also been a source of *especially good* jobs for women. Public sector workers are significantly more educated and significantly more likely than their private sector counterparts to be employed in professional, managerial, and technical occupations.¹⁸ Large numbers of public sector workers are women employed in female-dominated professional occupations in sectors like education, health, and social services. Furthermore, the gender gap in earnings is smaller in the public sector than in the private. The smaller wage gap in the public sector is due both to the concentration in that sector of highly skilled female-dominated professions, and to a more compressed wage structure overall.¹⁹

However, a recent study comparing public sector earnings premiums in seven industrialized countries demonstrates that the earnings benefits associated with public sector employment are not universally found:²⁰

- Once differences in worker- and job-related characteristics such as education and occupation are controlled for, the public sector pay advantage disappears in most countries, and remains only in Canada and the United States. In other words, as the size of the public sector increases, the public sector pay advantage diminishes.
- The more compressed wage structure found in the public sector means that pay premiums are concentrated at the low end of the earnings distribution. This pattern is strongest in countries with the least regulated labour markets - that is, in Canada and the United States. Women in lower-paying occupations have benefited most from public sector employment in these countries, and they are also most likely to be affected by public sector downsizing and wage restrictions.

Rise in self-employment

A third trend associated with restructuring is the dramatic expansion in self-employment. The number of self-employed has rapidly expanded as large corporations and governments downsize and jobs are eliminated. Rising self-employment is also associated with the growth of the service sector and with the adoption of policies promoting contracting out and privatization by government.

¹⁷ OECD. Women and Structural Change: New Perspectives. Paris: OECD, 1994.

¹⁸ Janet Gornick and Jerry Jacobs. "Gender, the Welfare State, and Public Employment: A Comparative Study of Seven Industrialized Countries." *American Sociological Review* 63 (5) (October 1998).

¹⁹ Wage structures are discussed in detail in the section on policies affecting pay.

²⁰ Gornick and Jacobs, ibid.

Thirty-one percent of employment growth from 1976 to 1997 has been in the form of self-employment. Although self-employment is more prevalent among men than among women, in recent years, female self-employment has grown faster than self-employment among men. In 1996, women constituted about one third of all self-employed Canadians, compared to 26% twenty years before.²¹ Furthermore, Canada ranks first in the OECD in terms of female representation in unincorporated self-employment, with the United States slightly behind.²²

For some women, business creation is a solution to unemployment or underemployment. On the other hand, for highly educated and professional women who leave well-paid positions in order to head their own businesses, self-employment is frequently a response to the "glass ceiling". But while self-employment certainly allows some women to improve their economic situation, for many others it offers limited opportunities.

- Difficulty in obtaining financing is the most frequently reported obstacle to business start-up and expansion. A 1994 study by the Canadian Federation of Independent Business reported that 42% of self-employed women were concerned about access to financing.²³ Compared to men, women are more often associated with factors related to loan refusal. One of the most significant is their concentration in sectors, such as food and beverage, retail trade, and other services, that have lower than average approval rates. Other factors include smaller firm size, fewer liquid assets, less managerial experience, and an unproven track record.²⁴
- Statistics Canada reports that the incidence of self-employment is considerably higher among women who did not complete high school than among those with higher levels of education.²⁵ Further, university degrees are more prevalent among female paid workers than among self-employed women, while the reverse is true for men. In general, women are less likely than men to become entrepreneurs in professional fields requiring higher education.
- Statistics Canada reports that the most common occupations for self-employed women are child care, sales, and hairdressing.²⁶ Thus, a considerable portion of self-employment is located at the lower end of the labour market and offers relatively poor wages and insecure work.
- Once self-employed, women typically earn less than both their paid worker counterparts and self-employed men, and receive fewer benefits. These lower earnings reflect several factors, including the higher prevalence of part-time work among women entrepreneurs, their concentration in industries in which earnings tend to be low, the lower proportion of self-employed women who are also employers in comparison to men, and the lower proportion of self-employed women with a university education compared to men.

²¹ Zhengxi Lin, Janice Yates and Garnett Picot. *Rising Self-Employment in the Midst of High Unemployment: An Empirical Analysis of Recent Developments in Canada*, Statistics Canada, Analytical Studies Branch - Research Paper Series, No. 133. Ottawa: March 1999.

²² Lois Stevenson and Gary Sawchuk. "Shattering the Glass Box? Women Entrepreneurs and the Knowledge-Based Economy." Presented at Industry Canada National Policy Research Conference, October 1998.

²³ Cited in Business Development Bank of Canada. Women *Entrepreneurs: Geared Toward Success*, 1997. Available at http://strategis.ic.gc.ca/SSG/mi04737e.html.

²⁴ Lola Fabowale et al. "Gender and Banking with the Small Business Client." *Canadian Woman Studies* 15 (1) (Winter 1994).

²⁵ Gary Cohen. "Women Entrepreneurs." *Perspectives on Labour and Income* 8 (1) (Spring 1996).

²⁶ Cited in Business Development Bank of Canada, opp cit.

- The legal status of the self-employed, and their relationship to existing government programs and employment legislation, has not been adequately defined.
- Self-employment is being used by some women as a strategy that allows them to balance their work and family responsibilities. This may work well for some women, but for others it may simply be the best of a poor set of options, made in a context of inadequate access to child care or to flexible work arrangements.²⁷

Many governments are encouraging women to start their own businesses as a way of promoting economic independence and job growth. Entrepreneurship programs have been widely introduced. But unless these programs are specifically targeted at women, they do not generally achieve high female participation rates, nor do they address the problem of women's limited access to credit. In fact, the evaluation literature indicates that, so far, self-employment programs have tended to benefit men more than women.²⁸

Some jurisdictions have introduced self-employment programs targeted specifically at women. For example, the Women's Enterprise Initiative, funded through Western Economic Diversification Canada, provides business information and services to women entrepreneurs. Services include access to a loan fund, advisory services, and networking. Similarly, one of the main purposes of New Opportunities for Women (NOW), a European Union-wide initiative financed through the European Social Fund, is to promote women's entrepreneurship. Most projects funded through NOW combine training with activities such as market research , drawing up business plans, mentorship, and developing sector-specific knowledge. For future projects, the initiative intends to focus on facilitating access to capital and financial aid, and on providing more support after business set-up. These kinds of measures can help to overcome some of the unique barriers women face when seeking to become self-employed.

²⁷ Karen Hughes. Gender and Self-employment in Canada: Assessing Trends and Policy Implications. Ottawa: CPRN Study No. W104, 1999.

²⁸ John Martin. What Works Among Active Labour Market Policies: Evidence from OECD Countries' Experience. Labour Market and Social Policy Occasional Paper no. 35. Paris: OECD, 1998.

4. Employment standards

The previous section described an ongoing process of economic and industrial restructuring characterized by increased competition between nations for markets, increased capital mobility, and a greater emphasis on trade. In response to these structural changes, some employers are turning to low-cost, "flexible" forms of labour²⁹. Flexible or non-standard forms of work, including part-time, homework, temporary work, contract and sub-contract relationships, and nominal forms of self-employment³⁰, reduce the costs of doing business for employers for two reasons. First, flexible workers are usually non-unionized and thus usually fall outside the scope of coverage of collective bargaining agreements covering pay, working hours, benefits, and so on. Second, by employing flexible workers - particularly those who are nominally self-employed - employers avoid paying the same level of wages and benefits as paid to regular employees, and avoid EI and CPP contributions. Women now constitute the majority of non-standard workers in all industrialized nations.

The following section presents employment standards in three industries: garment, home care and high technology. These industries were chosen in order to illustrate that employment standard do not necessarily need to be universally applied because some are more vulnerable than others.

4.1 Case studies: employment standards in three industries

The shift toward non-standard forms of work is proceeding throughout the economy, and is evident in sectors as diverse as agriculture, health and social services, security and cleaning services, manufacturing, high technology industries, and the public sector, among others. For non-standard workers in many of these industries, the existence and effective enforcement of universal minimum employment standards governing wages, working conditions, benefits and leaves, hours of work, vacations, and protection from unjust dismissal is critical. However, some flexible workers, particularly professionals and white-collar workers, may enjoy conditions of work that meet or exceed prevailing minimum standards. Therefore, their interest in employment standards may be low.

²⁹ According to the 1999 Workplace and Employee Survey - Compendium, while the use of flexible hours, part-time workers and temporary workers has increased overall, these "organizational changes" are not the only ones adopted by businesses. "Re-engineering", "downsizing" and "greater reliance on functional flexibility" constitute other types of strategies used by businesses to adapt to changes in the economic environment. [See Statistics Canada (June 2001)]

³⁰ See Bush, Kim. "Flexible Work Options". *It's About Time*. In Context: A Quarterly of Humane Sustainable Culture 37 (Winter 1994); and A. Goodswaard and M. de Nanteuil. *Flexibility and Working Conditions: A Qualitative and Comparative Study in Seven EU Member State - A Summary*. Dublin: European Foundation for the Improvement of Living and Working Conditions, 2000.

The next section examines the situation of non-standard workers in clothing manufacturing, home care, and the high technology industry by way of illustration.³¹

4.1.1 The garment industry

The garment industry has been singled out in the academic and policy literature as one in which discrepancies between employment practice, on the one hand, and international standards and labour legislation, on the other, are especially marked and widespread.

The clothing industry in Canada, as in other Western industrialized countries, has been particularly affected by trade liberalization and by the reduction of tariffs and quotas on clothing imports from low-wage countries.³² The industry has responded by seeking to reduce labour costs as far as possible in an effort to remain competitive. In a recent study for Status of Women Canada, Lynda Yanz et al. report that most production in the industry is now done by secondary firms under subcontract with a primary enterprise.³³ The authors describe a chain of production at the top of which is the retailer who subcontracts to a "jobber", who subcontracts to a small factory where the cutting and some sewing is done. The majority of sewing is subcontracted to even smaller workshops, which in turn often subcontract to homeworkers in order to meet tight deadlines. The authors note further that:

- The majority of garment firms are small, non-union factories. In the early 1990s, 75% of clothing was produced in shops with fewer than 20 workers, compared to 22% in the early 1970s.
- In Ontario in 1991, contractors made up over 50% of the industry. More than half of these contractors had four workers or less.
- The true number of workers in the industry is difficult to estimate because of the large number of small, unregistered contractors and homeworkers who do not appear in the official statistics.

At each level of the chain of production, contractors receive a cut of the price paid by the retailer, and the workers, paid on a piece rate basis, are left with a smaller and smaller share. In fact, piece rates that fall well below the minimum wage, excessive hours, and other labour rights violations are the norm. Meanwhile, the primary enterprise disclaims any responsibility for labour standards, on the grounds that its contractors and subcontractors are the real employers. The contractors and subcontractors do the same, on the grounds that the contract shop workers and homeworkers they hire are "self-employed." Thus, the organization of work in the industry makes enforcement of employment standards very difficult.

³¹ The examples provided in the next section refer primarily to blue-collar and service occupations. However, workers in low status, "pink-collar" occupations (e.g. telemarketing workers or other clerical workers working from home) may also benefit from regulations that enforce minimum employment standards.

³² According to Statistics Canada, the garment industry was one of the most trade-protected industries prior to the 1989 Canada-U.S. Free Trade Agreement, the 1994 North American Free Trade Agreement, and the 1995 Multi-Fibre Arrangement. However, competition from low-wage developing countries has affected the domestic garment industry in many industrialized countries. Katherine Marshall et al. "Sizing up employment in clothing manufacturing." *Perspectives on Labour and Income* 9 (1) (Spring 1997), 33-40.

³³ Lynda Yanz et al. Policy Options to Improve Standards for Women Garment Workers in Canada and Internationally. Ottawa: Status of Women Canada, 1999. A similar situation prevails in the United States and Western Europe.

The costs of this restructuring are being borne primarily by women, and especially by immigrant women who have historically occupied a precarious position in the labour market. Many studies have documented a link between gender, ethnicity and a growing trend toward informalization and domestication of work within the industry.³⁴ In 1997, Statistics Canada reported that 75% of all garment workers in Canada were women; 50% were immigrants; and 37% were female immigrants.³⁵ However, the large numbers of undocumented women immigrants who work at home or in small contract workshops are not represented in these official figures. In fact, while men in the industry tend to be cutters and pressers employed in factories, and are often unionized, most of the sewing is done by immigrant women homeworkers or contract shop workers, many of whom are not only non-unionized but also undocumented.³⁶

4.1.2 The home care industry

In the last decade, concern over expanding health care costs has, in many industrialized nations, prompted a shift from institutionally based health care to health care provided to people in their homes. The aging of the population has, moreover, added a sense of urgency to the development of non-institutional models.³⁷ In both Canada and the United States, the home care industry has experienced major job growth. The U.S. Labor Department predicts that between 1994 and 2005, home health care services will experience the largest job growth of any industry, growing by 120%.³⁸

The home care industry relies on a labour pool of low-paid workers, the vast majority of whom, like workers in the garment industry, are women. Most studies show that home care workers are predominantly women with a low level of education. A significant proportion are ethnic minorities. Most work less than full-time, and their earned annual income often falls appreciably below the poverty level. Poor working conditions, including few or nonexistent benefits, isolation and monotony on the job, vulnerability to harassment (based on race, gender, or class), exposure to disease and dirty working conditions, hours that fluctuate from week to week, little training, few opportunities for promotion, and long commutes to reach their clients, are the norm.³⁹ Home care workers may have more than one employer and simultaneously have jobs outside of home care; they may also work for only part of the year.⁴⁰ Poorly paid and highly transient, the home care workforce is typical of occupations that do not require specific formal education or highly developed technical skills.

³⁴ For examples see Wenona Giles and Valerie Preston, "The Domestication of Women's Work: A Comparison of Chinese and Portuguese Immigrant Women Homeworks," *Studies in Political Economy* (Fall 1996); Belinda Leach, "Flexible' work, precarious future: some lessons from the Canadian clothing industry," *Canadian Review of Sociology and Anthropology* 30 (1) (1993); Annie Phizacklea and Carol Wolkowitz, *Homeworking Women: Gender, Racism and Class at Work*, London: Sage Publications, 1995; and Lynda Yanz et al, opp cit.

³⁵ Marshall et al, opp cit.

³⁶ Yanz et al, opp cit.

³⁷ Sheila Neysmith. "Towards a Woman-Friendly Long-Term Care Policy." In *Women and the Canadian Welfare State*, 222-45. P. Evans and G. Wekerle, eds. Toronto: University of Toronto Press, 1997.

³⁸ Cited in USA Today, April 9, 1997. Available at

www.usatoday.com/life/health/hcare/home/lhhhhh0002.htm

³⁹ Lynn Burbridge. "The Labor Market for Home Care Workers: Demand, Supply, and Institutional Barriers." *The Gerontologist* 33 (1) (1993), 41-46.

⁴⁰ Margaret MacAdam. "Home Care Reimbursement and Effects on Personnel." *The Gerontologist* 33 (1) (1993), 55-63.

Because of the inferior benefits, job instability, and poor working conditions associated with home care work, the industry is experiencing serious difficulties recruiting and retaining workers even as demand for services rises. One American study found that even in New York State, where home care workers generally receive better benefits and work

fuller workweeks than those in other states, the proportion of workers willing to accept a home care job would rise by 25% to 30% if paid vacation and sick leave or guaranteed hours were added to the base wage-benefit package.⁴¹ Some of the specific work life improvements expected to attract more workers to the industry and reduce turnover include higher wages, more comprehensive benefits, more relevant training, increased supervisory and peer support, guaranteed hours, enhanced status, and greater opportunity for advancement along a career ladder. However, these improvements can be quite expensive. For home care providers that function essentially as temporary help agencies, the costs of reducing turnover may not be perceived as commensurate with the benefits.⁴²

A number of authors have noted that government reimbursement rates are one of the major barriers to improving the stability of the home care workforce. Home care provider agencies that are heavily dependent on government funding have problems offering competitive working conditions to potential and current employees. Schmid and Hasenfeld observe that reimbursement rules and caps on expenditures in the U.S. context has resulted in provider organizations minimizing costs as much as possible in order to maintain profitability in the face of severe limits on the fees they can charge. This has depressed workers' wages and benefits and has encouraged the employment of part-time and contract workers, which in turn has exacerbated the instability of the home-care labour force.⁴³

A similar situation prevails in Canada, where the delivery of home care services is carried out either through government agencies or through some form of managed competition, or both. The province of New Brunswick, for example, pays home care agencies a flat rate of \$9.50 an hour for providing home support workers to clients who need long-term help with daily living and who cannot afford to pay for it themselves.⁴⁴ Out of the \$9.50, agencies must pay all overhead costs, including administration, training, rent, and utilities, as well as wages. The amount that homemakers eventually receive ranges from \$5.50 (the provincial minimum wage) to \$7.49 an hour. There is no overtime pay (except for statutory holidays) regardless of hours worked, no vacation, no health benefits, no sick leave, no pension plan, and virtually no travel allowance. There are no days off, and because many tasks must be done at a specific time, it is not unusual for seven paid hours to be spread over a 14-hour period. The province is experiencing serious home care labour shortages.

⁴¹ Penny Feldman. "Work Life Improvements for Home Care Workers: Impact and Feasibility." The Gerontologist 33 (1) (1993), 47-54.

⁴² Feldman, ibid.

⁴³ Hillel Schmid and Yeheskel Hasenfeld. "Organizational Dilemmas in the Provision of Home-Care Services." *Social Service Review* 67 (1) (1993), 40-54.

⁴⁴ Andre Picard. "Hard wages: Why workers don't stay." *The Globe and Mail*, March 27, 1999, p.A12.

The attraction of home care is that it is, for the most part, far cheaper than keeping patients in institutions.⁴⁵ However, home care workers are paying for these savings through low wages. If their wages rise, home care costs will rise, and many of the savings from hospital closings will be lost.⁴⁶ On the other hand, the shortage of home care workers will not be resolved until wages and benefits reflect the importance of the service to the wider society. If there are no improvements in wage and benefit levels, the present shortage will continue to prevail and families will be required to assume a greater share of the caring burden.

4.1.3 The high technology industry

Although the labour rights of non-standard workers in the garment and home care industries are often ignored, non-standard workers can have different experiences of flexible employment depending on their skills, qualifications, occupation, and job status. For example, homeworkers possessing technical or professional qualifications may enjoy benefits and working conditions similar to those enjoyed by women in the formal workplace. Federal public servants who take advantage of the government of Canada's "telework" policy, unlike industrial homeworkers, retain their eligibility for employment insurance and their public sector benefits, and remain protected by labour legislation.⁴⁷

The high technology industry presents a slightly different scenario. The industry is currently experiencing rapid growth in a quickly changing environment. It is dominated by young, highly mobile firms employing young people, also highly mobile, with advanced educational qualifications. Most of these employees are non-unionized.

In general, employees in the high tech industry, unlike those in the garment and home care industries, are well paid. Additional rewards are available to employees in the form of stock options and bonuses that are not considered by employment standards legislation. On the other hand, overtime provisions are frequently violated. Because work in the industry is project-based, it is characterized by short time lines and longer than usual hours during busy periods.

A recent study for the British Columbia Ministry of Labour investigated the appropriateness of applying provincial employment standards legislation to the high tech industry.⁴⁸ It concluded that most of those involved in the industry, employers and employees alike, preferred a flexible approach to work schedules and felt that existing employment standards legislation did not recognize the realities of the industry. But it also recognized that employee burnout is a problem and that employment standards legislation is the only protection workers in the industry have. In light of these considerations, it recommended that:

⁴⁵ There is, however, a considerable debate about the extent to which homecare is cheaper than institutionalised models of health care.

⁴⁶ Picard, opp cit.

⁴⁷ Belinda Leach. "Behind Closed Doors: Homework Policy and Lost Opportunities for Change." In *Rethinking Restructuring: Gender and Change in Canada*. Isabella Bakker, ed. Toronto: University of Toronto Press, 1996.

⁴⁸ British Columbia Ministry of Labour. *Employment Standards for the High Technology Industry*. BC Ministry of Labour, 1998. Available at <u>www.labour.gov.bc.ca</u>.

- Professionals in the industry should be excluded from provisions governing statutory holidays and from provisions governing hours of work and overtime, except for excessive hours that would be detrimental to their health or safety.⁴⁹
- A maximum of 12 hours may be worked in a day before overtime is triggered at time and a half, and a maximum of 80 hours may be worked over two weeks before overtime is triggered at time and a half.
- Employees can refuse to work hours beyond their regular shift, without penalty or discrimination, where employers do not provide a minimum of 24 hours' notice in requests for increased workdays.

The high tech industry is an example of one in which it may not necessarily be desirable, from the point of view of employees and employers alike, to apply employment standards in their present form. Unlike the garment and home care industries, the high tech industry employs a well-educated and well-compensated workforce. Many high tech professionals are prepared to tolerate long hours in exchange for other benefits. On the other hand, the high levels of employee burnout and employee mobility in the industry suggest that this willingness may not be sustainable in the longer term. As demand for high tech professionals rises, wage escalation or contracting overseas, including low-cost contracting over the Internet, may result.

4.2 Strategies for implementing and enforcing employment standards

Three possible approaches to the implementation and enforcement of employment standards are discussed here. These include legislation; collective bargaining; and voluntary codes of conduct and monitoring systems.

4.2.1 Legislation

Legislation has been the preferred approach to implementation and enforcement of employment standards in North America. In Canada, the provinces and the territories have all enacted employment standards legislation governing minimum wages, working conditions, overtime, benefits, leave, termination of employment, and so on. The *Canada Labour Code* is the federal counterpart to the provincial statutes, and covers all employees and employers in activities that come within federal legislative authority, including Crown Corporations but excluding the federal public service. Similarly, in the United States, each state has its own statute governing employment standards. At the federal level, the most important piece of legislation governing employment standards is the Fair Labor Standards Act, which applies to all businesses producing goods for interstate commerce.

⁴⁹ At present, no province specifically excludes high tech professionals from coverage by employment standards legislation. However, Manitoba and Newfoundland have a general exemption for professional from hours of work and overtime standards.

Employment standards legislation in both the United States and Canada has been widely criticized, primarily for its failure to recognize the changing employment relationship.⁵⁰ The gist of this critique is that existing legislation is based on a model of stable employment relations that presumes full-time work on a continuing basis for a single employer on the employer's premises. This model is constrained by the tendency towards a growing proportion of the workforce being engaged in non-standard forms of work, where fixed-term contracts, work off the employer's premises, and employer responsibility that is shared between two or more parties are becoming the norm.

Adoption and enforcement of a clear definition of employee

To ensure that employment standards legislation remains applicable to those workers who are most in need of its protection, some analysts have suggested that a clear definition of an employee needs to be adopted and consistently enforced in employment laws across jurisdictions.

Since the application of employment standards legislation depends on the finding that a worker is an employee, the definition of "employee" is critical. A clear definition would help to prevent the possibility of some employers altering the legal characterization of employment relationships, which would deny workers the status of employees, thereby disqualifying them from coverage by the relevant legislation⁵¹. It is an increasingly common practice among employers to characterize workers as self-employed contractors in order to avoid paying the same level of wages and benefits as paid to regular employees, and to avoid paying contributions to employment insurance and pension schemes.

This problem could be substantially mitigated, first by adopting a clear definition of employee, and second, by applying and enforcing this definition consistently in employment laws across jurisdictions. At present, provincial and state employment standards statutes differ in their definitions of the employee-employer relationship. In turn, these definitions differ from those found in the corresponding federal legislation; and the definitions used for taxation purposes by Revenue Canada and the Internal Revenue Service are different once again.⁵² This causes difficulties for employers attempting to comply with a series of

⁵⁰ For examples see *Report of the Advisory Committee on the Changing Workplace*, especially Chapters 4 and 5 by Serge Brault and Alexandra Dagg, Ottawa: Public Works and Government Services Canada, 1997; Judy Fudge, *Labour Law's Little Sister: The Employment Standards Act and the Feminization of Labour*, Canadian Centre for Policy Alternatives, 1991; and Yanz et al, opp cit. For a similar critique of U.S. and international approaches to labour standards, see Leah Vosko, "Legitimizing the Triangular Employment Relationship: Emerging International Labour Standards from a Comparative Perspective," *Comparative Labor Law and Policy Journal* 19 (1) (Fall 1997); and Bruce Goldstein et al, "Enforcing Fair Labor Standards in the Modern American Sweatshop: Rediscovering the Statutory Definition of Employment," *UCLA Law Review* 46 (4) (April 1999).

⁵¹ Dagg, Alexandra. "Worker Representation and Protection in the 'New Economy'" in *Collective Reflection on the Changing Workplace. Report of the Advisory Committee on the Changing Workplace.* Ottawa: Public Works and Government Services Canada, June 1997, p. 83.

⁵² Jamie Faricellia Dangler. *Hidden in the Home: The Role of Waged Homework in the Modern World Economy*. New York: State University of New York Press, 1994.

definitions that are variously interpreted and enforced. The disparate definitions also give employers considerable scope in characterizing the legal status of their workers.⁵³

Advocates of this reform agree that the determination of whether an employee-employer relationship exists must consider the underlying economic realities of the client and contractor relationship.⁵⁴ They argue that for the purposes of employment standards legislation, the term employee should refer to anyone who is economically dependent for his/her livelihood on the employer, and who has little or no control over scheduling and performance of work and other aspects of the production process.

Improved monitoring and enforcement

Another criticism of current employment standards legislation is that it is rarely enforced adequately. Dagg points out that, in Canada, very few provinces actively monitor and enforce their employment standards legislation. Most rely instead on the investigation of investigation of individual complaints. However, the complaint-based approach has its limits. For example, workers may choose not to lodge a complaint against their employer for fear of reprisals. Launching a complaint also typically requires time and resources to which many workers do not have access. Furthermore, very few complaints ever result in significant sanctions being imposed on the employer.

Many critics of current employment standards legislation have pointed to the need for improved monitoring and enforcement initiatives to ensure employer compliance with employment standards legislation. One good example of an effective enforcement strategy is the "No Sweat" campaign, developed by the American Department of Labor's Wage and Hour Division. The campaign aims to enforce compliance with labour laws in the garment industry. It is a three-pronged initiative consisting of:

- *an enforcement strategy,* including targeted enforcement sweeps in major garment centres, notifying manufacturers of "hot goods" produced by their contractors, and issuing quarterly enforcement reports;
- *an education/outreach strategy,* including compliance monitoring workshops to provide industry with information on how to implement an effective monitoring program;
- *a recognition strategy,* including the publication of a Trendsetters List recognizing retailers and manufacturers that have assumed responsibility for monitoring the labour practices of their contractors.

⁵³ In a recent study, Anthony Carnevale et al explore the definition of employee in the context of six U.S. federal employment laws, including the Fair Labor Standards Act. The authors found six definitions of employee and five tests developed by the courts to determine whether an individual is am employee according to these definitions. Anthony Carnevale et al, "Contingent Workers and Employment Law," in *Contingent Work: American Employment Relations in Transition*, 281-305. Kathleen Barker and Kathleen Christensen, eds. Ithaca: Cornell University Press, 1998.

⁵⁴ This suggestion has been made in both the Canadian and U.S. contexts by numerous authors, including Brault and Dagg, ibid; Fudge, ibid; Yanz et al, ibid; Goldstein et al, ibid; and Virginia duRivage et al, "Making Labor Law Work for Part-Time and Contingent Workers," in *Contingent Work: American Employment Relations in Transition*, 263-80.

Since its inception in 1995, the campaign has reduced overtime and minimum wage violations and recovered \$8.4 million for 29,000 garment workers.⁵⁵ Other low-wage industries, including agriculture, home nursing, and restaurants and hotels, are the targets of similar enforcement initiatives in the United States. While the success of the "No Sweat" campaign may be particular to the American context - and, more specifically, to the garment industry in the US - further research may help us extract lessons on what makes the initiative work and why. These lessons, in turn, may be useful in helping other nations devise monitoring and enforcement strategies suited to their contexts.

In addition to improving monitoring and enforcement strategies and rewriting legislation to provide coverage to non-standard workers, researchers have suggested other possible adjustments to employment standards legislation and practices.

Joint and several liability

One other suggestion is the introduction of joint and several liabilities between employers. In many industries today, two or more parties are involved in controlling working conditions and wages: the primary firm and its contractors and subcontractors. However, the role of the primary enterprise in controlling the working conditions and wages of the contractor's workforce is rarely recognized. Applied to the garment industry, joint and several liabilities would make retailers and manufacturers jointly and legally liable, along with the immediate employer, for the employment standards violations of their contractors and subcontractors.

Anonymous and third party complaints

The right to make anonymous and third party complaints would help mitigate fears of reprisal through disciplinary measures or job loss. British Columbia is the only province to have introduced this right⁵⁶.

More strenuous record-keeping practices

More strenuous reporting and record-keeping practices, such as a central registry of homeworkers and a certification system for contractors, would help to ensure that all work is documented and labour standards consequently maintained. In Germany, for example, there are specific laws regulating homework and most, though not all, homeworkers are registered.⁵⁷ As a result of this approach, German homeworkers enjoy better protections than their counterparts in most other countries. On the other hand, there is also evidence of trans-European sub-contracting from Germany, where homework is regulated, to Greece or Britain, where it is

⁵⁵ President's Interagency Council on Women. America's Commitment: Federal Programs Benefitting Women and New Initiatives as Follow-Up to the UN Fourth World Conference on Women. Washington: U.S. Department of State, 1997.

⁵⁶ Since they are fairly new, there is little evidence yet available on the impact of anonymous and third party complaints on the enforcement of employment standard.

 ⁵⁷ Enzo Mingione and Mauro Magatti. *Follow-Up to the White Paper on the Informal Sector*. Report to the European Commission's Employment Task Force. Luxembourg: Office for Official Publications of the European Communities, 1994.

not.⁵⁸ The relative ease with which such arrangements can be made underscores the difficulty involved in guaranteeing minimum standards to all workers.

4.2.2 Collective bargaining

Collective bargaining is an alternative approach to ensuring minimum standards for workers. In contrast to much of Europe, collective bargaining has not taken hold in North America beyond certain sectors characterized by the absence of competition.⁵⁹ Furthermore, the ability of collective bargaining in Canada and the United States to ensure minimum standards for non-standard workers is limited by two factors:

- Collective bargaining is highly decentralized, occurring primarily at the level of the individual firm and the specific work site. This approach effectively excludes non-standard workers who shift across work sites and employers, and is increasingly irrelevant to the present organization of work.
- The system used to determine an appropriate bargaining unit relies on a "community of interest" criterion that considers similarity of wages, working conditions, and regularity of employment among workers. This creates obstacles to representing part-time, temporary, and other non-standard workers.⁶⁰ Furthermore, the bodies authorized to define bargaining units have tended to certify relatively small units, thus limiting the scope and impact of collective bargaining to small groups of employees.⁶¹

The situation in much of Europe is quite different. Overall, the role of unions in representing workers' interests through collective bargaining is more widely accepted than in North America; and in some countries, such as Germany and the Nordic countries, this role is uncontested. Furthermore, collective bargaining in Europe typically occurs at the industry or sectoral level, rather than at the firm level. Finally, the terms of collective bargaining agreements are often extended to all workers in an industry no matter what trade or occupation they are engaged in, including those who are non-unionized. In 1994, ten of the 12 member states had systems permitting the extension of collective agreements to parties that are not signatories to the agreements.⁶²

These arrangements clearly benefit non-standard workers, particularly temporary and contract workers, who are assured of coverage even when they move from one employer to another within an industry.⁶³ The situation of temporary agency workers in France is one example.⁶⁴ Since the early 1980s, the French government has promoted the organization of temporary workers as employees of temporary agencies, rather than as employees of the client companies. In addition to introducing legislation regulating temporary agencies and user firms, it has fostered the development of national collective bargaining agreements

⁵⁸ Mingione and Magatti, ibid.

⁵⁹ Judy Fudge. "The Gendered Dimensions of Labour Law: Why Women Need Inclusive Unionism and Broader-based Collective Bargaining." In *Women Challenging Unions*, 231-48. Linda Briskin and Patricia McDermott, eds. Toronto: University of Toronto Press, 1993.

⁶⁰ duRivage et al, opp cit.

⁶¹ Fudge, opp cit.

⁶² Jill Rubery and Colette Fagan. *Wage Determination and Sex Segregation in Employment in the European Community*. Luxembourg: Office for Official Publications of the European Communities, 1994.

⁶³ duRivage et al, opp cit.

⁶⁴ duRivage et al, opp cit.

covering the temporary help industry. The agreements concluded so far have developed seniority provisions for benefits which move with a temporary worker from agency to agency, and maintain worker access to job-related benefits beyond the duration of their assignment with one user firm. More importantly, a government decree extended the full range of benefits to all workers in the temporary help supply industry, even those who are not members of a union.

Despite the broader coverage for non-standard workers in many European nations, it is still the case that many part-time, temporary and contingent workers are excluded from the terms of collective bargaining agreements. For example, although there is in Germany the opportunity in principle to extend collective agreements to non-unionized workers, in practice this extension is only selectively applied, and more often to non-pay issues.⁶⁵

Furthermore, homeworkers, in Europe as in North America, remain a particularly vulnerable group. In light of this reality, a recent report for the European Commission recommended that legislative or administrative obstacles to the right of homeworkers to establish and join the worker's organizations of their choice, as well as their right to join trade unions, should be identified and eliminated.⁶⁶ It also recommended that measures should be taken to encourage and promote collective bargaining as a means of regulating the terms and conditions of work of homeworkers.

In North America, several authors have recommended a collective bargaining process involving multiple employers and covering all workers in a geographic location, industry, occupation, occupational subsector or chain of production as a means of improving the position of non-standard workers. However, this option has not received much attention outside Quebec. That province's *Collective Decrees Act* has reportedly been successful in setting a wage floor for unorganized contract shop workers in the garment industry, but has been less successful in protecting the rights of homeworkers, mainly because the majority of homework is undocumented.⁶⁷ The Quebec government is currently under considerable pressure to rescind the legislation.

4.2.3 Voluntary codes of conduct and monitoring systems

Voluntary codes of conduct at the firm and multi-firm level, along with monitoring, accreditation and labelling systems, are gaining popularity as a means of addressing the problem of labour standards violations. Most voluntary codes use International Labour Organization conventions for the definition of core labour standards such as prohibition of child and force labour, discrimination on grounds of gender, race, and religion, and the guarantee of freedom of association and collective bargaining.⁶⁸ They may, in addition, refer to wages and benefits, working conditions, health and safety, and so on.

Numerous codes of conduct and monitoring systems have been adopted at the national and international levels to regulate the garment industry. These include the Apparel Industry

⁶⁵ Rubery and Fagan, opp cit.

 ⁶⁶ Ursual Huws. *Follow-Up to the White Paper on Teleworking*. Report to the European Commission's Employment Task Force. Luxembourg: Office for Official Publications of the European Communities, 1995.
 ⁶⁷ Variant al. analytication of the European Communities, 1995.

⁶⁷ Yanz et al, opp cit.

⁶⁸ European Commission and U.S. Department of Labor. *Joint Report on the Main Issues Emerging from the EU-US Symposium on Codes of Conduct and International Labour Standards*. Brussels: 1998.

Partnership in the United States, the Fair Trade Charter for Garments in the Netherlands, and the Ethical Trading Initiative in the United Kingdom. The Canadian Apparel Federation has commissioned a Swiss company, Société Générale de Surveillance, to help define a social accountability process including certification, monitoring and enforcement. The U.S.-based Council on Economic Priorities Accreditation Agency has undertaken Social Accountability 8000, an ambitious project to develop a comprehensive set of labour rights standards applicable to all industries in all countries.

Despite their recent proliferation, there is so far little evidence of the impact voluntary codes and monitoring systems have had on the extent of labour standards violations. However, it is an initiative that has been undertaken and possible future research could look at the impact it has as a means of addressing labour standards violation problems. As part of a wider strategy that also includes legislative reforms⁶⁹, such codes may contribute to the enforcement of labour standards.

An effective enforcement strategy may include legislative reforms, broadly-based collective bargaining, and voluntary codes of conduct and monitoring systems. The policy goal is to ensure that minimum employment standards apply to all workers, regardless of occupation or industry.

⁶⁹ Yanz et al., op.cit.

5. Equal opportunities policies

As a first step toward achieving gender equality in the labour market, all industrialized nations have introduced formal equality legislation and laws prohibiting discrimination in employment on the basis of sex. Yet there is growing recognition that discrimination is primarily systemic and unintentional, and that its prohibition is not in itself enough to eliminate it in actual practice. In this section we review measures to end discrimination in employment and prevent its future perpetration.

5.1 Labour market discrimination

Labour market discrimination is a central factor affecting women's employment opportunities and earnings. Discrimination exists when equally qualified individuals are treated differently solely on the basis of their gender (or age, ethnicity, etc).

According to economic analysis, discrimination can influence economic outcomes either directly or indirectly.⁷⁰ On the one hand, discrimination generates disparate outcomes between men and women that are not explained by differences in productivity-related characteristics such as education, work history, on-the-job training, labour force attachment, and so on. In other words, men and women who are equally productive do not receive equal rewards. But discrimination can also influence economic outcomes indirectly through "feedback effects." Faced with discrimination in the labour market, women are less likely to continue with their schooling, undertake additional work-related training, remain continuously in the labour market, and so on. This in turn can contribute to inferior labour market outcomes for women.

Economic analysis posits further that there is an economic cost to discriminating against women and minorities. Discrimination leads to inefficient allocation of resources and to loss of national output, due to the overcrowding of women and minorities in certain occupations when some are more suited to occupations traditionally outside their domain. While measures to address discrimination are usually advocated on equity grounds, as retribution for past wrongs or as an investment in future social peace and cohesion, they may gain a wider legitimacy, particularly among employers, if they are advocated on economic grounds.

Discrimination can and does exist at all levels within organizations. Some of the most striking evidence of its impact is the persistent inability of women to penetrate the upper echelons of corporations, government and academia in numbers that reflect their presence in the workforce as a whole. In a 1997 report, the International Labour Organization notes that in most industrialized nations, women's share of management positions rarely exceeds 20% despite the fact that they typically constitute over 40% of the labour force.⁷¹ Furthermore, the higher the position, the larger the gap. Very few women reach the highest positions as executive heads of organizations, and progress in this direction is marginal in comparison to the large number of qualified women in the labour market.

⁷⁰ Francine Blau et al. *The Economics of Women, Men, and Work*, 3rd ed. New Jersey: Prentice-Hall, 1998.

⁷¹ International Labour Organization. *Breaking Through the Glass Ceiling: Women in Management*. Geneva: International Labour Organization, 1997.

The term "glass ceiling" was coined in the United States in the 1970s to refer to the subtle barriers, created by attitudinal and organizational prejudices, that bar women from reaching top executive positions. In 1995, the United States Glass Ceiling Commission reported that the glass ceiling continues to restrict women's access to these positions.⁷² In fact, in the United States in 1996, women possessed qualifications equal to those of men and were 46% of the workforce. Yet a survey of the 500 largest American companies revealed that they only held 2.4% of top executive positions.⁷³

In Canada the situation is similar. However, though only a tiny fraction of CEOs and senior partners in professional firms are women, women are making some inroads into senior management. For example, in 1991, 17% of senior managers in Canada were women.⁷⁴

A number of impediments may confront women with management aspirations. A recent study by the Consultation Group on Employment Equity in the Federal Public Service reports that double standards can be a significant obstacle to women's advancement.⁷⁵ The report suggests that women have to work harder, perform to higher levels, and fulfil higher expectations than men before they progress in the workplace. It also says that men are given more latitude for error while women are rarely given the benefit of the doubt. Other barriers, identified by the US Glass Ceiling Commission, include:

- informal, exclusive recruiting practices that use the "old boys network"
- a widespread perception that men make better bosses
- management belief that women are less devoted to their careers
- a lack of female mentors for women who aspire to top positions
- family responsibilities that may be incompatible with the long hours frequently required to gain recognition and eventual promotion.

Discrimination does not, however, only limit women's upward mobility within organizations. It may also affect women's access to certain occupations within the economy as a whole. Discrimination is an especially acute problem for women seeking to enter trades, heavy manual, technical and scientific fields. The consequence is a labour market that remains highly segregated along gender lines, with men dominating in science, trades and technologies, and women over-represented in caring and nurturing occupations.

Discrimination may be either intentional or systemic. When employers intentionally discriminate against women, they may presume that women are not capable of doing certain jobs, due to their generally weaker physical strength relative to men, or due to alleged differences in their psychological makeup. Or they may presume that female employees will impose undue hardships on the employer, workplace, or workforce. Systemic discrimination,

⁷² United States Glass Ceiling Commission. A Solid Investment: Making Full Use of the Nation's Human Capital. United States Class Ceiling Commission, 1995.

⁷³ International Labour Organization, opp cit.

⁷⁴ Gunderson (1998), opp cit.

⁷⁵ Consultation Group on Employment Equity. Looking to the Future: Changing the Cultural and Attitudinal Barriers to Women in the Public Service. Ottawa: Minister of Supply and Services, 1995.

on the other hand, is largely unintentional. It may refer to social pressures that steer girls and young women toward careers in traditionally female occupations, or to organizational practices and workplace cultures that discourage women from applying for jobs in traditionally male occupations or from pursuing studies in these fields.

5.2 Equal opportunities policies

There is growing recognition among industrialized nations that ending discrimination and preventing its future perpetration may require measures that go beyond the imposition of legislative bans. Many countries have introduced *equal opportunities policies* as a means to this end. The International Labour Organization defines an equal opportunities policy as

a commitment to engage in employment practices and procedures which do not discriminate, and which provide equality between individuals of different groups or sex to achieve full, productive, and freely chosen employment.⁷⁶

However, there is considerable controversy over the best route to take in implementing such policies. There are two possible approaches.

The first approach is guided by the principle of *equality of opportunity*. Policies proceeding from this principle may include active recruitment, hiring and training of women, as well as supporting measures such as assistance with child care, provision of parental leave, and flexible work arrangements.⁷⁷ The aim of these policies is to level the playing field, thus promoting the achievement of an appropriate representation of women throughout the organization and the workforce as a whole.

The second approach is guided by the principle of *equality of result*. These policies, which are sometimes called positive or affirmative action, are usually intended as temporary measures to remove the effects of past discrimination.⁷⁸ These policies assume that equality of opportunity policies are insufficient if some groups enter the labour market from unequal starting points due to a history of discrimination. Once the consequences of past discrimination have been rectified - that is, once the target groups are represented in an organization in the same proportion as they are in the external labour force - positive action should in theory be removed. In this way positive action differs from other equal opportunities policies such as child care and flexible work arrangements, which ideally should remain a permanent part of an employer's personnel policy.

Positive action places an obligation on employers to develop and implement plans in which preferential treatment is given to members of the target groups. This is usually achieved through close government involvement in a systematic approach, involving quotas Affirmative action in the United States is an examples of a policy guided by the principle of equality of result that includes *quotas*, timetables for their completion, and ongoing monitoring and evaluation of the results.

⁷⁶ L. Lim. More and Better Jobs for Women: An Action Guide. Geneva: ILO, 1996.

⁷⁷ Child care, leave policies, and flexible work arrangements will be discussed at length in Chapter 7.

⁷⁸ Lim, ibid.

The Canadian employment equity program, for its part, aims to remove barriers and improve working conditions for persons from designated groups. Rather than adopt a 'preferential treatment' approach, the 1996 Employment Equity Act (EEA) places an obligation on public and private sector federal employers to analyse their workforce, develop appropriate employment equity action plans, and report annually on the representation in their workforce of persons from designated groups. Instead of quotas, employers are required to set numerical goals⁷⁹ and to take measures to achieve them. They are also required to set timetables for the attainment of goals, and to monitor and evaluate results. The Canadian Human Rights Commission is mandated to monitor employers' compliance with their employment equity action plans. The Commission's audit process is based on a "premise of negotiation and persuasion dictated by the Act's guiding principle, and the Commission's own long standing practice that, wherever possible, undertakings be agreed upon to redress areas of non-compliance. Should this process fail, the Commission may issue a direction and either party may appeal to a special tribunal to resolve contentious issues."⁸⁰

5.3 International approaches to equal opportunities

Canada

In 1984, the Royal Commission on Equality in Employment recommended a system requiring enforced compliance with an "employment equity" act. Although there was already access to complaint-based remedies for discrimination under the Canadian Human Rights Act, the Commission felt that the complaint-based approach was ineffective in eliminating discrimination. It recommended widespread corrective action based on the idea that discrimination is primarily systemic and unintentional, and includes employment policies and practices which may appear neutral, but which disproportionately affect disadvantaged groups such as women.⁸¹

A federal Employment Equity Act (EEA) was introduced in 1986. Four groups were identified as targets of the legislation: women, aboriginal peoples, persons with disabilities, and visible minorities. The EEA legislated employment equity programs for federally regulated employers and for Crown Corporations, and was estimated to apply to about 10% of the Canadian labour force in 1989. In addition, under the Federal Contractors Program, the federal government required employers of 100 workers or more bidding on contracts worth \$200,000 or more to commit to implementation of employment equity. Failure to do so could result in loss of right to do business with the federal government.

⁷⁹ It is important to make the distinction between quotas and numerical goals. While quotas are seen as a rigid threshold that must be reached if one wishes to avoid a penalty, numerical goals refers to more flexible, rational goals that employers can use, like all business goals, as planning and evaluation tools.

⁸⁰ Canadian Human Rights Commission (2000), p. 9.

⁸¹ Mary Cornish. "Employment and Pay Equity in Canada – Success Brings Both Attacks and New Initiatives." *Canada-United States Law Journal* (22) (1996).

In response to widespread criticism that the EEA was weak and ineffective, the original legislation was repealed and replaced with a new Act, which took effect in 1996. The new legislation imposed clearer obligations on employers, including a requirement that they post numerical goals in their employment equity plans. It also brought federal departments and agencies under its scope of application and empowered the Canadian Human Rights Commission to monitor employer compliance.

In addition to the federal initiative, legislation in all Canadian jurisdictions allows for voluntary adoption and implementation of employment equity programs. Manitoba, British Columbia and Saskatchewan have legislation covering their public service, with the same designated groups and objectives as the federal Act. Ontario introduced employment equity legislation in 1993, but it was repealed shortly thereafter. Finally, the Canadian Human Rights Act permits voluntary adoption of programs to prevent or reduce disadvantages to designated minority groups, or to remedy the effects of past discrimination against these groups.

The United States

In the United States, affirmative action programs were first introduced during the Civil Rights movement of the 1960s, as part of a strategy to improve the lot of African-Americans. Though originally limited to non-discrimination enhanced by special recruiting and training programs, compensatory affirmative action requiring preferential rather than equal treatment was soon introduced. Today affirmative action includes a wide range of initiatives, but is typically understood to mean preferential treatment designed to guarantee equal results for certain classes of protected minority groups.

All establishments with 15 or more employees are bound by Title VII of the Civil Rights Act, which forbids discrimination. However, under Title VII, a requirement for implementation of affirmative action polices can be imposed as part of a court-ordered remedy. Under the Federal Contract Compliance Program, explicit affirmative action plans are mandatory only for employers with federal contracts and 50 or more employees, or with contracts worth \$50,000 or more.

Europe

The European nations have historically taken a very different approach to equal opportunities than either the United States or Canada. The European Union adheres strongly to the principle of equality of opportunity rather than equality of result. In fact, in 1995 the European Court of Justice ruled that the EU's Directive on equal treatment excluded measures guaranteeing women priority in training, hiring, and promotion, on the grounds that this constitutes reverse discrimination. This ruling provoked considerable debate, and since 1997, member states have been specifically authorized to adopt "measures providing for specific advantages" for the "under-represented sex."

There are some voluntary preferential treatment schemes in Europe. One of the largest is Opportunity 2000 in the UK. It consists of over 300 organizations, including banks, government departments, police, educational establishments, and others. These organizations set statistical targets for achieving equal representation of minority groups, including women, in their ranks. The organizations involved in the program have reportedly achieved increasing levels of female participation in management.⁸²

⁸² International Labour Organization, opp cit.

5.4 Impact of equal opportunities policies

In many countries equal opportunities policies are of relatively recent origin, and there has so far been little systematic investigation of their effects. Even in the United States, where affirmative action programs have been in place since the late 1960s, their impact on employment outcomes is not particularly well understood. This has not prevented the emergence of strong opinions on either side of the debate. Advocates are skeptical that free market hiring decisions are based on pure merit, and firmly believe public policy is necessary to level the field. Critics, on the other hand, are just as adamant that affirmative action constitutes reverse discrimination, causes employers to hire less-qualified individuals, and ultimately leads to labour market inefficiencies. Others argue that introducing considerations other than merit into hiring decisions taints all members of designated groups as potentially less qualified than their peers.

There is some evidence from the United States, where affirmative action has been in place for three decades, to demonstrate that these policies have increased women's employment and earnings and improved employee retention. ⁸³ One author summarized the effects of affirmative action in the U.S. context as follows: ⁸⁴

- Employment of members of protected groups, including women, grew significantly faster in contractor establishments as compared to non-contractor establishments. However, affirmative action was more successful at establishments that are growing and have many job openings.
- Affirmative action had positive impacts on occupational advance. However, this upgrading may have been overstated because of employer manipulation of occupational categories in order to achieve compliance with targets, and biased reporting to the government. ⁸⁵
- Affirmative action programs work best when they are vigorously enforced, when they work with other policies that augment the skills of members of protected groups, and when they work with growing employers.

More recently, Holzer and Neumark, using data from a survey of employers, found that affirmative action increases the number of recruitment and screening practices used by employers, raises their willingness to hire stigmatized applicants, increases the number of minority and female applicants as well as employees, and increases employers' tendencies to provide training and to formally evaluate employees.⁸⁶

⁸³ Several studies show a relation between affirmative action policy in the US and improvements in women's representative and occupational advancement. For examples see A.H. Beller, "Occupational segregation by sex: determinants and changes," *Journal of Human Resources* 17 (3) (1982); J. Leonard, "Employment and occupational advance under affirmative action," *Review of Economics and Statistics* (August 1984); J. Leonard, "What promises are worth: the impact of affirmative action goals," *Journal of Human Resources* (Winter 1985); and H. Holzer and D. Neumark, "What Does Affirmative Action Do?" Institute for Research on Poverty, Discussion Paper no. 1169-98, IRP, 1998.

 ⁸⁴ Jonathan Leonard, "The Impact of Affirmative Action Regulation and Equal Employment Law on Black Employment," *Journal of Economic Perspectives* 4 (4) (Fall 1990), 47-63.

⁸⁵ Similarly, the International Labour Organization reports that one study of U.S. corporations found that although affirmative action resulted in women being pushed to the top fairly rapidly, they found themselves more often in "non-vital" capacities.

⁸⁶ Holzer and Neumark, opp cit.

Impact of Canadian employment equity legislation

The most recent employment figures for the federal public service show that women are slightly over-represented in comparison to their overall workforce availability, but remain largely concentrated in traditional occupations.⁸⁷ Women are vastly over-represented in occupations such as nursing, occupational and physical therapy, administrative support, and home economics, and severely under-represented in most technical and many scientific and professional categories. Furthermore, they are only 23% of executives - which is nonetheless much better than their representation among private sector executives. It is too early to tell whether the 1996 *Employment Equity Act* will alter this situation.

Nevertheless important lessons can be drawn from the 1986 legislation, which was widely regarded as weak and ineffective. A particular target was the fact that it only applied to federally-regulated industries such as transportation, banking, and communications, and excluded federal government departments from its scope of application. Other critics argued that the legislation was flawed in permitting employers to use the external labour force as the standard by which to measure the success of their employment equity initiatives.⁸⁸ Because relatively few women are located in high-paying, high-status jobs in the current Canadian workforce, using that workforce as the norm tends to reproduce the effects of systemic discrimination which employment equity is supposed to address.

There is some limited evidence that employment equity plans under the original legislation led to more representative hiring of women. But results were, at best, uneven. A study by Leck and Saunders, for example, revealed that

- organizations were more likely to hire women representatively in non-management than management positions;
- Caucasian females without disabilities were hired most representatively, followed in descending order by female members of visible minorities, aboriginal women, and disabled women; and
- the more formalized, comprehensive and better supported the plan, the more representatively women were hired.⁸⁹

Leck and Saunders suggest that part of the explanation for the uneven achievement of representative hiring was that the EEA did not clearly state the type and magnitude of the changes expected, and did not specify what penalties would accrue to organizations failing to achieve results. In fact, one of the biggest criticisms of the original legislation was that it lacked the mandatory goals, timetables and enforcement mechanisms necessary to accomplish its purpose. In 1992, a comprehensive review of the legislation confirmed that

⁸⁷ Treasury Board of Canada. *Employment Equity in the Federal Public Service 1996-97*. Ottawa: Minister of Public Works and Government Services Canada, 1997.

⁸⁸ See Janet Lum, "The Federal Employment Equity Act: Goals vs. Implementation," *Canadian Public Administration* 38 (1) (Spring 1995); and Joanne Leck et al., "Wage Gap Changes among Organizations Subject to the Employment Equity Act," Canadian Public Policy 21 (4) (1995).

⁸⁹ Joanne Leck and David Saunders. "Hiring Women: The Effects of Canada's *Employment Equity* Act." Canadian Public Policy 18 (2) (1992).

problems with implementation, monitoring and enforcement of the Act largely accounted for the disappointing record of employers' employment equity initiatives.⁹⁰

Another criticism was the legislation's lack of focus on wage data, so that promotion could occur without a corresponding increase in pay.⁹¹ On the other hand, a study by Leck, St. Onge and Lalancette found some evidence that organizations subject to the legislation are slowly closing the wage gap.⁹² But the study also showed that progress is not uniform across all employee groups:

- The pay gap is decreasing in the mid to lower salary ranges, but is increasing in the higher salary ranges. The percentage of white men earning \$40,000 or more is increasing more rapidly than for any other group.
- Caucasian females have increased their representation in upper management ranks in organizations subject to the legislation, but the percentage of caucasian females earning wages in the higher pay categories is not increasing at a corresponding rate. These results may indicate that even though caucasian females are gaining access to upper-level jobs, they are not being paid accordingly. The authors suggest further research to explain the anomaly.
- The pay gap is decreasing most rapidly for caucasian females, but is increasing for visible minority, aboriginal, and disabled women.

Thus the available statistics, though extremely limited, suggest a small positive effect of employment equity plans on representative hiring and pay for at least some groups of women. It appears that caucasian females are benefiting most from the legislation, while visible minority, aboriginal, and disabled women are not faring as well. The reasons for this differential impact are not clear at this stage. Leck and Saunders suggest several possible explanations:⁹³

- Employers may believe they cannot raise the representation of all groups at once, and are concentrating their efforts on one or two groups at a time.
- Employers may be focusing on areas where change is likely to be easiest and least costly.
- Employers may consider Aboriginal, disabled, and visible minority women as members of their designated groups first, and as women second. Or they may think of caucasian females without disabilities when they think of the women's designated group, and think of men when they think of the visible minority, Aboriginal and disabled groups.

⁹⁰ Hon. Alan Redway, Chairman. A Matter of Fairness: Report of the Special Committee on the Review of the Employment Equity Act. Ottawa: Queen's Printer, 1992.

⁹¹ See Patricia McDermott, "Employment Equity and Pay Equity: And Never the Twain Shall Meet?" *Canadian Woman Studies* 12 (3) (Spring 1992); and Lum,ibid.).

⁹² Joanne Leck, Sylvie St. Onge and Isabelle Lalancette. "Wage Gap Changes among Organizations Subject to the *Employment Equity Act.*" *Canadian Public Policy* 21 (4) (1995). Data used in this study was limited to those organizations subject to the *Employment Equity Act.* The study was therefore unable to ascertain if these organizations behaved differently than those not subject to the legislation. The authors acknowledge that any observed progress in reducing the pay gap may have been due to other factors.

⁹³ Leck and Saunders, opp cit.

Further research is required to ascertain which, if any, of these explanations is valid. But although the reasons for the uneven success of employment equity are still uncertain, there is accumulating evidence that employers appreciate employment equity and affirmative action policies as a way to formalize and rationalize their personnel decisions. Many employers in Ontario objected to the repeal of the province's employment equity legislation for this very reason. Similarly, in the United States, when President Reagan announced his intention to dismantle the federal contract compliance program, many business leaders rushed to its defence, arguing that affirmative action is an essential management tool that makes good business sense.

On the other hand, one recent study suggests that employment equity may have "lost an important public relations battle" in Canada.⁹⁵ The study found that although Canadian women benefited from employment equity, they were largely unwilling to acknowledge this gain. At the same time, the study found that employment equity has increased the perception of reverse discrimination among men. Similarly, a study of senior management and professional women in Canada found that fully 70% felt employment equity has had no effect on their own careers, even though most acknowledged that it has helped other women.⁹⁶

⁹⁴ Erin Kelly and Frank Dobbin, "How Affirmative Action Became Diversity Management." *American Behavioral Scientist* 41 (7) (April 1998).

⁹⁵ Heather Antecol and Peter Kuhn. "Employment Equity Programs and the Job Search Outcomes of Men and Women: Actual and Perceived Effects." Canadian International Labour Network Working Paper. McMaster University, July 1998.

⁹⁶ Paulette Gerkovich Griffith, Judith MacBride-King and Bickley Townsend. *Closing the Gap: Women's Advancement in Corporate and Professional Canada*. Ottawa: The Conference Board of Canada, 1998.

6. Policies that affect pay

6.1 The gender earnings gap

The existence, in all industrialized countries, of a gender gap in earnings is one of the most obvious examples of persistent labour market inequality between men and women. While the size of the gap varies considerably among nations, it has been decreasing modestly in most countries over the last few decades.

In Canada, a recent study by Michael Baker et al. demonstrated that, among full-year fulltime workers, the male/female earnings ratio rose from 0.60 in 1970 to 0.64 in 1980 to 0.67 in 1990.⁹⁷ However, the study found considerable variation in the differential across the population. For example, although changes in the differential tended to favour younger women and the less educated, the earnings differential is larger at the high end of the earnings distribution. In other words, women's earnings are more compressed than men's. The authors suggest that this finding lends credence to the theory that "glass ceilings" exist preventing women from obtaining the earnings of the highest paid men. Nevertheless, the study also found that, over time, women in the upper end of the distribution made the greatest gains.

Other studies have confirmed that the overall decline in the gender earnings differential can obscure differences in the earnings position occupied by various groups of women. An analysis by Scott and Lochhead demonstrates that although the gap diminished over the 1984-1994 period, not all women shared equally in the gains.⁹⁸ Women between the ages of 40 and 54 years experienced an improvement in their earnings position over the ten-year period, while the position of women in other age groups remained unchanged or declined. Furthermore, a deterioration in men's earnings accounted for part of the improvement in women's relative position. The convergence of men's and women's earnings was particularly pronounced among young people, and was due largely to the erosion of young men's earnings, rather than to any gains made by young women.⁹⁹ Finally, the study shows that the majority of women remained concentrated at the lower end of the earnings distribution over the ten-year period.

A study by Finnie and Garneau analyzing earnings patterns over the 1982-1992 period reached similar conclusions.¹⁰⁰ Their study showed that women aged 35 to 54 registered the strongest gains in earnings, while women aged 20 to 24 experienced large declines in their average earnings levels. However, men in this age group experienced even greater decreases.

⁹⁷ Michael Baker et al. "The distribution of the male/female earnings differential, 1970-1990." *Canadian Journal of Economics* 28 (3) (August 1995).

⁹⁸ Katherine Scott and Clarence Lochhead. *Are Women Catching Up in the Earnings Race?* Ottawa: Canadian Council on Social Development, 1997.

⁹⁹ Studies in other countries have also found that the narrowing of the gender pay gap over the 1980s was due more to declines in the earnings of men than to increases in the earnings of women. See, for example, U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *Money Income in the United States*: 1996, Current Population Reports, Consumer Income.

¹⁰⁰ R. Finnie and G. Garneau. "Earnings Patterns by Age and Sex." *Canadian Economic Observer* (October 1997). Statistics Canada.

Ethnicity or visible minority status may be another source of earnings differentials among women. Evidence from Canada suggests that labour market disadvantages for immigrant visible minority women are particularly acute.¹⁰¹ These women appear triply disadvantaged by their status as female, as foreign-born, and by their origins or race; not only do they earn less than their male counterparts, but they also earn less than Canadian-born women. This is in spite of some evidence of an initial earnings premium for immigrant women who, upon arrival in Canada, often work to subsidize their husbands investment in Canada-specific skills.¹⁰² A similar situation of "multiple jeopardy" faces some native women. A study by Linda Gerber concludes that the most disadvantaged Canadians in terms of income are female, native, and specifically Indian rather than Metis or Inuit.¹⁰³

6.1.1 The gender earnings gap: possible explanations

Human capital theory

While the existence of the male/female earnings differential has been well documented, the factors that determine it are uncertain. Several explanations, each carrying with it different policy implications, have been advanced. Mainstream economics takes the position that the gap is due primarily to differences between men and women in human capital characteristics, and that the appropriate policy response is to improve women's human capital. Human capital refers to factors such as education, training, experience, and labour market information, all of which require a prior investment in order to yield a return in the form of higher earnings. In its most extreme forms, human capital theory says that women choose to invest less in education and training than men because they anticipate withdrawing from the labour market to care for children or to run a household.¹⁰⁴ In this case, a costly investment in education or training would not pay off in the long run. According to the human capital approach, unequal labour market outcomes are the result of rational decision-making by individuals.

Human capital theory has prompted a large number of empirical studies analyzing the relative contribution of human capital and other productivity-related characteristics to the earnings gap. These studies typically find that factors such as education, work experience, on-the-job training, and differential labour force attachment, including higher rates of part-time work and career interruption among women, account for varying portions of the gap.

¹⁰¹ Canadian studies on ethnicity and earnings include Monica Boyd, "Gender, Visible Minority, and Immigrant Earnings Inequality," in *Deconstructing a Nation*, V. Satzewich, ed, Toronto: Fernwood Press, 1992; Monica Boyd, "Immigrant Women: Language, Socioeconomic Inequalities and Policy Issues," in *Ethnic Demography*, S. Halli et al, eds, Ottawa: Carleton University Press, 1990; Beach and Worswick, "Is There a Double-Negative Effect on the Earnings of Immigrant Women?," *Canadian Public Policy* XIX (1) (1993); and Christofides and Swidinsky, "Wage Determination by Gender and Visible Minority Status: Evidence from the 1989 LMAS," *Canadian Public Policy* XX (1) (1994).

¹⁰² Beach and Worswick, ibid.

¹⁰³ Linda Gerber. "Multiple Jeopardy: A Socio-Economic Comparison of Men and Women Among the Indian, Metis and Inuit Peoples of Canada." *Canadian Ethnic Studies* XXII (3) (1990).

¹⁰⁴ For an exposition of this view see Gary Becker, "Human Capital, Effort, and the Sexual Division of Labor," *Journal of Labor Economics* 3 (1) (1985).

After controlling for these variables, the studies typically find an "unexplained" residual which they attribute to labour market discrimination. The more numerous the controls, the smaller the residual and the smaller the percentage of the gap that is attributed to discrimination.

There are a number of problems with this methodology. First of all, it can underestimate the effects of discrimination by controlling for variables whose differences may themselves reflect discrimination.¹⁰⁵ Many theorists have criticized the standard procedure for decomposing the gap on the grounds that it takes gendered preferences as given. These authors want to examine the source of these preferences. While they do not doubt, for instance, that career breaks result in reduced earnings for women, they question the extent to which these breaks can be interpreted as choices. The choice many women make to exit the labour force for the purpose of raising children may reflect the influence of social attitudes which encourage certain types of behaviour. The distinction between discrimination and choice may therefore not be as clear as human capital theory suggests. Another problem with this methodology is that, first of all, it may "double-count" factors which overlap, thereby "controlling away" more of the wage gap than is appropriate. Furthermore, because it only looks at the aggregate, it may miss or minimize discriminatory effects that only pertain to jobs performed mainly by women.

In any case, the quality and level of women's education and training have improved in the last few decades (more women are going to university and obtaining a degree), and women are exhibiting greater labour force attachment than they were previously. The gender earnings differential has, in most countries, shown a corresponding decline. However, the gap in human capital characteristics appears to be closing more quickly than the gender gap in earnings. A recent Canadian study concluded that 88% of the gender gap in hourly wages remained unexplained by factors such as differences in education, work experience, or demographic characteristics.¹⁰⁶ Gunderson reports that between 1970 and 1990, the portion of the gap attributable to differences in wage-determining characteristics declined, while the portion attributable to discrimination increased.¹⁰⁷ Clearly, factors other than productivity-related characteristics account for part of the gap.

Occupational crowding

"Occupational crowding" has been advanced as an alternative explanation for the gender earnings gap. It is well known that women are over-represented in a small number of low-wage occupations. According to the occupational crowding approach, wages are depressed in jobs where there is a large supply of labour competing for a restricted number of job openings. Unlike human capital theory, the occupational crowding model emphasizes the role of social and institutional factors in streamlining women into low-wage occupations. Factors such as employers' resistance to hiring women and stereotypes about appropriate occupations for men and women create obstacles to women's entry into some occupations. The effect of these obstacles is to decrease the supply of labour to these occupations and increase the labour supply to all other occupations. As a result, earnings are higher in those occupations with obstacles to female entry, and lower in all other occupations.

¹⁰⁵ Morley Gunderson. *Comparable Worth and Gender Discrimination: An International Perspective.* Geneva: International Labour Office, 1994.

 ¹⁰⁶ David Coish and Alison Hale. "The Wage Gap Between Men and Women: An Update." SLID Research Paper Services. Ottawa: Statistics Canada, 1995.

¹⁰⁷ Gunderson (1998), opp cit.

Undervaluation of women's work

A third explanation for the earnings gap also departs from the observation that women and men do different work. About half the world's workers are in sex-stereotyped occupations, with men dominating in heavy manual, technical and managerial tasks, and women in caring and nurturing occupations and support work.¹⁰⁸ Gender earnings differentials are particularly pronounced between male-dominated and female-dominated occupations. In fact, segregation by occupation and industry is one of the most significant factors in accounting for the gender gap in earnings.

Some writers argue that this pattern reflects the historic devaluation of jobs that have traditionally been done by women. They argue that frequently, the work performed by women in the labour market is judged to be similar to the work women do within the home, and that many of the skills and qualities required to do "women's work" are seen to be innate in women and are therefore taken for granted. This explanation has gained ground in North America and has given rise to pay equity or comparable worth initiatives. These policies are discussed in some detail below.

Wage determination systems and other institutional factors

Recently a fourth explanation has been receiving increasing attention in the literature. A 1991 review of equal pay initiatives in OECD countries pointed out that pay differentials are not simply linked to some generalizable factor such as human capital, but vary according to the internal features of wage-setting mechanisms.¹⁰⁹ Since then, a number of studies have documented the role played by wage structure and systems of wage determination in accounting for the gender earnings gap. These studies are reviewed in detail below.

6.2 Equal pay for work of equal value

In most countries the gap in earnings between men and women has been recognized as unacceptable and initiatives have been introduced to address the discrepancy. The principle of equal pay for equal work was codified into the International Labour Organization Convention 100 in 1951, and since then legislation requiring equal pay for equal work has been implemented in most industrialized nations. Such legislation requires that men and women who perform the same work receive the same pay. For the most part, the legislation has not produced discernible results, mainly because women in all countries remain concentrated in traditionally female occupations.¹¹⁰ Nevertheless, the legislation may gain a wider application in the future as more women enter non-traditional fields.

¹⁰⁸ "Women and Work: For Better, for Worse." *The Economist* (July 19, 1998).

¹⁰⁹ OECD. Equal pay for work of comparable worth: The experience of industrialized countries. Paris: OECD, 1991.

¹¹⁰ Gunderson (1994) suggests that while equal pay for equal work legislation has not had much effect in North America, it has had a substantial impact on reducing the male-female wage gap in Britain. Gunderson suggests that the positive impact of the legislation in Britain as compared to North America is due to its incorporation into the formalized collective bargaining process. In North America a complaintbased process is used to ensure compliance.

The limits of equal pay for equal work have prompted policy-makers to develop alternative ways of addressing the gender wage gap. In North America, *pay equity* or *comparable worth* has become the main strategy to deal with pay differentials arising from the fact that women and men do different work.¹¹¹ Pay equity departs from the premise that despite inroads some women have made into traditional male occupations, the labour market remains highly segmented along gender lines. Furthermore, pay equity assumes that women's occupations are compensated at a lower rate than men's *because* it is women who work in these occupations. In other words, pay equity assumes that women and men are compensated differently for work of comparable value. The objective of pay equity legislation is to eliminate any systematic relationship between wages and the gender composition of employment, after allowing for differences in productivity-related characteristics.

Comparable worth originated in the United States. At the federal level, the main legislative initiatives dealing with equal pay are the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. However, the courts have not been inclined to interpret these provisions broadly enough to encompass comparable worth. In 1985, Congress explicitly rejected interpreting Title VII to include comparable worth, arguing, writes Gunderson, that the law was not intended to "abrogate fundamental economic principles such as the laws of supply and demand or to prevent employers from competing in the labour market."¹¹²

However, numerous state and local governments have undertaken comparable worth initiatives.

The principle of pay equity has achieved extensive application in Canada's public service. At present all jurisdictions, including the federal government and all provinces and territories except Alberta and Saskatchewan, have pay equity policies of some kind in place. In all Canadian jurisdictions except Ontario and Quebec, pay equity is restricted to some or all of the public sector. As is the case with Ontario and Quebec pay equity policies, the federal jurisdiction's pay equity provisions apply to the private sector.

Pay equity policies also differ in other respects. Some are mandated by legislation, while others are implemented through collective bargaining; some take a complaint-based approach to enforcement and compliance, while others are proactive, placing the onus for implementation on employers.

6.2.1 Assessing comparable value

Despite their differences, pay equity policies share the principle that jobs that are qualitatively dissimilar in nature can be compared in terms of skill, effort, responsibility, and working conditions, and that jobs that are equivalent in value in these terms should be paid equally. The methodology used to make the comparison between dissimilar jobs is job evaluation.

Decisions made at every stage of the job evaluation process can substantially affect the number of women who receive adjustments, as well as the magnitude of those adjustments. For example, gender predominance standards affect the number of women

¹¹¹ The term "comparable worth" is commonly used in the United States, while "pay equity" is used in Canada.

¹¹² Gunderson (1994), opp cit.

eligible to receive adjustments; the lower the cut-off, the greater the number of women potentially eligible for compensation. At the same time, it is important to remember that pay equity is designed to address pay differences arising from women's predominance in certain occupations. Therefore, men who work in female-dominated occupations may also receive pay equity adjustments.

The choice of job evaluation system can have important consequences for women. A frequent charge made by advocates of pay equity is that most pay equity exercises in the United States have employed the very management consulting firms that having been using biased job evaluation systems in the past. Since this is the case, they question whether job evaluation really represents a challenge to the undervaluation of women's work, or if it is simply a means of entrenching management prerogatives.¹¹³ Several studies have revealed instances of gender bias in job evaluation. The most frequently cited example is that of men's jobs that receive evaluation points for working conditions involving axle grease and grime, while the "dirt" encountered by mainly female health care workers, which most people find even more unpleasant, is not acknowledged.¹¹⁴

Gender bias is a problem if the whole rationale of pay equity is to eliminate pay differentials arising from the devaluation of "women's work." In Canada, most jurisdictions explicitly require a "gender-neutral" job evaluation system, but nowhere is this requirement defined, and in practice it may be difficult to meet. An evaluation of the implementation of Ontario's pay equity legislation revealed that many employers in the province would have liked more guidance on what constitutes a gender-neutral job evaluation system.¹¹⁵

The method employed to adjust the compensation level of female job classes can also have important economic consequences for women. In a recent study, Lynda Ames compares the method of adjustment used in Manitoba and in Ontario.¹¹⁶ The Ontario plan employed a job-to-job match which has the effect of moving the female wage up to the bottom of the male distribution, resulting in a low ceiling for adjustments. Under the Manitoba plan, on the other hand, female-dominated jobs were moved up to the average male pay line.

Both plans resulted in an average increase for female-dominated jobs. In Manitoba, however, the average increase was more than twice the average increase in Ontario. Nonetheless, Ames notes that the method of adjusting to a standard pay line has had its own variations in implementation, and that these have not always been as successful as the Manitoba experience. Ames concludes that even if gender-neutral job evaluation systems are in place, the outcomes of pay equity plans depend on the formulas used in their implementation.

¹¹³ Judy Fudge and Patricia McDermott, "Introduction: Putting Feminism to Work," in *Just Wages: A Feminist Assessment of Pay Equity.* J. Fudge and P. McDermott, eds. Toronto: University of Toronto Press, 1991.

Patricia McDermott. "Pay Equity in Canada: Assessing the Commitment to Reducing the Wage Gap," in *Just Wages: A Feminist Assessment of Pay Equity*. J. Fudge and P. McDermott, eds. Toronto: University of Toronto Press, 1991.

¹¹⁵ Avebury Research and Consulting. *What Works: Experiences with the Implementation of the Pay Equity Legislation*. Toronto: 1991.

¹¹⁶ Lynda Ames. "Fixing Women's Wages: The Effectiveness of Comparable Worth Policies." Industrial and Labor Relations Review 48 (4) (July 1995).

6.2.2 The record of pay equity policies

Morley Gunderson reports that implementation of pay equity plans has generally resulted in an overall increase in pay in female-dominated occupations of 10-20% within a given organization.¹¹⁷ In the United States:

- Some of the most impressive results have been achieved in Minnesota. 8,500 state employees, mainly clerical and health care workers, received adjustments averaging \$2,200 over four years.¹¹⁸ These adjustments closed 31% of the pay gap. The remaining 69% of the gap was not closed for two reasons. First, the gap reflected differences in the skill, effort, responsibility and working conditions between male- and female-dominated jobs; and second, many women were not eligible for pay adjustments because they did not work in female-dominated jobs.¹¹⁹
- More modest outcomes were achieved in Michigan. In that state, the gender pay gap narrowed by 12.5% over the 1985-1990 implementation period. This figure is little more than the 10% reduction for the U.S. workforce as a whole.¹²⁰

Canadian pay equity exercises have also achieved pay increases for women.

- In Manitoba, pay equity adjustments resulted in an average 15% increase over hourly rates.¹²¹ Within the government overall, including professionals, these adjustments closed 28% of the gender differential. However, a much more significant reduction in the gap was apparent when professionals were excluded. Among the remaining workers, many of whom were clerical and health workers, pay equity adjustments reduced the gender gap by about 50%.
- The impact of pay equity in Ontario appears to have been more modest. The Ontario legislation required all private sector firms with 10 or more employees to post pay equity plans.¹²² But studies revealed that a significant percentage of firms made no pay equity adjustments whatsoever, and that where they did, very few female job classes actually received adjustments.¹²³ Nor did pay equity have significant effects on

¹¹⁷ Morley Gunderson. "Male-Female Wage Differentials and Policy Responses." Journal of Economic Literature XXVII (March 1989).

¹¹⁸ Sara Evans and Barbara Nelson. Wage Justice: *Comparable Worth and the Paradox of Technocratic Reform*. Chicago: University of Chicago Press, 1989.

¹¹⁹ Gunderson (1994), opp cit.

¹²⁰ Deborah Figart and Peggy Kahn. Contesting the Market: *Pay Equity and the Politics of Economic Restructuring*. Detroit: Wayne State University Press, 1997.

¹²¹ Manitoba Civil Service Commission. *Manitoba Civil Service Commission Pay Equity Implementation:* October 1985-September 1987. August 1988.

¹²² Ontario has now moved from a proactive to a complaint-based implementation procedure and amended its legislation to exempt firms with under 50 employees from its scope of application. However, the province now allows cross-establishment comparisons under proxy legislation. Quebec also allows cross-establishment comparisons.

¹²³ These studies include Institute for Social Research of York University, Pay Equity Survey of Private Sector Organizations Employing 10-49 Employees in Ontario, Toronto: York University, 1994; Canadian Facts, Outcomes of Pay Equity for Organizations Employing 50-99 Employees in Ontario, Volume I, March 1993; Canadian Facts, Outcomes of Pay Equity for Organizations Employing 100 to 499 Employees in Ontario Volume I, March 1992.

women's compensation levels.¹²⁴ One survey of private sector firms found evidence of a fair amount of non-compliance and manipulation of the requirements of the Act.¹²⁵

• In 1999, the Government of Canada and the Public Service Alliance of Canada, which represents clerks, secretaries and several other female-dominated occupational groups, settled a 15-year-old pay equity dispute. The Government of Canada agreed to implement the 1998 Canadian Human Rights Tribunal ruling on pay equity that ordered the Treasury Board to adjust the salaries of employees in the affected groups to reflect their value relative to the wages of male employees performing work of equal value. Under the agreement, between \$3.3 and \$3.6 billion would be paid out, retroactively from March 8, 1985, to some 230,000 current and former public service employees in the aforementioned groups. Highlights of the agreement include: pay equity adjustments incorporated into rates of pay effective July 1998; retroactive lump-sum payments; interest; adjustments to maternity allowance; disability insurance and long term disability benefits; severance pay; acting situations; promotions; and, overtime.

The record of pay equity policies, to sum up, has been mixed. In most jurisdictions, implementation has resulted in average upward pay adjustments for women of 10-20%. These adjustments represent a significant improvement in the financial circumstances of the individual women who receive them. Nevertheless, several factors restrict the ability of pay equity policies to close the overall gender pay gap. The most obvious shortcomings are associated with complaint-based approaches. Despite a record of relatively substantial average increases, launching a pay equity complaint typically requires financial resources, time commitments and sophisticated legal skills to which many women do not have access.

However, even when proactive plans are in place, their capacity to narrow the gender gap in pay may be restricted by several factors¹²⁶.

- The absence of a male comparator in some establishments may leave large numbers of women in female-dominated jobs ineligible for pay equity adjustments. This problem has been encountered in most jurisdictions, but it could be mitigated by allowing comparisons across establishments. Such a strategy would not only increase the number of women eligible for adjustments, but it would also imply greater economy-wide effects.
- Second, pay equity legislation does not apply to women in male-dominated or mixed occupations.¹²⁷ A gender gap in pay would still prevail even if pay equity was completely successful in the areas where it applies.
- Third, the restriction of pay equity to the public sector in most jurisdictions leaves large numbers of women beyond its scope of application. Many of the lowest-paying jobs in the economy are located in the private sector, and women remain over-represented in these occupations.

¹²⁴ Judith MacDonald and Robert Thornton. "Private-Sector Experience with Pay Equity in Ontario." *Canadian Public Policy* 24 (2) (1998).

¹²⁵ MacDonald and Thornton, ibid.

¹²⁶ These factors do not necessarily reflect inherent limits of pay equity but rather shortcomings in the way certain pay equity statutes have been constructed. It is important to make the distinction between fundamental limitations of pay equity as public policy and flaws in specific statutes or approaches.

¹²⁷ A mixed occupation is one where there is no clear majority of either male or female employees.

6.3 Equal pay in other countries: the role of wage-setting systems

Recent literature on the gender pay gap has drawn attention to the impact of wage-setting mechanisms and wage structure on the magnitude of the pay differential. This interest has arisen primarily because the United States and Canada, despite their more long-standing commitment to equal opportunities policies such as affirmative action and comparable worth, nevertheless have some of the largest gender pay gaps among industrialized nations. A number of studies have shed some light on this paradox. They conclude that relatively more decentralized wage setting in the U.S. and Canada accounts for the larger gender pay differential in those countries.

Australia: Wage setting by decree

The Australian system of wage determination is unique. A central tribunal is responsible for setting wages by decree. Most workers are covered by "awards," which specify legally binding minimum working conditions, including wages, and cover multiple employers within a given industry or occupation. The Australian system thus limits interfirm pay differences which account for a large portion of the gender gap in North America, and which North American pay equity policies do not attempt to address.

Before 1950, the basic wage for women was set at 54% of the wages of men for the same job, on the grounds that women did not have to support a family. Around 1950, this markdown was changed to 75%, and in 1969 institutionalized wage discrimination was eliminated for women and men doing equal work. In 1972, the markdown for female-dominated jobs was also eliminated, and "comparable worth" was incorporated into the award system. Comparable worth as it is practiced in Canada, the U.S. and the United Kingdom, however, has been explicitly rejected.

A recent study comparing sources of the gender pay gap in Australia and Canada concludes that a more centralized wage setting system in Australia accounts for the smaller differential in that country.¹²⁸ After controlling for human capital factors, the authors find that a lower rate of return to education and to labour market experience in Australia, as well as a lower level of wage inequality in Australia, accounted for the inter-country difference in the magnitude of the gap. They conclude that a higher degree of centralization in wage setting and a more dominant union structure in Australia as compared to Canada explained a large part of the difference in the magnitude of the gap. However, Australia has moved toward enterprise-level bargaining, or the more decentralized wage-setting system, such as exists in North America. The effect of this shift on the gender pay gap is not yet known.

¹²⁸ Michael Kidd and Michael Shannon. "The Gender Wage Gap: A Comparison of Australia and Canada." *Industrial and Labor Relations Review* 49 (4) (July 1996).

Europe: Centralized collective bargaining

As is the case in Australia, most European economies operate on the basis of relatively centralized wage determination systems. Wage setting takes place primarily through industry-level collective bargaining, and in some countries it is not unusual for pay settlements reached through this process to be extended to non-unionized workers.¹²⁹ Although the principle of comparable worth has been entrenched in the legal apparatus of the European Union, conventional methods of implementing comparable worth, as in Australia, have not received a widespread application. All EU states use job classification systems to determine pay rates, but these are usually based on qualifications rather than on job content.¹³⁰ Analytical job evaluation at the enterprise level is uncommon, with the exception of the United Kingdom, Germany, and the Netherlands. It should be noted that Sweden's narrow gender pay gap has historically been achieved through strong collective bargaining combined with a wage solidarity policy designed to reduce wage inequality overall, rather than gender disparities in particular.

An analysis of thirteen OECD countries by Gillian Whitehouse indicates that highly centralized wage fixing arrangements, such as exist in the Scandinavian countries and Australia, are strongly associated with high relative earnings for women.¹³¹ Similar conclusions have been reached by Blau and Kahn.¹³² Their study shows that overall wage inequality resulting from decentralized wage setting is very important in accounting for international differences in the gender pay gap. Most strikingly, the authors find that the high level of wage inequality in the US fully accounts for the larger gender pay gap in that country as compared to Sweden and Australia, where gender pay gaps are smallest.

This insight helps to resolve why the gender pay gap is larger in the US, despite its more long-standing commitment to equal pay and equal opportunity policies, and even though American women compare favourably with women in other nations in their human capital characteristics and occupational distribution. An important part of the explanation for this pattern is the much higher penalty the US labour market places on those with lower levels of labour market skills. This higher penalty on low-level skills, in turn, is the result of the much more decentralized wage setting system in the US.

¹²⁹ Ernest Akyeampong reports that although collective bargaining coverage rates exceed union density ratios in almost all OECD countries, France presents a unique position in the sense that almost all workers (95%) are covered by a collective bargaining agreement, even though only 9% are union members. Ernest Akyeampong. "A statistical portrait of the trade union movement," *Perspectives on Labor and Income* 9 (4) (Winter 1997).

¹³⁰ Rubery and Fagan, opp cit.

¹³¹ Gillian Whitehouse. "Legislation and Labour Market Gender Inequality: An Analysis of OECD Countries." *Work, Employment and Society* 6 (1) (1992). Whitehouse compared Australia, Canada, Denmark, Finland, France, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, UK, and USA. Her study also found the equal pay legislation had no independent effect on the magnitude of the earnings differential.

¹³² Francine Blau and Lawrence Kahn. "Wage Structure and Gender Earnings Differentials: an International Comparison." *Economica* 63 (1996). Their study compared Australia, Austria, Germany, Switzerland, Hungary, Italy, Norway, Sweden, US, and UK.

Cross-national research into gender earnings differentials suggests that centralized systems of wage determination, usually associated with unionization and strong collective bargaining, lead to more compressed wage structures¹³³ and therefore are associated with higher relative earnings for women, disproportionately located at the low end of the earnings distribution. Therefore any policy or program that serves to narrow the overall earnings distribution will narrow the gender earnings gap.

Implications for Canada

To some extent, the comparative literature on wage setting systems calls into question the appropriateness of Canadian strategies to address the gender pay gap. Canada has concentrated its efforts for achieving equal pay on pay equity policies. These policies are designed to address the fact that female-dominated jobs are systematically poorly paid. Yet a recent study found that the link between low wages and occupational gender composition is much stronger in the US than in Canada.¹³⁴ The study, which covered the period before the implementation of pay equity policies, found that in the United States, women in female-dominated occupations received the lowest wages, but that in Canada, women in mixed occupations were the lowest paid. The relatively more advantageous position of women in female-dominated jobs in Canada was due to two factors. First, women in female-dominated occupations in Canada had much higher unionization rates. About 43% of Canadian women in these jobs were unionized, compared to only 15% of American women. Second, Canadian women benefited more from the industry-wage effects of "public good" sectors such as health and education.

The study points to two important positive influences on women's pay in Canada: unionization and public sector employment. Both factors are associated with wage

premiums, and these effects are greater for women than for men. Among women in Canada, unionization has grown considerably in the last three decades, while among men rates have declined.¹³⁵ Furthermore, expansion of the public sector was the main catalyst for the rise in union activity among women. Five major industries - government services, transportation and storage, communication and other utilities, education, and health and social services - accounted for 95% of female employment in the public sector and for 42% of total female employment in 1992. Women's union density in these industries combined was 56%, compared to only 11% for all other industries. Until recently, most of the benefits of unionization for Canadian women have come from their growing employment in the expanding public sector.

¹³³ Compressed wage structures are those in which the difference between the wages of the highest and the lowest paid workers is relatively small.

¹³⁴ Michael Baker and Nicole Fortin. "Gender Composition and Wages: Why is Canada Different from the United States?" December 1998. Available at ww.unites.ugam.ca/ideas/data/Papers/wopcirano98s34.html.

¹³⁵ Information on women and unionization is taken from two studies by Ernest Akyeampong "The rise of unionization among women," *Perspectives on Labour and Income* 10 (4) (Winter 1998); and "A statistical portrait of the trade union movement," *Perspectives on Labour and Income* 9 (4) (Winter 1997).

While public sector employment and unionization both have the potential to lead to a more compressed wage structure throughout the economy as a whole, and therefore to benefit women who are disproportionately situated among low-income earners, neither is likely to increase in the near future. Governments everywhere are facing budget constraints and downsizing, and Statistics Canada reports that there has been no growth in the extent of unionization among Canadian women since 1992.¹³⁶

¹³⁶ Akyeampong (1998), ibid.

7. Labour market training

7.1 Developments in women's educational qualifications

Improvements in women's educational qualifications are one of the most significant factors in accounting for improvements in their labour market status over the last few decades. Today women possess educational qualifications that equal or surpass those of men in most industrialized countries. In Canada, for example, women currently are the majority of full-time university students, and 29% of women aged 25 to 29 are graduates of four-year institutions, compared to about 26% of men.¹³⁷ This pattern is replicated in other industrialized countries. In the United States, the number of bachelor's degrees awarded to young women now exceeds those awarded to men; and in many European countries, the percentage of young women with a university education is increasing more rapidly than for young men.¹³⁸

On the other hand, women's share of full-time university enrolment declines at the graduate level. In Canada in 1992-93, women made up 53% of all students in bachelor's and first professional degree programs, but only 46% of those in Master's programs and just 35% of those working towards a doctoral degree.¹³⁹ Furthermore, women and men in all countries continue to pursue different areas of study. Women are the majority in health-related programs, education, fine and applied arts, humanities, social sciences and agricultural and biological sciences, and have made notable movements into traditionally male fields such as business administration, medicine, and law. However, gender bias remains strong in engineering and technology, mathematics, and computer science. In Canada in 1992-93, women were only 28% of students in mathematics and physical sciences in fields of study can contribute to differential labour market outcomes for women and men. Thus, the relevance of women's education to prevailing labour market opportunities is an important consideration. Public policy encouraging women to enter scientific and technical fields, where there is a growing demand for highly skilled labour, is therefore critical.

As discussed in Section 1.2, we do not review systems of formal education and their implications for women in this study. Instead we restrict our discussion to programs that usually fall under the heading of "training." Though the distinction between education and training is not always readily apparent, we define training as:

¹³⁷ Gene Koretz. "Growing Gender Gap on Campus." *Business Week* (February 15, 1999).

¹³⁸ International Labour Organization, opp cit.

¹³⁹ Statistics Canada. Women in Canada: A Statistical Report. Ottawa: Minister of Industry, 1995.

¹⁴⁰ Statistics Canada, ibid.

any initiatives which impart skills or knowledge to individuals in an attempt to meet the needs of employers, and which are usually not part of regular educational programming in public schools, colleges, and universities.¹⁴¹

In the present climate of economic restructuring, training has become a watchword. The characteristics of the new economy - the demise of traditional industries and occupations and the emergence of new ones; the predominance of information technology; and the growing polarization of the workforce into "good" jobs and "bad" jobs - have led to a strong emphasis on continuous learning, skills upgrading, and the cultivation of a "training culture." The demand for labour has shifted to the highly skilled, while those with low level or obsolete qualifications find themselves at a serious disadvantage, and often unemployed.

7.2 Developing successful training programs for women

In this section we review the main findings from research into labour market training programs for women. We have relied largely on the evaluation literature for these findings. However, two caveats should be borne in mind. Most of the evaluation literature comes from Canada and the United States, where there is a mandatory requirement on public authorities to evaluate their labour market programs. Second, most evaluations provide evidence on short-term outcomes, usually one to two years after program completion, which may be too short a period for a full impact assessment.¹⁴² In order to provide a broader assessment of program impacts, future requirements, and outstanding issues, we have therefore made extensive use of key informant interviews and the academic literature.

7.2.1 Most programs show modest improvements in earnings and employability

The main measure of success when evaluating training programs is whether they lead to increased earnings and employability, or time spent working, of participants. This criterion has become especially predominant as governments seek to reduce their expenditures on income assistance and programs are designed to encourage a speedy transition from income support to work.

Nearly all evaluations report increases in men's and women's employability and earnings in the short term. Typically, training programs have a greater effect on employability than on earnings. It should be noted, however, that positive effects tend to be modest and diminish over time. This is true of almost all types of intervention, including formal classroom training, on-the-job training, job-search assistance, wage subsidies to employment in the private sector, and mixed strategies¹⁴³. Earnings gains are usually in

¹⁴¹ This definition is based on one developed by the Federal-Provincial-Territorial Joint Working Group of Status of Women and Labour Market Officials on Education and Training, and included in their 1994 report entitled Rethinking *Training: Meeting Women's Needs*.

¹⁴² Martin, opp cit.

¹⁴³ As discussed in a previous section, self-employment assistance programs are more successful for men than women.

the realm of 10-30%. Moreover, since these earnings increases occur relative to an extremely low wage, they are not significant in any practical sense. One of the most successful employment and training initiatives in the United States, California's GAIN program, produced a four-year increase in annual earnings of \$2,527.¹⁴⁴ In the first year, gains totaled \$266, and in the third year they were \$636.¹⁴⁵ Similarly, one of the most successful programs for women in Canada, the Re-Entry option under the Canadian Jobs Strategy, produced short-run earnings impacts of \$5,065; however, three-year impacts were about half that amount.¹⁴⁶

This helps to explain the difficulty single mothers, who make up a large proportion of social assistance caseloads in North America, encounter in sustaining a successful transition from welfare to work. Because social assistance rates, unlike wages, are based on need and geared to family size, benefits can easily exceed the earnings from low-wage work¹⁴⁷. When the additional costs of labour force participation, such as child care, transportation, and reduced welfare benefits are factored in, single mothers, like many other categories of welfare recipients, stand to lose from labour market participation. In Canada, the recently-introduced National Child Benefit has been designed to address this problem, as it provides a supplement to working parents to enable them to meet the higher costs of participating in the work force.

Other programs have also focused on providing program participants with earnings supplements in addition to the earnings they receive from employment. The Self-Sufficiency Project, a three-year demonstration project in British Columbia and New Brunswick that does *not* include a training component, has experimented with this approach. Participants in the program receive about twice what they would receive from working or welfare alone. An 18-month impact assessment found that the financial incentive increased employment, earnings, work effort, and decreased reliance on income assistance relative to the control group.¹⁴⁸ However, ongoing monitoring will determine whether these positive outcomes can be sustained. The longer-term success of earnings supplements is clearly contingent on the ability of individuals to increase their earnings to the level of the supplement. It therefore hinges on their ability to move out of low-skill, poorly paid jobs into those that are relatively higher-paying. The premise here is that higher-paying jobs are available and that training programs are therefore relevant and useful. However, if the only jobs that are available in the labour market are low paying jobs, and if there are no changes in employment standards to raise wages - especially for lower-paying jobs which are undervalued on the market (e.g. daycare) - it may be preferable to supplement wages rather than have total unemployment and dependence on social assistance.

¹⁴⁴ Judith Gueron. "Impacts of California's GAIN Program over 4 Years." Presented at the NAWRS Conference, San Francisco, July 1996.

¹⁴⁵ James Riccio et al. *GAIN: Benefits, Costs, and Three-Year Impacts of a Welfare-to-Work Program.* Manpower Demonstration Research Corporation, 1994.

 ¹⁴⁶ Abt Associates et al. Longitudinal Study of Training Impacts for the Job Entry and Job Development Programs. Human Resources Development Canada, 1993.

¹⁴⁷ Patricia Evans. "Linking Welfare to Jobs: Workfare, Canadian Style." *Policy Options* 16 (4) (1995.)

¹⁴⁸ Social Research and Demonstration Corporation. When Work Pays Better Than Welfare: A Summary of the Self-Sufficiency Project's Implementation, Focus Group, and Initial 18-Month Impact Reports. Ottawa: Human Resources Development Canada, 1996.

When training programs are effective, adult women record the most consistently positive results of all categories of participants, though the reason for this differential impact is not clear. The lack of an explanation for this phenomenon constitutes a knowledge gap on which future evaluations should definitely focus.

Furthermore, a 1995 evaluation of the Employability Improvement Program (EIP) found that women had outcomes similar to those for males under the Jobs Opportunities and Project-Based Training components of EIP (the former provides wage subsidies to employers who hire participants; the latter provides integrated classroom and on-the-job training to clients). However, compared to men, women had larger gains in employability under the Purchase of Training component, which provides institutional training to clients through training courses purchased from public or private institutions. The objective in this case is to help the unemployed learn new job skills, get academic upgrading or language training.¹⁴⁹

The success of training programs appears to depend on several important factors.

Adequate financial and collateral supports to training should be in place

Adequate financial supports must be in place for the duration of training programs. Training allowances should cover child care, transportation, and any additional costs women may incur as a result of their participation. Manitoba's Taking Charge! program, for example, provided training allowances covering the cost of child care, transportation, clothing, and other job-related expenses to participants, most of whom were single mothers on income assistance. Failure to cover these costs reduces women's ability to participate in training. Under the Severely Employment Disadvantaged Option of the Job Entry Program, for instance, about half of single mothers with at least one dependent said they could not participate in the program if dependent care allowances were not available.¹⁵⁰

The need for adequate financial assistance for child care and other training costs has been well-established by countless studies and hardly requires extensive discussion here. However, it should be noted that in rural and isolated communities where child care services are not widely available, it may be necessary to provide these services directly. Providing a child care allowance to trainees only works where there is a proper supply of child care spaces.

Training should be tailored to individual needs

Training programs are more successful when they are tailored to the individual circumstances and needs of participants. Many jurisdictions have implemented individual case management as a way of ensuring that these needs are met. Some of the issues that may require consideration when developing training programs for women are listed below.

¹⁴⁹ Human Resources Development Canada, Employability Improvement Program: Final Report, Evaluation and Data Development, Strategic Policy, Human Resources Development Canada, 1995.

¹⁵⁰ TRICAN Consulting Group. Evaluation of the Severely Employment Disadvantaged Option of the Job Entry Program. Human Resources Development Canada, 1993.

- Training should be accessible in terms of the time it is offered. Many women work irregular hours, shift work, or hold multiple jobs. Others may face time restrictions due to child care duties.
- Training should be accessible in geographical terms. This issue is particularly acute for rural women and Aboriginal women in isolated northern communities.
- For women with disabilities, special arrangements for transportation, communication, attendant care, and so on may be necessary.
- Aboriginal and immigrant women may face language barriers that can be dealt with through ESL/FSL (English as a second language/ French as a second language) training.
- Immigrant women often possess education and training credentials and previous work experience that are not recognized in Canada. For these women, prior learning assessments are important. In some cases, targeted training regarding relevant Canadian practice and provision for supervised Canadian experience may also be beneficial.
- Longer-term training generally produces better results. However, not all women require intensive intervention. Training may vary in duration according to individual needs.

Sensitivity to cultural and family constraints to training is sometimes required

Women's access to training programs and their ability to complete these programs can be strongly influenced by their family and household responsibilities, and by cultural attitudes about appropriate roles for women and men. The experience of women attempting to "adjust out" of the Canadian groundfish industry is a case in point. The Atlantic Groundfish Strategy (TAGS) was a mixed program intended to assist displaced fishers and processing workers through income support, counseling, training, mobility assistance, employment supports, early retirement programs, and some job creation initiatives. The recent evaluation of TAGS found that women faced many more constraints to adjustment than men, due to traditional gender roles and their often unequal positions in the family, the fishery and the community.¹⁵¹ In addition to lack of child care, which the evaluation identified as the biggest obstacle to women's participation in adjustment programs:

- Women expressed more positive views towards adjustment and have higher levels of formal education than men, but were more constrained by family and community ties and cultural values. In total, 31% of male clients and 22% of female clients adjusted.
- Women saw themselves as much less mobile than men because of family and household responsibilities and traditional gender roles in families. Over half the men interviewed were unwilling to move for a job opportunity for their wives, whereas almost all women were willing to follow their husbands. Under these circumstances, the limited availability of locally delivered training programs restricted the training options of most women.

 ¹⁵¹ Human Resources Development Canada. *Evaluation of the Atlantic Groundfish Strategy* (TAGS).
 Ottawa: Human Resources Development Canada, 1998.

Sensitivity to the possible obstacles to training posed by cultural attitudes and traditional gender roles may be required. However, it is important to make a distinction here between short-term and long-term policy goals and responses. Adapting training programs to take into account obstacles posed by attitudes and norms is mere recognition - not acceptance or endorsement - of the reality with which women still have to contend in industrialised countries. Recognizing this reality in no way negates the necessity for policymakers to concentrate part of their efforts on changing entrenched social attitudes (which is necessarily a much more medium/long-term process).

7.2.2 Bridging programs can help women to overcome barriers to labour market participation

Bridging programs are designed to help women overcome any personal, cultural, or systemic barriers they may face to labour market participation and advancement. Often these programs are aimed at women wishing to re-enter the workforce after a prolonged absence, women on social assistance, and others facing barriers to full-time employment. The main focus of these programs is ensuring that these women possess the basic skills required in order to participate in the labour force at all. They typically provide counselling services, life skills training, and basic skills training in numeracy and literacy. These components are often combined with job search skills, training in interview techniques and other employment-related skills, and a strong emphasis on work placements.¹⁵²

Newfoundland's Women Interested in Successful Employment (WISE), originally funded as an Innovations program under the Canadian Jobs Strategy but now receiving funding through a mix of federal and provincial sources, is one example of a particularly successful bridging program for women. WISE, which has been in existence since 1987, offers career exploration, personal development, computer literacy, orientation to non-traditional employment, and work observation. Although the program's exit goals are to increase women's ability to make career decisions and to increase their self-confidence, it has also been very successful in helping participants to achieve employment. Prior to entry, 2% of the women were employed full-time; afterwards, 70% were employed full-time and 17% were in training leading to their occupational goals. WISE has been deemed an "unqualified success" in evaluation.¹⁵³

Some bridging programs are designed to move women into trades and technologies. The Women in Trades and Technology National Network, for example, assists women to enter male-dominated areas of the labour market. One of its programs, Learning Partnerships, has been highly successful at encouraging women to enter construction trades and is now being implemented as a three-credit course program in schools across Canada. Another bridging program, Opportunities '90s, under way at the B.C. Ministry of Transportation and Highways, enables finance or administration employees, mainly women in clerical positions, to sample jobs in technical fields before committing to training.

¹⁵² Federal-Provincial-Territorial Joint Working Group of Status of Women and Labour Market Officials on Education and Training. *Meeting Women's Training Needs: Case Studies in Women's Training*. Phase II Report. St. John's: Women's Policy Office, Government of Newfoundland and Labrador, 1994.

¹⁵³ Abraham Ross. Evaluation of the Women Interested in Successful Employment (WISE) Project. Final Report, A.S.R. Ltd., 1990.

Other bridging programs are geared toward women immigrants. For these women, integration into the Canadian labour market can present a host of difficulties. In addition to language and cultural barriers, immigrant women must often confront the fact that their previous work experience, education and training credentials are not recognized in Canada. Bridging programs for immigrants can include English/French as a Second Language training and prior learning assessments, and help them to overcome any other obstacles they may face to labour market participation.

Bridging programs do not always lead to immediate employment. This does not necessarily mean that they are unsuccessful and should be eliminated. Bridging programs can meet a variety of training needs that may be overlooked by programs geared toward immediate employment. However, funding for bridging programs has always been unstable, and some successful programs have been eliminated in spite of having achieved good results. Concern has been expressed that evaluation criteria based on how many people immediately find jobs after participating in training may jeopardize further funding for bridging programs.

7.2.3 Training should be linked to areas of high demand or further training opportunities

Training frequently prepares women for jobs that are most vulnerable to disappearance or declining quality in the coming years.¹⁵⁴ The most prevalent training options for women in Canada, for example, are clerical and service occupations. But clerical occupations suffered the single largest decline of any occupational group in Canada over the 1990s.¹⁵⁵ There is little point in training people for occupations in which there is already a surplus, or which offer, at best, the prospect of low-paid employment, few opportunities for advance, and a possible return to income support.

A better strategy might be to train women in areas suffering a shortage of qualified individuals, such as trades and other technical fields. In this respect Canada has a fairly dismal record. Since the 1960s, Canadian women have received training primarily in low-paying, traditional occupations such as clerical skills, personal service, and sales. Women's participation in apprenticeship training is extremely low - below 10% - and the majority of women apprentices train in female-dominated trades such as hairdressing.

Efforts to reverse this situation have been minimal and generally unsuccessful. The National Training Act of 1982 was the first to proclaim a focus on highly skilled occupations to meet existing and future skills shortages, and to take positive action measures to increase the representation of women in occupations in which they were traditionally under-represented. A small number of women gained access to highly skilled trades training under the Critical Trades Skills Training (CTST) component of the program, while a somewhat larger group of women took courses leading to training in non-traditional occupations.¹⁵⁶ However, most women were trained in service and clerical occupations.

¹⁵⁴ Susan Wismer. Women's Education and Training in Canada: A Policy Analysis. Toronto: Canadian Congress for Learning Opportunities for Women, 1998.

¹⁵⁵ Betcherman et al, opp cit.

¹⁵⁶ Barbara Cameron. "From Equal Opportunity to Symbolic Equity: Three Decades of Federal Training Policy for Women." In *Rethinking Restructuring*, Isabelle Bakker, ed. Toronto: University of Toronto Press, 1996.

Similarly, very few women participated in the Skills Shortages option under the Canadian Jobs Strategy, which was designed to train workers in specific high demand skills deemed in short supply. Women were only 9.7% of Skills Shortages trainees in 1988/89.¹⁵⁷

One potential way of addressing the problem of individuals who hold jobs with no prospect of advancement is through the development of closer linkages between training levels. A more sequential training process linking various levels of training may be beneficial. "Job ladders" would allow women to progress from relatively low levels of skill (and unskilled and poorly-paid work) to higher levels of skill and more demanding, better-paid and more stable occupations.¹⁵⁸

Another strategy is to form closer linkages with the private sector in order better to identify areas of current and future demand. However, private sector involvement may also lead to training that focuses on employers' requirements at the expense of women's longer-term needs.¹⁵⁹ Training in transferable skills, as well as job-specific skills, is required.

A sequential training process would recognize that the only reliable route out of poorly paid, contingent work is through higher education and training. Indeed, higher education and training may be more important for women than for men. In 1995 in Canada, a man with eight years or less education averaged earnings higher than a woman with a post-secondary certificate or diploma, even if both were employed full-time.¹⁶⁰

7.2.4 Prevailing economic conditions influence the success of training programs

The most consistently positive results for training programs, in terms of the number of people securing employment, are obtained in areas experiencing robust economic growth.¹⁶¹ This suggests, at the very least, that expectations about the number of people who can find work should be reasonable. This is especially so in isolated and rural areas, and in regions, such as Atlantic Canada, experiencing economic recession due to the collapse of major industries.

¹⁵⁷ EIC, Statistical Analysis Division, cited in Barbara Cameron, ibid.

¹⁵⁸ W. Norton Grubb. *Evaluating Job Training Programs in the United States: Evidence and Explanations.* Berkeley: National Center for Research in Vocational Education, 1995.

¹⁵⁹ Several authors have expressed concern that the gender role being played by the private sector in training is leading to too great an emphasis on employers' requirements and to training primarily in non-transferable skills. For examples see Terry Dance and Susan Witter, "The Privatization of Training: Women Pay the Costs," Women's Education des *Femmes* 6 (1) (Winter 1988) and Wendy McKeen, *The Canadian Jobs Strategy: Current Issues for Women*, Ottawa: Canadian Advisory Council on the Status of Women, 1987. A similar concern has been expressed in the United Kingdom by Alan Felstead, "The Gender Implications of Creating a Training Market: Alleviating or Reinforcing Inequality of Access?" In The Economics of Equal Opportunities, J. Humphries and J. Rubery, eds., Manchester: Equal Opportunities Commission, 1995.

¹⁶⁰ Armstrong (1998), opp cit.

¹⁶¹ California's GAIN program, the Baltimore Options program, and the Saturation Work Initiative Model in San Diego are frequently cited as examples of successful programs. All three programs ran during periods of economic growth and prosperity.

Community development programs may offer these communities the possibility of improving overall economic conditions, and thus offering increased employment opportunities for women. Women in Rural Economic Development (WRED), a federal non-profit corporation, has been at the forefront of community economic development initiatives. Its focus is to build the economic capacity of rural Ontario regions, through mentorship, life skills, training, farm diversification training, co-operative marketing, capital access, and entrepreneurship training. WRED provides startup or extension capital to rural women entrepreneurs with no or poor credit history. WRED has successfully provided business development assistance to over 500 women with estimated gross sales of \$8.5 million.¹⁶² An independent assessment of the program is currently ongoing.

Other regions are also experimenting with community economic development initiatives aimed at women. For example, Newfoundland has developed a program designed to get more women involved in natural resource development, particularly the petroleum industry.

¹⁶² National Women's Reference Group on Labour Market Issues. Voices from the Field: Impacts of the Changing Federal Funding Context on Women's Access to Training. November 1998.

8. Policies to reconcile work and family responsibilities

8.1 The conflict between work and family

One of the major obstacles to gender equality in the labour market has been the failure of workplace and social institutions, historically organized around the male breadwinner model of the family, to keep pace with changing labour market trends. The dramatic increase in female employment has not been matched by a reallocation of domestic duties between men and women. Women, regardless of their labour market status, continue to bear the primary responsibilities for dependent care and household work in all industrialized countries. This phenomenon has important implications for gender equality.

Many women who engage in paid work are now confronting the "double day." It is well established that employed women spend substantially more time on domestic duties than do employed men. Furthermore, the kinds of chores that women and men do are different. Women tend to have the main responsibility for child care, meal preparation, cleaning, and laundry, while men devote their time to activities such as home repairs and outdoor maintenance, which are more discretionary and do not need to be done regularly.¹⁶³

Employed women experience significant time pressures as they attempt to juggle work and family. In Canada, married mothers employed full time work more hours per day than any other group, and 33% - about twice the proportion of men - suffer from extreme levels of time stress.¹⁶⁴

- Women tend to have a more discontinuous labour market history than men as a result of their family responsibilities. Leaving the labour force to bear and raise children can limit women's earnings and restrict their opportunities for work-related training and career advancement. Likewise, a work history consisting of shorter-term bouts of employment punctuated by exits from the workforce can limit women's eligibility for employment insurance benefits, which are often contingent on a continuous work history.¹⁶⁵
- Among dual-earner couples, women are much more likely than men to alter their employment patterns when they have children.¹⁶⁶ Rather than leaving the labour market altogether, many women opt for part-time employment. While this may seem to be an adequate solution to the conflicting demands of work and family, part-time work usually implies lower earnings, fewer benefits, less job security, and fewer opportunities for promotion. Furthermore, part-time work solves the work-family conflict by reinforcing traditional gender roles.

¹⁶³ Marshall (1993), opp cit.

¹⁶⁴ Woolley, opp cit.

¹⁶⁵ This situation applies to women in general insofar as they are more likely to be concentrated in temporary, insecure employment.

¹⁶⁶ Marshall (1994), opp cit.

These considerations suggest that developing policies to allow women to balance their work and family responsibilities more easily may be only part of the solution to the problem posed by the often incompatible demands of work and family. ¹⁶⁷ Equally important are policies (such as flex-time and parental leave) that encourage a more equitable distribution of family responsibilities between men and women. In fact, the policy challenge is to facilitate a work-family balance for *all* employees, not just for women. Otherwise, these policies may reinforce, rather than dismantle, the gender division of labour and the consequences women face in the labour market.

8.2 Leave policies

Provisions for leave are one of the main policy responses to the work-family conflict. In the 1960s and 1970s, it was not uncommon for employers in many industrialized nations to fire pregnant women or force them to take long, unpaid leaves of absence. Although pregnancy has, for some time, been outlawed as grounds for dismissal, it is still the case that women's childbearing role can extract labour market consequences. A number of studies have documented the "family penalty" that accrues to working women with children.¹⁶⁸ The studies show that temporary withdrawal from the workforce for family reasons can result in reduced earnings and can jeopardize women's opportunities for work-related training and career advancement.

Most industrialized countries have introduced *maternity leave* policies to help protect women against these adverse outcomes. Maternity leave, which is based on the assumption that childbirth is a physical ordeal for women that requires preparation and recuperation, typically provides job security and income-related benefits to new mothers around the time of childbirth.¹⁶⁹ Many countries have also introduced provisions for *parental leave*. Parental leave is available to both mothers and fathers, and is intended to allow parents the opportunity to spend time with and provide care for their children. Other leave policies are available to varying degrees and include *paternity leave*, available only to fathers, and family leave, available to all employees to care for dependent family members.

¹⁶⁷ For more information, see: <u>http://labour.hrdc-drhc.gc.ca/worklife</u>

¹⁶⁸ For examples see Heather Joshi and Hugh Davies, "Mothers' foregone earnings and child care: some cross-national assessments," in *Family Policy and the Welfare of Women*, L. Hantrais, ed., Leicestershire: The Cross-National Research Group, 1994; Joyce Jacobsen and Lawrence Levin, "Effects of intermittent labor force attachment on women's earnings," Monthly Labor Review (September 1995); and Jane Waldfogel, "Understanding the 'Family Gap' in Pay for Women with Children," Journal of Economic Perspectives 12 (1) (Winter 1998).

¹⁶⁹ Maureen Baker. *Canadian Family Policies: Cross-National Comparisons*. Toronto: University of Toronto Press, 1995.

United States

The United States was until recently distinguished among Western industrialized nations in having no statutory provision for maternity or parental leave. The Family and Medical Leave Act, introduced in 1993, requires businesses with 50 or more employees to provide at least 12 weeks per year of unpaid leave and continued health care coverage for birth, adoption, or personal or family illness. Although a great deal of opposition from the private sector preceded the passage of this legislation, it is extremely modest by international standards, even in comparison to countries such as Canada with very similar free enterprise economies.¹⁷⁰

The U.S. legislation appears too limited to be of much benefit to workers. A recent study found that few families take advantage of the legislation because few can afford to give up an income for 12 weeks.¹⁷¹ Furthermore, the study found that women in low-income families took the shortest leaves. Of the states surveyed in the study, only in Rhode Island, where state legislation requires that leave be accompanied by wage replacement, did low-income women increase the time they spent on leave.¹⁷² A policy of unpaid leave is clearly of value only to the better-off and to those who qualify for welfare.¹⁷³

Canada

Canada has a much more generous system of leave and benefits than the United States. Qualifying for leave and for cash benefits are two separate processes in Canada.¹⁷⁴ Leave from employment is generally governed by provincial employment standards legislation, except for employees under federal jurisdiction, whereas maternity and parental cash benefits are tied to employment insurance. Benefits are paid at the same level as regular employment insurance benefits, currently set at 55% of average insured earnings. Maternity benefits are available only to natural mothers for a maximum of 15 weeks in a period surrounding the birth of a child.¹⁷⁵ Parental benefits are available to natural or adoptive parents up to a maximum of 10 weeks. However, although parental leave with benefits is available to both mothers and fathers, very few fathers take advantage of it. In the Canadian context, there has been little research conducted to explain this. Katherine Scott observes that it may in part reflect the fact that women earn lower wages on average than men.¹⁷⁶ Among dual-income families it makes financial sense for the highest income earner to continue employment so as to maximize family income.

¹⁷⁰ Weak provisions for leave also prevail in Australia and New Zealand, where entitlement is selective and there is no financial support during absence. New Zealand is furthermore the only country where parents who take leave are merely guaranteed a job to return to, rather than their old job or its equivalent.

¹⁷¹ Andrew Scharlach and Blanche Grosswald. "The Family and Medical Leave Act of 1993: Analysis and Appraisal." NCW Working Paper No. 10.

¹⁷² Since 1978, paid maternity leave has been available to mothers in six states through temporary disability insurance programs. Under TDI programs, childbirth and maternity are considered temporary medical disabilities and are eligible for coverage.

 ¹⁷³ Sheila Kamerman. "Parental Leave and Infant Care: U.S. and International Trends and Issues, 1978-1988."
 In *Parental Leave and Child Care: Setting a Research and Policy Agenda*. J. Hyde and M. Essex, eds. Philadelphia: Temple University Press, 1991.

¹⁷⁴ M. Baker, opp cit.

¹⁷⁵ The exclusion of adoptive mothers from eligibility for maternity leave is the subject of some controversy in Canada.

¹⁷⁶ Katherine Scott. Women and Welfare State Restructuring: An Inventory of Canadian Income and Employment-Related Initiatives. Ottawa: Canadian Council on Social Development, 1995.

Europe

In general, the European nations offer the most generous leave arrangements.¹⁷⁷ Wage replacement rates often exceed 80% and are typically financed by a combination of payroll taxes and general government revenues. In 1996, the European Union issued a Directive on Parental Leave requiring member states to guarantee a minimum parental leave period of three months to all men and women. While some countries have yet to comply with the Directive, others, including Germany, Sweden, Finland, France, and the Netherlands, have had substantially more generous policies in place for quite some time.

Nonetheless the European nations diverge considerably in the basic philosophy underlying their policies for leave. In Germany, where considerable social pressure is exerted on mothers to leave the workforce to raise children and where high male wages have made it possible to achieve a family wage, leave is a way of subsidizing female exit from the labour force.¹⁷⁸ Maternity leave, which is paid at 100% wage replacement rates, is taken by virtually all new mothers. Following maternity leave, parents are entitled to a three-year period of parental leave, paid at a flat rate until the child is six months old. After this time the benefit becomes income-tested. Although parental leave is available to both mothers and fathers, very few fathers request it; leave tends to function as a sort of "maternal salary."¹⁷⁹

Contrast this with the situation in France, where leave was introduced as part of an explicitly pro-natalist family policy, but where it has also helped to encourage a strong attachment to the labour force among French mothers. The length of maternity leave and the generosity of benefits varies by the number of children in the family, with more generous benefits going to larger families. Furthermore, since 1985, a flat-rate parental benefit has been available from the second child onward to parents who have worked for at least two of the preceding ten years. In fact French mothers exhibit a much greater commitment to the labour market than do German mothers. Only about 40% of French mothers take leave, in comparison to about 95% of German mothers.

In Sweden, parental leave at 90% wage replacement rates was introduced in the early 1970s as part of a package that also included independent taxation and a massive extension of child care services. These policies were designed specifically to promote labour market equality between men and women. On the one hand, they aimed to draw women into the labour force, and on the other, to encourage men to share in the responsibility for raising children. However, as will be discussed below, the evidence from Sweden suggests that this latter objective has not been realized.

 ¹⁷⁷ Information on parental leave provisions in the European Union is taken from *Equal Opportunities for Women and Men in the European Union: Annual Report 1996.* Luxembourg: Office for Official Publications of the European Communities, 1997.

¹⁷⁸ Jane Lewis. "A Comment on Family Policy and the Welfare of Women in Cross-National Perspective," in *Family Policy and the Welfare of Women*, Hantrais, Linda and Steen Mangen, eds. Cross-National Research Papers, Third Series, Leicestershire: The Cross-National Research Group, 1994, 1-8.

¹⁷⁹ Jeanne Fagnani. "A comparison of family policies for working mothers in France and West Germany." In *Family Policy and the Welfare of Women*, Hantrais, Linda and Steen Mangen, eds. Cross-National Research Papers, Third Series, Leicestershire: The Cross-National Research Group, 1994, 26-34.

¹⁸⁰ Lewis, opp cit.

8.2.1 Costs and benefits of leave

Economic consequences

The economic consequences of leave remain poorly understood and further research in this area is required. Proponents believe that leave promotes the retention of women with their firms, leads to higher earnings, and strengthens women's labour force attachment. Opponents counter that leave may limit women's opportunities for training and promotion, which usually require some degree of continuity on the job.

The "mommy track" debate arose in the United States in the late 1980s out of this concern over the possible detrimental impact of leave and other flexibility policies on women's careers. The suggestion surfaced that women who wish to balance parenthood and career by using these policies demonstrate a lack of professional commitment and should expect to sacrifice career advancement.¹⁸¹ This line of thinking seems to have caught on among employees, at least in North America. One US researcher reported that actual employee use of leave and other family-friendly policies "is so small, it's shocking."¹⁸² In a recent survey of Canadian professional and senior management women, a majority agreed that advancement in their organizations depends on putting their careers before their personal or family lives, and over half said the very fact of having children hinders a woman's ability to advance professionally.¹⁸³

Systematic empirical evidence on the impact of leave policies is, however, limited and inconclusive. Several studies find that leave promotes women's retention with their firm, and is associated with increases in women's employment.¹⁸⁴ Evidence on the effects of leave on women's pay is more ambiguous. Some studies find that taking leave is positively associated with increases in women's pay.¹⁸⁵ However, one recent study found that at longer durations, parental leave may be paid for through lower relative wages.¹⁸⁶

¹⁸¹ Felice Schwartz. "Management Women and the New Facts of Life." Harvard Business Review (Jan-Feb 1989), 65-76.

Quoted in Debra Schwartz. An Examination of the Impact of Family-Friendly Policies on the Glass Ceiling. New York: Families and Work Institute, 1994.

¹⁸³ Gerkovich Griffith et al, opp cit.

¹⁸⁴ For examples see Christopher Ruhm, "The Economic Consequences of Parental Leave Mandates: Lessons from Europe," Quarterly Journal of Economics (February 1998); Christopher Ruhm and Jacqueline Teague, "Parental Leave Policies in Europe and North America," paper prepared for ILR-Cornell Institute for Labor Market Policies Conference, Gender and Family Issues in the Workplace, Ithaca, April 1995; and Jane Waldfogel et al, "Maternity Leave Policies and Women's Employment after Childbirth: Evidence from the United States, Britain and Japan," CASE paper no. 3, London: London School of Economics, 1998.

 ¹⁸⁵ For examples see Waldfogel (1998), opp cit; and R. Spalter-Roth and H. Hartmann, Unnecessary Losses: *Costs to Americans of the Lack of Family and Medical Leave*. Washington: Institute for Women's Policy Research, 1990.

¹⁸⁶ Ruhm, ibid.

Some commentators have suggested that generous parental leave policies can tend to reinforce occupational sex segregation. Stoiber observes that Sweden's generous parental leave system has played a major role in promoting segregation.¹⁸⁷ This is the case because entitlements that allow a substantial time off work may cause employers to limit women to jobs where absences are least costly. Similarly, Lewis argues that generous parental leave in Sweden has played a major role in ensuring that women remain part-time workers in "women's jobs."¹⁸⁸ Sweden does in fact have an extremely high rate of part-time work among women, and the labour market is highly segregated along gender lines. However, the degree to which this is attributable to parental leave is open to debate.

Diversification of gender roles

The possibility that parental leave policies may promote a diversification of gender roles has proved elusive in practice. In some countries, such as Germany and the Netherlands, leave provisions are explicitly designed to reinforce a traditional child-rearing role for women. However, even in Sweden there is only limited evidence to suggest that parental leave has prompted men to take greater responsibility for raising children. Although there has been a steady increase in fathers' take up of parental leave over the last few decades, women are still far more likely than men to take leave, and to take it for substantially longer periods.¹⁸⁹

The barriers preventing a more extensive male involvement in parental leave remain unclear. Björnberg found that where Swedish men earn substantially more than their partners, they are less likely to take leave.¹⁹⁰ Scott suggests that a similar situation may prevail in Canada.¹⁹¹ However, in a multiple regression analysis, Haas found that economic considerations disappeared completely as having strong independent relationships with Swedish fathers' participation in leave.¹⁹² What remained were gender role attitudes, including mothers' willingness to share child care responsibilities; exposure to non-traditional models of fathering; and social support from friends and acquaintances. These findings imply that a more equitable distribution of child care duties may require initiatives on several fronts, including polices to equalize pay. But they also highlight the enduring influence of traditional cultural attitudes and social norms.

¹⁸⁷ Susanne Stoiber. "Family Leave Entitlements in Europe: Lessons for the United States," *Compensation and Benefits Management* VI (1990), 111-116.

¹⁸⁸ Lewis, opp cit.

¹⁸⁹ Linda Haas. "Equal Parenthood and Social Policy: Lessons from a Study of Parental Leave in Sweden." In *Parental Leave and Child Care: Setting a Research and Policy Agenda*. J. Shibley Hyde and M. Essex, eds. Philadelphia: Temple University Press, 1991.

¹⁹⁰ Ulla Björnberg. "Reconciling Family and Employment in Sweden." In *The Family-Employment Relationship*. Marie-Therese Letablier and Linda Hantrais, eds. Leicestershire: The Cross-National Research Group, 1994.

¹⁹¹ Scott, opp cit.

¹⁹² Haas, opp cit.

8.3 Child care

In 1984, the Abella report on equality in employment observed that "childcare is the ramp that provides equal access to the workforce for mothers." Clearly mothers, particularly those with preschool children, cannot enter the labour force without access to affordable non-parental child care. In the absence of such care, mothers may have to leave the paid workforce for several years, or work part-time only. Difficulties in obtaining child care may prevent women from changing jobs, accepting promotions, or taking advantage of educational opportunities and training programs to enhance their employment prospects. Child care problems may also cause women to take excessive sick days because they must stay home when their children are sick; these absences may be held against them and may lead to poor references, lack of promotion, or disciplinary measures. For single or low income mothers, the availability of affordable child care is especially critical, and can mean the difference between financial independence and subsistence on social assistance.¹⁹³

The importance of affordable, accessible child care to mothers' employment, and to gender equality more generally, is well established, and in most industrialized nations is no longer a matter of controversy. Today what is at issue is not the need for child care per se, but the best approach to take in providing it.

8.3.1 Models of child care

Maureen Baker identifies three models of child care informing national child care policies.¹⁹⁴

Social welfare model

The social welfare model of provision departs minimally from the premise that children are the private concern of their parents. If both parents elect to work, then it is for them to locate suitable child care arrangements from among the options available. The majority of child care services are provided by family members, neighbours, or private caregivers. Government assistance is extremely selective and subsidizes only the poorest and most disadvantaged children. If public intervention does occur, it is to keep parents off welfare, and not to promote female employment.

The social welfare model has a long-standing history in the Anglo-Saxon nations, especially in the United Kingdom and the United States. In both countries a relatively high proportion of mothers participate in the labour force, even though both rank near the bottom of countries in terms of child care provision. In fact, it appears that US mothers work in spite of the poor availability of child care. Gornick et al. suggest that the actual level of employment-parenting conflict that exists in the United States may be partially masked by high levels of economic necessity.¹⁹⁵

Gillian Doherty, Martha Friendly, and Mab Oloman. Women's Support, Women's Work: Child Care in an Era of Deficit Reduction, Devolution, Downsizing and Deregulation. Ottawa: Status of Women Canada, 1998.

¹⁹⁴ M. Baker, opp cit.

¹⁹⁵ Janet Gornick, Marcia Meyers and Katherin Ross. "Public Policies and the Employment of Mothers: A Cross-National Study." Luxembourg Income Study Working Paper #140, June 1996.

Public responsibility model

The public responsibility model lies at the opposite end of the spectrum. Although the European nations in general have long acknowledged that children are a major public resource and that the whole society should share in the cost of rearing them, this philosophy has not always led to child care policies supportive of maternal employment. In countries such as Germany, the belief that children are a public responsibility has resulted in child care arrangements primarily concerned to provide children with an enriching educational experience. While German kindergartens are heavily subsidized by government and are attended by over three-quarters of children aged three to five, they are open only in the morning, and therefore are particularly problematic from the point of view of working mothers.

Countries best exemplifying the public responsibility model are France, Sweden, Finland and Denmark. These countries view child care as a right of all families, essential both to child development *and* to women's participation in the labour force. The Nordic welfare states are based on the normalization of women's participation in gainful employment and the monetization of previously unpaid household work. In these countries female employment is not only a cultural expectation but a structural necessity, and an extensive system of public child care has been developed to support it.¹⁹⁶ Not coincidentally, Sweden, Denmark and Finland have the highest rates of maternal employment among industrialized nations. However, in France, the labour force participation rate of mothers is similar to that in the US, the UK, and Canada.

In public responsibility models, government sets standards of education and care, and child care services are heavily subsidized. If parents pay fees, they are charged on a sliding scale according to income. From the perspective of working mothers, this model does not appear to have any shortcomings. However, it does entail substantial public expenditure. Sweden, for example, has been criticized for its "excessive" subsidization of child care on grounds of economic efficiency.¹⁹⁷ Since the early 1980s, there has been growing use of family day care and direct compensation for child care expenses in Sweden. Some commentators observe that the shift toward privatized solutions is contributing to increased economic stratification among Swedish women, and will likely have a disproportionate impact on lone mothers.¹⁹⁸

Mixed responsibility model

Between the public responsibility and social welfare models lies the mixed responsibility model. In this model government provides some child care services, but, to make up for an insufficient public supply, encourages voluntary organizations, the private sector and employers to develop services through capital grants or tax concessions. Certain categories of

¹⁹⁶ Helina Melkas and Richard Anker. Gender Equality and Occupational Segregation in Nordic Labour Markets. Geneva: International Labour Organization, 1998.

¹⁹⁷ Sherwin Rosen. "Public Employment and the Welfare State in Sweden." *Journal of Economic Literature* (34) (June 1996).

 ¹⁹⁸ Barbara Hobson and Mieko Takahashi. "The Parent-Worker Model: Lone Mothers in Sweden." *In Lone Mothers in European Welfare Regimes: Shifting Policy Logics*. Jane Lewis, ed. London and Philadelphia: Jessica Kingsley Publishers, 1997.

parents such as lone-parent families or those with low incomes may be given priority for subsidized spaces, and government may provide income tax deductions or credits for child care. More variation in quality of services and costs is apparent than in the public responsibility model, and there is often a shortage of spaces and a high use of relatives as care providers.

This is a diverse group of countries that includes Australia, Canada, and the Netherlands, and by some accounts, Germany.¹⁹⁹ Across these countries, there is wide variation in mothers' labour force participation, with rates comparatively high in Canada, and low in Germany, the Netherlands and Australia. Studies have shown that cultural expectations about the paid employment of mothers are very important in accounting for these differences.²⁰⁰

8.3.2 Child care in Canada

The fact that a majority of Canadian mothers work does not necessarily mean that the existing system of child care is adequate. In a recent paper for Status of Women Canada, Doherty et al. report that there is an insufficient amount of affordable, high quality child care services for Canadian women who need or want it.²⁰¹ The authors report that in 1993, the percentage of children under age 12 with a mother in the workforce who could be accommodated in the regulated child care system ranged from 16.6% in Alberta to 4.9% in Newfoundland. Furthermore, fees could be as high as \$857 per month for infants. For Aboriginal women, women with disabilities, rural women, new immigrants and refugees, the issues of access, availability and affordability are even more acute.

The cost of child care in Canada is a major issue for many parents. According to Statistics Canada, families have seen their child care expenses double in the past decade.²⁰² Furthermore, a large number of studies in the United States and Canada have demonstrated that child care costs have a significant negative effect on the labour force participation of both married and single mothers.²⁰³

One of the ways child care costs are addressed in Canada is through subsidies to low-income earners. However, although all provinces and territories subsidize child care fees for low-income parents, the availability of fee subsidization is limited either by a ceiling on the total fee subsidy budget or on the total number of families that can receive

¹⁹⁹ As has already been discussed, Germany also demonstrates strong elements of the public responsibility model.

For examples see Christin Knudsen and H. Elizabeth Peters, "An International Comparison of Married Women's Labor Supply," Luxembourg Income Study Working Paper no. 106, 1994; and Shelley Phipps, "Determinants of Women's Labour-Force Participation: An Econometric Analysis for Five Countries," Luxembourg Income Study Working Paper no. 99, 1993.

²⁰¹ Doherty et al, opp cit. The authors report that lack of national data on child care services in Canada makes research difficult.

²⁰² Canada Year Book 1997. Statistics Canada, 1996.

²⁰³ For examples see Gordon Cleveland and Douglas Hyatt, "Child Care, Social Assistance and Work: Lone Mothers with Preschool Children," Working Paper W-96-2E, Applied Research Branch, Strategic Policy, HRDC, 1996; Lisa Powell, "Family Behaviour and Child Care Costs; Policy Implications," *Policy Options* 18 (1) (Jan-Feb 1997); Jean Kimmel, "Child Care Costs as a Barrier to Employment for Single and Married Mothers," W.E. Upjohn Institute Working Paper, October 1994; and Alicia Cackley, "Child Care Subsidies Increase Likelihood That Low-Income Mothers Will Work," Study GAO/HEHS-95-20, Washington, General Accounting Office, 1995.

the subsidy.²⁰⁴ In fact, a large majority of families apparently eligible for subsidies do not receive them.²⁰⁵ Furthermore, since 1989, the value of subsidies has failed to keep pace with increases in parent fees.²⁰⁶ For many lone mothers on social assistance, the cost of child care helps to ensure that work does not pay.

Here the province of Québec stands out as an exceptional case. Historically motivated by a strong pro-natalist orientation, Québec in 1996 announced its intention to develop a comprehensive early childhood policy for children between 0 and 12 years old. Part of the proposed policy is to provide child care at a rate of \$5.00 per day to all pre-school children. Development of these services is occurring gradually, with children aged three and four currently covered. In the next few years, services at \$5.00 per day will come to include children aged three and so on down to infants.

The other main strategy to deal with the cost of child care is through tax deductions. Since the introduction of the Canada Health and Social Transfer in 1996, the federal government no longer contributes any earmarked funds to child care except through the Child Care Expense Deduction. The CCED has been criticized on horizontal and vertical equity grounds.²⁰⁷ It gives a benefit which is inversely proportional to income because marginal tax rates, which determine the amount of tax saved, increase with income. Furthermore, for a married couple, only the parent with the lowest of the two incomes can claim the deduction, which ensures that its value is minimized.

Under the present system of financing child care, virtually no financial aid is provided to lower middle-income families. Consequently only low and high income families can afford to use regulated child care.²⁰⁸ Nor does the Canadian approach adequately address the problem of availability and quality of child care services.

8.3.3 Employer support for child care

Employer support for child care has received attention as a potential solution to the shortage of high quality, affordable child care. In fact, employer support for child care and other "family-friendly" policies are now routinely touted as a critical component of an effective human resource management strategy and a "win-win" proposition for both employees and employers.²⁰⁹ Such policies are said to help employees manage their work and family responsibilities, in the process reducing stress and improving morale. Among the benefits expected to accrue to employers are reduced absenteeism, enhanced employee retention, and increased productivity.

²⁰⁴ Doherty et al, opp cit.

²⁰⁵ Gordon Cleveland and Douglas Hyatt. "Assessing Federal Child Care Policy: Does the Arrow Reach its Target?" Policy Options 18 (1) (Jan-Feb 1997).

²⁰⁶ Doherty et al, opp cit.

²⁰⁷ Ruth Rose. "For Direct Public Funding of Child Care." Policy Options 18 (1) (Jan-Feb 1997).

²⁰⁸ Michael Krashinsky and Gordon Cleveland. "Rethinking the Rationales for Public Funding of Child Care." *Policy Options* 18 (1) (Jan-Feb 1997).

²⁰⁹ Karen Johnson, Linda Duxbury and Chris Higgins. Making Work and Lifestyle Initiatives Work: Beyond Best Practices. Research report submitted to Industry Canada, 1997.

Employer support for child care can take various forms, including information and referral services, on-site or near-site child care centres, and child care subsidies. The most prevalent type of support provided by Canadian and US employers is information and referral services, which help employees find, monitor and plan their child care arrangements. According to the Conference Board of Canada, almost 25% of Canadian companies reported offering information and referral services in 1997.²¹⁰ On the other hand, only about 8% offered on- or near-site child care in the same year, and only 2% provided any type of child care subsidy. Thus it appears that the main employer initiative in Canada does not address the main problems confronting parents with regard to child care - that is, its cost and availability.²¹¹

Furthermore, the majority of firms providing child care assistance are large and well-established.²¹² They therefore offer no benefit to the large numbers of women who work in small companies unable to afford such assistance. Direct provision of child care services, in particular, may require costly start-up expenditures and/or ongoing financial support. The United States Department of Labor Women's Bureau is encouraging small firms to form consortia as a way of overcoming the financial barriers to providing care that these firms encounter.

Some employers have implemented innovative solutions to the child care needs of their employees, and these policies are likely to be of particular benefit to female employees. On the other hand, it appears that the majority of employers do not feel great pressure to elevate child care to a high place on their agenda. A comparative study of family-friendly employers reports that government commitment to work-family issues encourages employers to become more involved, while the absence of national policies does not necessarily lead to more generous employer measures.²¹³

There is some risk, therefore, in relying upon employer initiatives as a substitute for public policy. The need for an increased supply of affordable child care services is not likely to be addressed satisfactorily if left to the private sector alone.

²¹⁰ Judith MacBride-King and Nora Spinks. *Family-Friendly Workplaces in Canada: Ten Years in Review*. The Conference Board of Canada, 1998.

²¹¹ According to the United States Department of Labor's Women's Bureau, about 85% of large American companies made some sort of provision of child care. As in Canada, the large majority offered information and referral services.

²¹² Among the Canadian organizations cited in the literature as having implemented exemplary child care policies are Royal Bank, IBM Canada, Canadian Airlines International, and Statistics Canada. In Europe, Danish State Railways, BMW, Schering AG, Siemens AG, Dow Benelux, and IKEA Ltd. have been singled out, and American companies include DuPont, Texas Instruments Incorporated, AlliedSignal Inc., American Home Products Corporation, and Johnson & Johnson.

²¹³ Christine Hogg and Lisa Harker. *The Family Friendly Employer: Examples from Europe*. London: Daycare Trust, 1992.

8.3.4 Other dependent care

Children are not the only group whose care requirements can affect women's labour market status. As the Canadian population ages and public spending on health care declines, increasing numbers of employees are responsible for caring for adult dependents. Statistics Canada reports that about one in eight Canadians, about 1.1 million men and 1.6 million women, currently provide care to adult dependents.²¹⁴ Women aged 45-60 are most likely to provide informal care to people with long-term health problems.

The burden of caring for adult dependents, often in combination with child care duties, can cut short careers and impose serious time pressures on caregivers. Nevertheless, adult care has received little attention from employers so far, either in Europe or North America. In Canada in 1997, 23% of companies surveyed in one study were providing information and referral services for employees with caregiving responsibilities, up from 6% in 1988.²¹⁵ On the other hand, financial support for elder care was available in less than 2% of companies surveyed, about the same proportion as in 1988. Again, it is mainly large and well-established companies that make any kind of provision for elder care. Elder care is likely to become a prominent public policy issue in the future.

8.4 Flexible work arrangements

Flexible work arrangements are another potential solution to the work-family conflict. Like employer support for child care, these arrangements are frequently promoted as beneficial to both employer and employee. On the one hand, they help the employer by providing an opportunity to cover extended working hours. On the other, they benefit employees by giving them some control in organizing their work schedule around family demands.

Flexible work arrangements can either *restructure* or *reduce* employees' work time. The most common forms of flexible work arrangements are flextime, flexplace (teleworking), and job sharing. Part-time work is sometimes included as a type of flexible work arrangement, but because it is often involuntary, temporary, seasonal, without benefit coverage, and designed to reduce an organization's labour costs rather than to help employees, we do not discuss it here.²¹⁶ A recent study of Canadian companies by the Conference Board of Canada demonstrates that the availability of these options has been increasing over the last decade:²¹⁷

- 64% of companies surveyed formally offered flextime as an option, making it the most popular flexible work arrangement in Canada
- Approximately 42% of employers formally offered job-sharing in 1997. Teleworking is still relatively uncommon, but on the rise.

²¹⁴ Statistics Canada, cited in *The Globe and Mail*, Saturday, March 20, 1999, p. A8-9.

²¹⁵ MacBride-King and Spinks, opp cit.

²¹⁶ Johnson et al, opp cit.

²¹⁷ MacBride-King and Spinks, opp cit.

So far, systematic investigation into the economic impact of flexible work arrangements is sparse, possibly because these policies are a relatively recent innovation. This is an area in which research is urgently required. At this stage, it is only possible to make note of several concerns that have emerged in the literature:

- As is also the case for child care, the majority of firms offering flexible work arrangements are large and well-established. Furthermore, managers and professionals have much greater access to flexible work arrangements and family-friendly policies of all kinds than other employees. This raises the concern that primary reliance on workplace programs is resulting in an unequal distribution of benefits in society.
- Many employees do not feel free to use flexible work policies as much as they would like, for fear of damaging their careers. Traditional beliefs about the nature of work persist, including the notions that commitment to career is demonstrated by the amount of time spent in the office, that presence and hours are the best indicators of employee productivity, that "real" professional work can only be accomplished on a full-time basis, and that those employees who are serious about advancing will make themselves available to the office at all times.²¹⁸ Employees are less reluctant to take advantage of flexible work arrangements in companies where management is amenable to alternative perspectives about the nature of work.
- A study by Catalyst in the US found that flexible work does result in a "slowing down" of careers. But it also enhances retention and allows women to maintain a career identity, professional skills, and career momentum.²¹⁹

Further research is required to gain a better understanding of the economic impact of flexible work arrangements, as well as their impact on traditional gender roles.

²¹⁸ Debra Schwartz. *An Example of the Impact of Family-Friendly Policies on the Glass Ceiling*. New York: Families and Work Institute, 1994.

²¹⁹ Catalyst. Flexible Work Arrangements II: Succeeding with Part-Time Options. New York: Catalyst, 1993.

9. Lessons learned

The entry of women into the labour force has been one of the most significant developments of the twentieth century. But while the past thirty years have witnessed major improvements to women's labour market status, women continue to confront obstacles to equality with men in the workforce.

The introduction of measures designed to equalize women's labour market opportunities and outcomes has been a feature of public policy in all industrialized countries over the last three decades. Most of these measures have succeeded at improving women's labour market position, although results are at best preliminary. While a great deal more research is required before we adequately understand the effects these policies have on women's labour market position, the main lessons learned from this review are summarized below.

9.1 The effectiveness of employment standards legislation is constrained by difficulties in protecting individuals engaged in non-standard work, and enhanced by the existence of strong and effective monitoring and enforcement mechanisms

Effective enforcement of basic employment standards, covering wages, benefits, working conditions, hours of work, leave and termination of employment, is required to protect the large and growing number of women engaged in non-standard forms of employment. An effective enforcement strategy may include legislative reforms, broadly-based collective bargaining, and voluntary codes of conduct and monitoring systems.

9.2 Equal opportunities policies that state goals and timetables and include enforcement mechanisms can yield positive results

In many countries equal opportunities policies are of recent origin and there has so far been little systematic investigation of their impact. However, evidence from the United States, where affirmative action has been in place for three decades, demonstrates that these policies have increased women's employment and earnings and improved employee retention. Canadian employment equity legislation is of relatively recent origin, but preliminary results suggest a small positive effect of representative hiring and pay for at least some groups of women. Caucasian females appear to be benefiting most from employment equity. Further research is required to ascertain the reasons for this differential impact. Nonetheless, there is ample evidence²²⁰ to illustrate the effectiveness of equal opportunities policies that clearly state the type and magnitude of the changes expected, include timetables for their achievement, and specify penalties accruing to organizations that fail to comply with the legislation. In addition, close monitoring and enforcement, including attention to wage data, can help to ensure that promotions do not occur without a corresponding increase in pay, status, or responsibility.

9.3 Pay equity policies and legislation can be effective in reducing the gender gap in pay

Equal pay for work of equal value has not achieved discernible results, mainly because women and men do different work. However, pay equity legislation, which is designed to address pay differentials arising from occupational sex segregation, is effective in reducing the gender gap in pay by about 10-20% within a given organization.

Nevertheless several factors can restrict the impact of pay equity to close the gender gap in pay. For example, decisions made during the job evaluation process can affect the extent and magnitude of pay adjustments.

- Gender predominance standards affect the number of women eligible for adjustments.
- Most jurisdictions require "gender-neutral" job evaluation systems, but this requirement is usually not defined.
- The statistical formula used in pay equity implementation affects outcomes.

Similarly, complaint-based approaches to pay equity, mainly because of the financial resources, time commitments and sophisticated legal skills required to launch a complaint, are less successful than proactive approaches at closing the gender gap in pay. At the same time, however, the capacity of proactive plans to close the gap can be limited by several factors. These include:

- the absence of a male comparator in some establishments
- the restriction of pay equity to the public sector in some jurisdictions
- the fact that pay equity does not apply to women in male-dominated or mixed occupations.

²²⁰ See The Canadian Human Rights Commission's annual Employment Equity Report, and Human Resources Development Canada (HRDC)'s *Employment Equity Act* Annual Reports (produced by the Labour Branch of HRDC).

9.4 Policies that narrow the overall earnings distribution narrow the gender earnings gap

Compressed wage structures arising from centralized systems of wage determination, usually associated with a dominant union sector and/or strong collective bargaining, lead to higher relative wages for women. This is the case because women in all countries are concentrated at the low end of the earnings distribution. Therefore, any policies that serve to narrow the overall earnings distribution will also narrow the gender gap in pay.

9.5 Training programs lead to modest gains in employment and earnings

Most training programs, regardless of the type of intervention, increase women's employment and earnings, but gains are modest and usually decay over time. These modest gains help to explain the difficulty many individuals, particularly single mothers, encounter in sustaining a successful transition from welfare to work. When the additional costs of labour force participation are factored in, many single mothers stand to lose from labour force participation.

For training programs to succeed, several factors are important.

- Training allowances covering child care, transportation, and any additional costs women may incur as a result of their participation in training are essential. Failure to cover these costs reduces women's ability to participate in training. In some cases, direct provision of child care may be necessary.
- Training is more successful when it is tailored to the individual needs and circumstances of women. Training that is accessible in time and physical location and that makes provision for special requirements of disabled, immigrant, and Aboriginal women is required.
- Women's access to training programs and their ability to complete these programs successfully can sometimes be strongly influenced by their family and household responsibilities, and by cultural attitudes about appropriate roles for women and men. Sensitivity to the possible obstacles to training posed by cultural attitudes and traditional gender roles may be required.

9.6 Bridging programs can help women to overcome barriers to labour market participation

Bridging programs are designed to help women to overcome any personal, cultural, or systemic barriers they may face to labour market participation and advancement. These programs do not always lead to immediate employment, but this does not necessarily mean that they are unsuccessful and should be eliminated. Bridging programs meet a variety of training needs that may be overlooked by programs geared toward immediate employment.

9.7 Training should be linked to areas of high demand or further training opportunities

Training frequently prepares women for jobs that are most vulnerable to disappearance or declining quality in the coming years. Labour market policy focused on training women in areas suffering a shortage of qualified individuals, such as trades and other technical fields, will lead to improved earnings, better prospects for career advancement, and a reduced likelihood of return to income support.

At the same time it must be recognized that many women face significant obstacles to employment. For these women training in high level skills may not always be immediately feasible. A more sequential training system that develops closer linkages between training levels and/or existing job vacancies in the private sector can help women to climb the "job ladder." At the same time, closer links with the private sector may lead to training that merely addresses the short-term requirements of employers at the expense of women's longer-term needs. Training in job-specific and transferable skills is required.

Even when a training strategy is linked to areas of high demand, expectations about the number of people who can find work should be reasonable. The most positive results for training programs are obtained in areas experiencing robust economic growth. Community development programs may offer economically depressed communities the possibility of improving overall economic conditions.

9.8 The consequences of leave are poorly understood and further research in this area is required

The economic repercussions of taking leave are not well understood. Limited evidence suggests that leave promotes women's employment and increases pay, but may reduce pay at longer durations. Further research in this area is necessary.

Cultural expectations about the paid employment of mothers and the type of leave arrangements available are closely linked. In some countries leave policies are designed to encourage a traditional role for mothers, while in others they aim to promote a women's labour force participation and a more extensive male involvement in child-rearing.

Leave policies have not promoted a notable diversification of gender roles. Women in all countries are far more likely to take leave, and to take it for substantially longer periods than men. The barriers preventing a more extensive male involvement in parental leave may include financial considerations and traditional cultural attitudes. However, further research is required in this area.

9.9 Access to affordable child care is critical to women's labour force participation

Child care is critical to women's ability to participate in the workforce on an equal footing with men. Maternal rates of labour force participation are highest in countries having an extensive system of public child care. However, maternal employment is also influenced by prevailing attitudes about the proper role for women. In some countries a substantial majority of mothers work in spite of the poor availability of child care, while in others the majority does not work despite the fact that public child care is widely available.

Employer support for child care primarily takes the form of information and referral services, and does not address the cost and availability of child care. Furthermore, only large firms can afford to offer child care. The need for an increased supply of affordable child care services is not likely to be addressed satisfactorily if left to the private sector alone.

9.10 Systematic research into the labour market impact of flexible work arrangements is necessary

Little systematic research has been done so far into the impact for women of flexible work arrangements. However, it appears that fear about career damage is restricting employees' use of these policies.

10. Conclusion

Most of the measures reviewed in this study require fairly significant public expenditure and regulation of the economy. This is true of employment standards legislation, employment equity and affirmative action policies, pay equity policies, labour market training programs, leave policies, and child care policies. It is also true of structural features of the labour market, such as centralized wage setting, which have benefited women.

This study reviewed only some of the many policies and programs that affect women's position in the workforce. It did not consider formal education systems, even though improvement in women's educational qualifications is one of the most important factors in accounting for their improved labour market status over the past thirty years, and will continue to play a prominent role in accounting for future advances. Nor did it discuss income redistribution policies such as taxation, social assistance and employment insurance. Research has demonstrated that these policies, by creating incentives or disincentives to work, can either reinforce women's secondary status in the labour market, or help to promote gender equality. These topics are significant enough to merit a separate discussion.

Health and housing policy, and sexual harassment and domestic violence legislation are other potentially significant factors. All of these topics require investigation for a thorough understanding of policies and programs promoting gender equality in the labour market.

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Appendix A: List of Key Informants

Federal Government Key Informants

- Denise Amyot Director, Labour Market Initiatives and Operations, Human Resources Development Canada
- Mustafa Chowdhury Workplace Equity Officer, Human Resources Development Canada
- Hélène Dwyer-Renaud Director, Women's Bureau, Human Resources Development Canada
- Francine L'Espérance Director, Women's Bureau, Industry Canada
- Gay Stinson Director, Policy Development, Human Resources Development Canada

Provincial Government Key Informants

- Joan Andrew Assistant Deputy Minister, Training Division, Ontario Department of Education and Training
- Sandy Bentley Senior Policy Advisor, Prince Edward Island Women's Secretariat
- Betty Brand Policy Analyst, Manitoba Women's Directorate
- Pat Dewhirst Advisor for Under-Represented Groups, Industry Trade and Apprenticeship Commission, British Columbia
- Marg Gorrie Policy Analyst, Ontario Women's Directorate
- Teresa Harvey Assistant Deputy Minister, Manitoba Women's Directorate
- Lois Hawkins Assistant Deputy Minister, Information and Policy Services, Alberta Ministry of Advanced Education and Career Development
- Susan Janzen Policy Analyst, Manitoba Women's Directorate
- Clayton Johnson Program Manager, Employment Programs, Employment and Career Services, Department of Human Resources and Employment, Government of Newfoundland and Labrador
- Ruth Mitchell Policy Analyst, Manitoba Women's Directorate
- Patricia Morris Senior Policy Analyst, Policy and Evaluation Branch, British Columbia Ministry of Women's Equality

- Brigitte Neumann Acting Executive Director, Nova Scotia Advisory Council on the Status of Women
- Karen Paquin Policy Analyst, Manitoba Women's Directorate
- Michèle Paradis Conseillère en politique, Ministère de l'Emploi et de la Solidarité, Québec
- Nicole Paradis Direction des politiques de main d'oeuvre, Ministère de l'Emploi et de la Solidarité
- Dorothy Robbins Director of Research and Planning, Executive Council, Women's Policy Office, Government of Newfoundland and Labrador
- Anne Roberge Responsible ministerielle, Dossier de la condition féminine, Direction des politiques de la main d'oeuvre
- Sandy Spencer Program Manager, Employment Support Services, Nova Scotia Department of Community Services
- Jennifer Standeven Director, Program Planning and Development, Skills Development Division, British Columbia Ministry of Advanced Education, Training and Technology
- Lily Stonehouse Assistant Deputy Minister, Post-Secondary Education and Skills Training, Saskatchewan
- Bob Tate Industrial Training Consultant, Department of Advanced Education, Yukon Government
- Janet Thomas Acting Director of Policy and Planning, Department of Human Resources New Brunswick
- Vicki Toews Policy Analyst, Manitoba Women's Directorate
- Linda Wilcox Policy Analyst, Manitoba Women's Directorate
- Barbara Winship Director of Employment and Training Initiatives, Alberta Ministry of Family and Social Services
- Judy Wolfe Director of Economic Development and Partnership, Ontario Women's Directorate

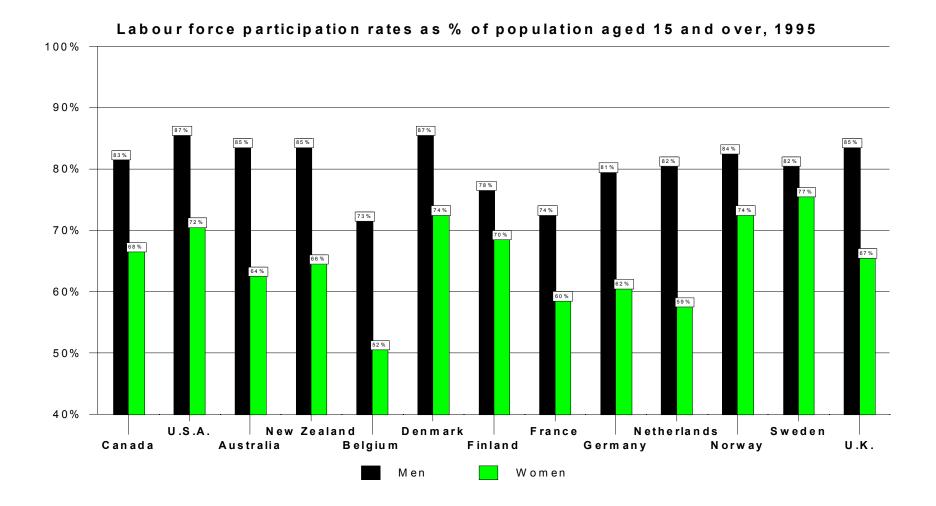
Non-Governmental Organizations Key Informants

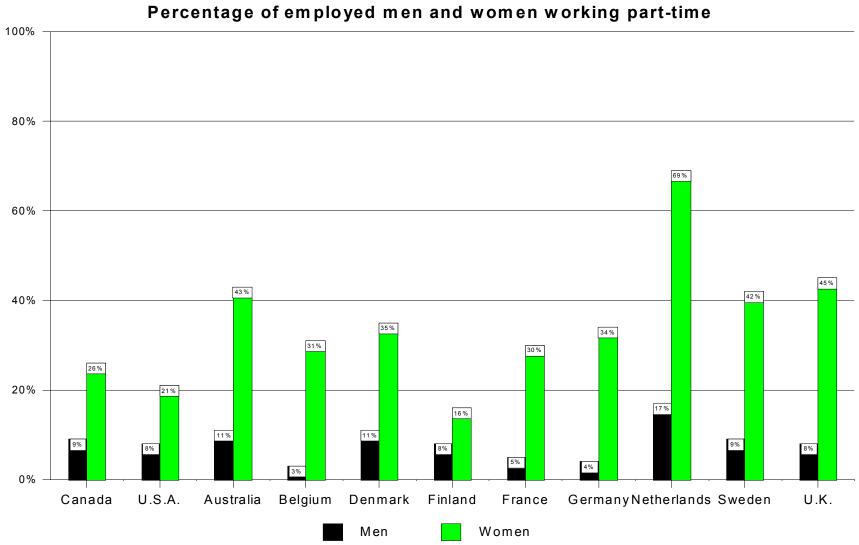
- Julie Burch Program Manager, Women in Rural Economic Development (WRED)
- Ursule Critoph Senior Associate, Canadian Labour Force Development Board
- Kim Leslie National Coordinator, Women in Trades and Technology Network (WITT)
- Joanne Lindsay Executive Director, Canadian Congress for Learning Opportunities for Women
- Karen Lior former Executive Director, Advocates for Community-Based Education and Training for Women (ACTEW)
- Katherine Running National Project Manager, Women in Trades and Technology Network (WITT)
- Rebecca Sugarman Interim Executive Director, Advocates for Community-Based Education and Training for Women (ACTEW)

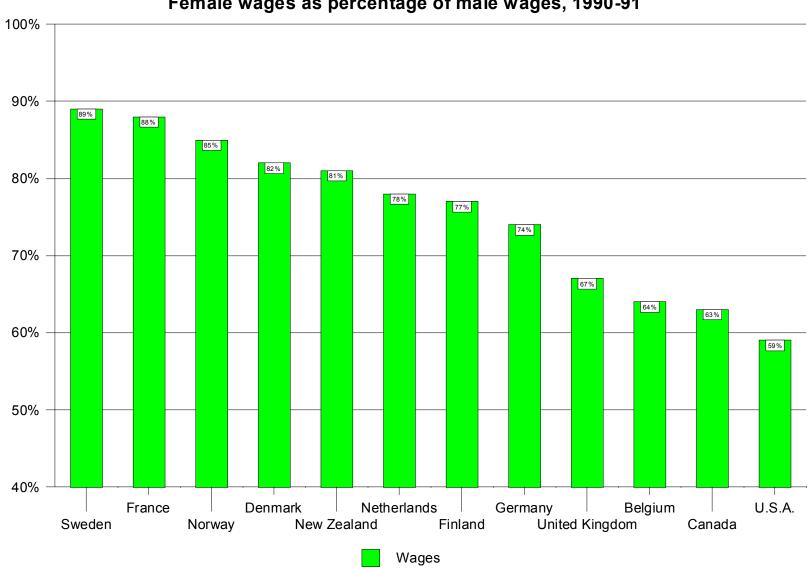
United States Federal Government Key Informants

- Jacqueline Bhola Economist, Work and Family Team, Women's Bureau, United States Department of Labor
- Kelly Jenkins-Pultz Social Science Advisor, Office of the Director, Women's Bureau, United States Department of Labor
- Jane Walstedt Social Science Advisor, Work and Family Team, Women's Bureau, United States Department of Labor

Appendix B: Comparative Graphical Figures







Female wages as percentage of male wages, 1990-91

Table B Concentration of Employment Within Industry by Sex, Canada, 1983 and 1997											
		Manufacturing		Construction		Trade		Finance, Insurance, Real Estate		Public Administration	
Occupational Category	Gender	1983	1997	1983	1997	1983	1997	1983	1997	1983	1997
Managerial, administrative &	% M	16.0	13.0	3.2	2.4	6.3	10.8	5.9	5.4	13.2	9.2
related	% F	4.7	5.1	0.6	0.7	4.0	7.5	5.2	6.6	7.8	6.8
Clerical & related	% M	22.1	19.7	1.3	1.2	20.4	24.4	4.8	8.0	12.6	8.0
	% F	9.9	7.6	2.7	2.7	21.0	20.3	15.3	14.2	11.4	9.4
Service	% M	5.5	3.4	0.6	0.3	3.6	3.6	5.3	4.6	18.9	15.8
	% F	11.9	0.8		0.2	3.2	2.0	2.7	2.0	2.6	3.1
Primary Occupations	% M	1.7	1.0	2.8	4.6					3.2	2.4
	% F				2.3						2.0
Processing Occupations	% M	61.2	63.0	3.3	2.9	19.6	19.8		0.1	2.1	1.1
	% F	85.0	81.7			7.2	8.8				

The above table is based on Statistics Canada data for 1983 and 1997. The table shows the representation of men and women in selected occupational categories by selected industries.

The table reveals several changes in the occupational distribution of work between men and women between 1983 and 1997. Among the main trends to note:

- Women have made their greatest gains in managerial jobs in trade. The nature of these jobs is, however, unknown.
- Men are gaining in clerical jobs, especially in trade and finance. Women are doing less clerical work in all industries.
- Service work is declining for both sexes, except that women are doing more of this work in public administration, while men are doing less.
- Women lost work in processing jobs in manufacturing, while men made gains.