

Helpful Legal Information for MAHCP Members

Celebrate All Women, this International Women's Day

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March 8th is International Women's Day. Hillary Clinton is a serious contender for the office of the President of the United States. (Canada is somewhat ahead of its neighbour to the south having already had a female Prime Minister but it is understandable if you forgot that fact since her term in office was shorter than most politicians' speeches.) MAHCP is a union whose membership is greater than 85% female. These random thoughts lend to this edition's article regarding the role women have played in unions.

Union organization was well ahead of the curve in Canada where women are concerned. Up until 1872 union activism was illegal in Canada because of criminal conspiracy in the restraint of trade laws. Once unions became legal it was not long until women were involved. It was as early as the 1880s that women were part of the Knights of Labour in Kingston, Ontario. In fact, strikes involving female mill workers took place in 1882 and 1887.

Yet, while women could belong to unions and vote on issues within the union, women were still a long way from being able to vote for the politicians who made the laws which affected their livelihood. The women of Manitoba were the first in Canada to be granted the right to vote. The amendment to the Manitoba Elections Act was proclaimed on January 28, 1916. The federal government passed similar legislation in 1918 but it was not until 1940 that the women of Quebec had the right to vote provincially.

However, women were still not considered "persons" under section 24 of the British North American Act. Accordingly, women were not allowed to be appointed to the Senate. This was an important issue because, at the time, the Senate approved divorces, among

other things. It was not until the matter was brought before the courts by Emily Murphy, Henrietta Muir Edwards, Louise McKinney, Irene Parlby and Nellie McClung that women were recognized as "persons" by the English Privy Council. It is unfortunate that most of us would likely be unable to name any of these pioneering women with the possible exception of Nellie McClung.

In the time since the famous "persons case" there have been many gains and losses by women in the workplace. According to Veterans Affairs Canada, out of a total population of 11 million, only about 600,000 women held permanent jobs at the start of World War II. During the war, that number doubled to 1.2 million. However, when the war ended most of those women were unceremoniously fired from their positions to make room for men.

Significant changes have happened since then. Approximately one-half of the labour force is female and now over 50% of all union members are women. As stated, that percentage is much higher among the MAHCP membership.

The presence of women in unions has driven what some have referred to as "womens' issues" but, in fact, they are issues that benefit all members. Both legislation such as unemployment insurance laws and collective agreements started off with maternity benefits but those provisions have been extended to include fathers as well as mothers under paternity benefits.

In addition, discrimination and harassment protection was largely driven by women to provide them protection in the workplace. However, harassment can be directed at men as well. The article in the MAHCP collective agreement protects against discrimination on the basis of age, religion, race, colour, national origin, political or religious affiliation, marital status, place of residence, family relationships, physical handicap and union membership/activity as well.

The participation of women in unions has led to these, and other, improvements



for all workers. **On this International Women's Day let us celebrate that fact.**

This paper is intended as an introduction to the topic and not as legal advice. If you require specific advice with respect to your situation, you should contact a lawyer.

This series of articles will continue in future editions of the MAHCP News. If there is a topic that you would be interested in, please contact Wendy at 772-0425.