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Canada's New Deal in the Needle Trades

Legislating Wages and Hours of Work in the 1930s

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The essay examines the drafting of Canada's industrial standards legislation and its consequences in the clothing industry. In particular, it argues that the legislation formalized the subordination of specific sectors of workers in the clothing shops. The decision was a political one. How could gender be used as a basis of discrimination in a trade union movement in which women were in the majority? Although the traditional unions (ILGWU and ACWA) made some efforts to organize women, the presence of women in the union bureaucracy was limited. Because of this, the move away from shop-floor unionism towards industry-wide collective bargaining ensured that women had, at best, a peripheral position in union decision making. When the men in the industry sat down to negotiate the legal framework for their trade, most of the political manoeuvring went on in a domain exclusive of women. In the negotiations for the legislation in Ontario and Quebec's clothing industry, men reaffirmed the gendered nature of the work in the trade through legal language enshrined in the industrial standards schedules set for the industry.

For the proponents of collective bargaining, the 1930s were mean years. Despite their established rights to organize and practise collective bargaining, despite strike after strike, the International Ladies' Garment Workers' Union (ILGWU) and the Amalgamated Clothing Workers of America (ACWA) continued to face stiff resistance to collective bargaining and trade union recognition by employers. Unions were learning the hard way that on their own they were too weak to bring employers into line.

"It seems idle to declare that workers are entitled to certain 'rights' of association or of collective bargaining," Cohen, the lawyer for the clothing unions, remarked at the time, "without at the same time recognizing that recalcitrant and anti-social employers constantly prevent the exercise of these rights." Cohen concluded, "Society has an interest and a duty to use its legislative power to enable these rights to exist in fact and not only in theory" (Cohen 1941: 11-12).

Although union efforts in the needle trades began before the turn of the century, the main unions in the industry, the ACWA (which organized much of the men's clothing sector) and the ILGWU (which organized the women's clothing sector) did not gain more than a quarter of the workers in these trades until the 1920s. By 1937, unionized workers represented about half of the workforce in the needle trades.[1]

By the 1930s, both the trade unions and the manufacturers were actively seeking state intervention in the industry. The industry was a highly competitive one with many small shops competing to drive wages and prices down. It was a volatile and unstable trade. Some years earlier, in an attempt to stabilize the industry, garment unions had pushed for third-party arbitration of trade disputes — a goal that would ostensibly offer a new dispute-settlement mechanism. Third-party mediation meant that both unions and management would begin to accept outsider influence in the affairs of the industry. This paper argues that state influence in creating and shaping a regulatory model for collective bargaining relations in the clothing industry meant a formalization of gender relations in a industry where exploitation of low waged women workers had been problematic from its inception. In addition, the active recruitment of state officialdom into the negotiation process would move trade union activism further from the shop floor, the place where women gathered in the greatest number and had at least a minimal political voice.

Women garment workers' dislocation from the collective bargaining process began in the early years of unionization, and it signified a specific relationship that women had to the public sphere of waged work. While this relationship may have altered over the decades, women's political disenfranchisement continued. The workplace culture continued to be masculine, which meant that women's work was measured against the work of their male co-workers, and that women would always come up short, considered less skilled, less committed to the workforce, and less militant as trade unionists.

1. The ILGWU had 8,307 members in Canada and the ACWA had 11,155 (*Labour Organizations in Canada*, 1938: 217). Much of this unionization came after the passage of the provincial legislation which is the subject of this paper.

When skill became a focus in the legal discourse of needle trade regulation in the mid-1930s, it did not seen illogical to turn again to the language of difference to give legitimacy to the privileging of male workers in the legal texts of Ontario's Industrial Standards Act and Quebec's Collective Labour Agreements Extension Act. Could a woman do a man's job? The answer to this question had ramifications beyond the narrow confines of those meetings in Toronto and Montreal. Men's right to a fair wage was seen as a reasonable request, while women's wages were discussed only in relation to men's superior performance.

Representation of gender in legal documents continued to reflect the patriarchal structures of ruling relations. Fathers and brothers were personified in the state legislation, in union structures, and in women's relations to their male bosses. Each of these locations in the social structure of the period became a site of gender and ethnic relations, not only privileging men over women, but also privileging Jews over French-Canadians.

The development of provincial collective bargaining legislation in the 1930s would have a decided impact on the clothing industries of Montreal and Toronto. The push to provide Canadian workers with a "New Deal" resulted in provincial government legislation that regulated hours and wages in the clothing industry in the province of Quebec and Ontario. Ontario's Industrial Standards Act and Quebec's Collective Labour Agreements Extension Act became law at a time when the Industrial Recovery Bill in the United States was reshaping collective bargaining south of the border. More particularly, in the context of the needle trades, the legislation and the political process of the negotiations surrounding it — negotiations that ultimately set the hours and wages for clothing workers — would take on a heavily gendered nature that could only have a negative impact on the women who formed the majority of the workers and unionists in the trade. With the government convinced of the need to introduce detailed labour regulations, the task of the union leadership then became one of orchestrating membership consent. But the negotiations of both the ILGWU and ACWA with the provincial governments went on over the heads of the rank-and-file union members. In particular, women workers knew little or nothing of the deal until it was completed. The trade union men spoke as the voice of all the membership — which meant that they continued to speak, as they had been doing for decades past, for the women.

THE CONTEXT OF STATE INTERVENTION

Trade unions are beset by internal contradictions. For instance, while they served to organize workers to obtain bargaining power over wages and

work conditions, they also functioned politically to contain dissent among their members and to solidify workers' acceptance of their subordinate position as a class (Mahon 1977: 182-86). As part of this process, trade union leaders had to appear to be responsible spokespersons for the working classes. If unions were to survive within the capitalist system, the government and the capitalist class would have to be convinced that labour was using its class power in a "responsible" manner — that is, in a way that contained discontent rather than exploited it.

This was no easy task in a movement experiencing sharp internal factional disputes. During these years, both the ILGWU and the ACWA leadership were engaged in a battle against the left within their own unions and more particularly against the Industrial Union of Needle Trades Workers (IUNTW), which was unwilling to abandon its class-based unionism for the more conciliatory model of business unionism proposed by the ILGWU and ACWA. Left-wing trade union activists — especially anyone connected with the Communist-led Workers' Unity League (WUL) — continued to see the employers as the main enemies of labour; yet their political position was so weakened that they could do very little to make their views heard in the shops. In the wider world of national politics, the fight against communism continued to heat up, contributing to the weakness of the left in the clothing unions and limiting the resistance to government intervention. If "industrial peace" was to be brought to the needle trades, a strong, persuasive leadership would be needed — a challenge readily accepted by ACWA President Sidney Hillman, among others.

By the time the clothing unions turned to the state to settle disputes over wage rates and unfair trade practices, the unions in charge had little difficulty convincing government officials that saner minds must prevail. Thanks largely to the in-depth ruminations of the federal Commission on Price Spreads and Mass Buying (popularly known as the Stevens Commission) in 1934, the sense of crisis in the needle trades — the troublesome economic and social conditions, the plight of workers at all levels — had become public knowledge. The ravages of the Depression years now caused concern in the social circles that mattered. Still, it would take some time to get the government to act. A history of non-interference in the affairs of the marketplace shaped the political morality of state officialdom.

In the United States the passage of the National Industrial Recovery Act (NIRA) in June 1933 had established a kind of precedent (see Fraser 1991: ch. 7, 10, 11; Tomlins 1985: 99-148). Both the ILGWU and the ACWA leadership were supportive of the American legislation and their enthusiasm was bound to spread across the border into Canada. The international unions, the ACWA and the ILGWU, were keen on bringing to Canada the kind of reforms they had seen implemented in the United States (see Connery

1938; Carpenter 1972: 591-654). But Canadian provincial governments were already looking at similar legislation. In fact, some of the principles of wage regulation and extension of wage rates to the broader community were already present in Quebec's 1925 Professional Syndicates Act. In Canada, the 1935 election of the Liberal Party federally under the leadership of Mackenzie King and the rise of the Liberals to power in Ontario in 1934 pointed towards a promise of better days for Canada's working class. In Quebec, the Liberal government of Louis-Alexandre Taschereau was in its last days, and public pressure for government to bring labour policy under state regulation continued to mount.

In 1934, the ACWA (1934: 83) reported, "The existence of the Clothing Code Authority in the United States has brought much attention to the feasibility of some sort of control over hours, wages and other trade practices being introduced into the Canadian industry." Clothing unions, attempting to take advantage of the climate of reform, did their best to ensure public scrutiny of the industry. Their efforts to bring conditions in the trade to the attention of the Stevens Commission resulted in rising pressure for the introduction of legal mechanisms that would regulate and control the trade.

As the Canadian clothing unions moved towards their own "little NRA," they were not unaware of the limitations of the U.S. model. Still, the ammunition provided by Professors Frank Scott and Harry M. Cassidy in their Royal Commission on Price Spreads study provided the ACWA with the evidence it needed to convince the government of the necessity of introducing an NRA in Canada (Scott and Cassidy 1935). Until the 1930s, both federal and provincial governments generally adhered to a principle of voluntarism in their dealings with the union movement. Neither level of government had done much to regulate wages and hours of work beyond a minimal level of decency.

Historically, provincial state intervention regulating conditions of labour occurred in three phases. In 1884 and 1885, Ontario and Quebec introduced provincial factory acts that attempted limited control of the workplace. During the second phase (1919-34), the state acted as a protector of women and children working in the manufacturing sector. It legislated a minimum wage for women workers and later limited the number of hours they could labour. Yet once the legislation was on the books, there was little attempt to enforce it (see McCallum 1986).

The third phase, the setting up of provincial industrial standards acts, extended provincial control of industrial conditions over a whole industry, whether the workplaces were unionized or not. In 1934, Quebec passed the Collective Labour Agreements Extension Act, and Ontario followed suit in 1935 with the introduction of its Industrial Standards Act. Alberta (1935),

Nova Scotia (1936), Saskatchewan (1937), and New Brunswick (1939) passed similar acts soon afterwards. As Woods and Ostry (1962: 22-23) point out, this legislation not only served to declare provincial rights over labour relations but also "laid the framework for a system of industrial relations which combined collective bargaining with state regulation." The New Deal had come to Canada, with major consequences for the needle trades.

Government Intervention in the Needle Trades

The net effect of the Depression years was to enhance the collaboration of unions and manufacturers. Thanks to the Roosevelt era in the United States and its echoes in Canada, the Canadian government's new role as industrial arbitrator would soon make possible the institutionalization of relations in the needle trades. The social and economic devastation of the 1930s stood as testament to laissez-faire capitalism's failure to organize social security for Canadians, and social reformers were generating considerable support for state intervention in the field of social policy. The social consequences of the Depression years and the weakness of the union movement made it easier for social reform advocates to put forward the case for a new age of labour relations policies. Calls for minimum-wage laws for men and for unemployment insurance plans came from diverse sectors of Canadian society: labour unions, the recently formed Co-operative Commonwealth Federation, government officials such as H.H. Stevens, churches, women's organizations, and even from some sectors of the business community.

The publicity from the price spreads investigation of the trade's abuses of the minimum wage law put more pressure on the government to act, and a convergence of economic and political forces made increased government regulatory action acceptable. The restructuring of the garment industry in response to the economic collapse of 1929, along with the increased pressures of mass buying and higher textile prices, gave an advantage to sectors with low labour costs. Those factories producing women's clothing moved to capitalize on the availability of cheaper labour in Quebec, and many Toronto factories closed their doors and moved there. These actions prompted some unionized manufacturing firms to support tougher government legislation that would equalize wages between the two provinces.[2]

2. In a questionnaire sent out to the needle trade industry in 1933, to which 279 manufacturers responded, approximately 90 percent were in favour of some sort of legislation that would regulate hours of work and wages. The questionnaire and the responses were submitted to the Price Spreads Commission, Exhibit #33. Evidence was also presented March 8, 1934, Special Committee, Price Spreads and Mass Buying, Proceedings and Evidence, vol. 1: 291-301.

Given the limited scope of both federal and provincial labour legislation, the only form of regulation of hours of work and wages was the provincial minimum wage law, and that only covered the female portion of the labour force. Despite its weak enforcement, the Minimum Wage Board legislation did alter the perspective that market conditions should remain free of state restrictions. The gradual shift in attitude away from unhampered trade conditions in the needle trades towards judicial regulation of wages and hours of work opened the door to further judicial regulation in the industry.

By 1933, the Minimum Wage Board in Ontario had "made more adjustments [of wages], instituted more prosecutions, and collected more arrears than in any previous year since the Act was passed," but this activity was not enough to solve the industry's problems (*Labour Gazette*, October 1934: 916). As a result of the Stevens' investigation, labour leaders and social reformers too began to demand a more interventionist policy on the part of the state — though trade union approval for industrial councils, outside arbitration, and production standards would never come easily.

COLLECTIVE BARGAINING: OFFICIAL ACTS AND DECREES

By the time the Quebec and Ontario governments began to develop their labour acts in the mid-1930s, several key issues dominated discussion:

1) the legal recognition of employee representation through trade unions (the right of employees to join a trade union of their choice and the question of legal recognition of trade union jurisdiction over specific industries or sections of workers within an industry);

2) the mechanism for enforcement of wages and hours set by the legislation, a concern of both employers and employees (who would punish the firms that broke the law, and what procedural mechanisms would enforce wages and hours set out in the law);

3) the geographical jurisdiction of the law and, within this broader issue, which elements of industry would be covered by the law; and

4) the right to picket and strike (although neither Ontario or Quebec wanted to touch this issue in its legislation).

In the political discussions that led up to the enactment of the laws, the character of the political debate in Quebec and Ontario shared some similarities. Both provincial governments were reacting to similar economic climates, but they did so in dramatically different political climates.

In Quebec, it was the Catholic union movement that initially conceived of labour regulation through juridical extension. Catholic unions

had been supportive of the idea of third-party arbitration through a joint committee of employers and employees for many years, finding their inspirations on this point in the church's doctrine and earlier legislation enacted in Belgium (see Hébert 1963: 205-6; Beaulieu 1958: 53-66; Bonenfant 1941: 250-58). But by 1933 there was little enthusiasm among the leadership of the Catholic workers movement for judicial extension. Instead, the CTCC embraced the idea of "corporatism" outlined by Alfred Charpentier, founding member of the union and its president from 1934 to 1946. Under Charpentier, the CTCC was more interested in pushing for minimum-wage laws to cover male workers than it was in ideas of juridical extension, although he did agree with the previous leadership that public powers should be used to regulate conditions in the workplace.

M. Léonce Girard, as secretary-general of the CTCC in Montreal by 1932, took up the cause of juridical extension, and the idea received unanimous support on the congress floor in 1933 (Hébert 1963: 178-79). By that time, former CTCC leader M. Gérard Tremblay — who had become associate deputy minister in the Quebec Ministry of Labour in 1931 — and Joseph Arcand, Quebec's Minister of Labour, were already drafting the law, wary of what might happen if prompt action was not taken to ameliorate severe economic and social conditions.

The Quebec government was keen on developing a law with some teeth in it for judicial enforcement. The provincial government had tried in vain to regulate the needle trade industry using the provincial minimum wage law, under the able chairmanship of Gustav Francq. As chair of the Minimum Wage Board and the most knowledgeable expert in the government on European labour legislation, he probably had some influence on the development of the decrees and other aspects of Quebec labour legislation.[3] In the spring of 1934, the Board intensified its "drive against exploitation of girls and women in the needle trade" (*Montreal Star*, March 10, 1934; see also *Montreal Star*, March 7, 1934). While the 150-member strong National Associated Women's Wear Bureau protested the "unduly harsh treatment" of government officials, Francq reported, "The orders are going to be observed even if I have to break every offender" (*Montreal Star*, March 10, 1934). The Minimum Wage Board's prosecution of six garment manufacturers for wage abuses in March 1934 set the stage for Arcand.

Tremblay and Arcand apparently did not expect the proposed bill to gain wide public support. As Arcand indicated, not all unions were behind the push for labour laws (Hébert 1963: 180). The international unions were fearful that such legislation would undercut their role in set-

3. I am grateful to Madeleine Parent for this observation.

ting wages and hours through collective agreements. The ILGWU and the ACWA, as well as the IUNTW, worried that legislated minimum wages and maximum hours would become the standard for the whole of industry and that collective agreements establishing wage rates over the minimum would be ineffectual. In an industry in which several unions competed for the allegiance of workers, the issue of trade union jurisdictional rights was also of major concern. With the IUNTW and the Catholic unions both competing with the international unions for the right to represent needle trades workers, who would decide which union legally represented the workers? Labour activists suggested that legal recognition would only be granted to those unions that incorporated under regulations contained in the 1924 Professional Syndicates Act, and that any unions unable to do this would be outside of the jurisdiction of the provincial law and could not bring to court employers who disobeyed the wage and hours set out in the law.[4] The international unions were convinced that in Quebec's political climate the decision would favour the French Catholic unions. Their prediction was accurate, as Leonard Marsh observed in his 1936 assessment of the Arcand Act. He found that the "philosophy of the Catholic Unions is to say the least conciliatory rather than militant, and it is these unions which have grown most since the passage of the Arcand Law. At the end of 1933 their membership stood at 26,900, but the annual Convention at the end of 1935 was able to announce thirty-four new affiliations and a total membership of 38,000" (Marsh 1936: 415).

The CTCC was a strong promoter of the proposed act, and eight months before the adoption of the law the organization ran an extensive publicity campaign to win support for its passage (see, for example, Boileau 1934: 1). The provincial government paved the way, with M. Gérard Tremblay reminding his audience at the CTCC congress in 1933 of "tous

4. In fact, the Catholic unions' wish to incorporate the Professional Syndicates Act into new labour law in the province seems to have been motivated by the desire to exclude the ACWA and the ILGWU. In 1924, at the request of the Confederation of Catholic Workers of Canada, the Quebec government passed the Professional Syndicates Act. The law gave duly recognized syndicates the civil rights of corporations. As such, they could "enter into contracts or agreements with all other syndicates, societies, undertakings or persons respecting the attainment of their objects and particularly such as relate to the collective conditions of labour." (R.S.Q. 1925, c. 255, Sec. 6.) While the legislation gave such syndicates the rights of association, there was a catch. The provincial act would only recognize syndicates where members of the executive committee were British subjects. The international unions, with headquarters in New York, were outside of the scope of the legislation. "International" clothing unions were therefore correct in their reading of the events. For further discussion, see Margaret Macintosh, "Legislation concerning collective labour agreements, part II," *The Canadian Bar Review*, no. 3, March, 1936; J.C. Cameron and F.J.L. Young, *The Status of Trade Unions in Canada*, appendix A.

les dangers que court notre pays," if the bill was not passed. In Quebec political culture, "les dangers" came from both right and left, as both political influences vied for public attention during the 1930s. The Liberal Party, in power for nearly 40 years, now found that its accommodation of business and church interests was wearing thin. It was time to court the working class, and Tremblay promised that after the law was passed, "Notre province sera le paradis de l'ouvrier" (*Le Devoir*, Nov. 20, 1933: 4).

With the passage, in April 1934, of the Collective Labour Agreements Extension Act — the Arcand Act as it was popularly known — unions turned from confrontational campaigns to co-operative, "industry-wide" negotiations. It was the first labour law of its kind in Canada to provide a legislative structure to set standards for wages, hours, conditions of apprenticeships, and the proportion of skilled and unskilled workers in the trade (*Labour Gazette*, May 1934: 417). Using this act, Labour Minister Arcand would oversee the adoption of orders-in-council in which labour provisions, agreed to by the workers and manufacturers party to a specific collective agreement, would be imposed on all provincial industrial establishments in that trade sector. The Arcand Act promised changes in the needle trade, and Arcand declared that under the new law, "Sweat-shops will soon be a thing of the past in the Province of Quebec" (*Montreal Star*, March 12, 1934).

The new act declared: "A collective labour agreement, made between, on the one part, one or more associations of employees and, on the other part, employers or one or more associations of employers, shall also bind all employees and employers in the same trade or industry; provided that such employees and employers carry on their activities within the territorial jurisdiction determined in said agreement" (Quebec 1934). The extension of a collective agreement only applied to hours and wage rates; other aspects of the agreement were not to be extended. It was up to the various parties in each industry to make a request to the minister of labour to have their collective agreement accepted, at which point the government would issue an order-in-council (a "decree") making the agreement binding within 30 days of its publication in the Quebec Official Gazette.

Although the Act contained no provisions relating to union recognition, it gave union negotiations a new legitimacy. But it also crystallized divisions between workers on the basis of gender, experience, skill, and geographical location (on this point, see Marsh 1936: 412-413). The Arcand Act introduced another layer of bureaucracy into collective bargaining, moving the decisions about wage rates for specific job categories one step further from the shop floor.

Government regulation through decrees began first in Quebec's men's clothing industry. In Montreal, where the settlement of the Industrial Union of Needle Trades Workers dressmakers strike of 1934 contained the usual clause pertaining to arbitration and administration of the collective agreement, the move toward a decree was fairly smooth. The ACWA had pioneered third-party arbitration and now included this in all of their collective agreements. This ad hoc Arbitration Board set the tone for negotiations in the trade. All "agreed on the need for some form of governmental intervention in the clothing industry and the establishment of formal machinery to bring order to the prevailing chaos" (Brecher 1958: 102). After the defeat of the communist-led IUNTW general strike in the dress shops — which saw some 3,800 dressmakers take to the streets for nearly four weeks in the early fall of 1934 — employer representatives were eager to encourage government imposition of standards in the industry. The Arcand Act set the structures in place that would make their recommendations a reality. The Act allowed any party to an agreement to apply to the Lieutenant-Governor in Council to pass a decree in their industry. The Arcand Act also made joint committees obligatory (Quebec 1934, c. 16). Under a joint negotiation team made up of union, government, and clothing manufacturing representatives, and their corresponding legal representatives, the province was divided into zones, measured from Montreal, with wages and hours set for each zone. The country shops, which were mostly not unionized, were allotted lower wages (Cohen Papers, vol. 7, file 2603). In the clothing industry, under the direction of the Collective Labour Agreements Extensions Act, an order-in-council, the Decree Relating to the Men's and Boys' Clothing Industry, was formally introduced on February 27, 1935 (ACWA 1936: 216). The agreement covered 75 percent of the industry's employers and 70 percent of its workforce. The firms included in the agreement had 85 percent of the capital production in the industry and employed about 7,000 workers (*Labour Gazette*, January 1935: 3). Significantly, the progress of government regulation would follow the path of the established trade union organization, starting with the area — men's and boys' clothing — most dominated by men.

The First Bright Ray of Sunshine

In September 1934, Ontario Attorney General A.W. Roebuck paid a visit to Quebec to see how the Arcand Act was working. He reported that there should be such a law in Ontario too, for since the beginning of July there had been 21 strikes in various Ontario industries. "I look for hundred per cent co-operation from employers in Ontario, and I think that labour will be glad to co-operate" (*Montreal Star*, Sept. 5, 1934).

Earlier, in 1933, Prime Minister Bennett had expressed concern to provincial officials about the growing unrest in Toronto's women's cloak and suit industry. His action caused local government officials to extend their inquiry into the trade. The forces on the left were gaining strength, and on October 6, 1933, Deputy Labour Minister A.W. Crawford warned Public Works Minister J.D. Monteith, "The situation is assuming an unhealthy political aspect, particularly in view of the increasing activity of the Worker's Unity League.... The workers are becoming desperate; the employers can see no way out except through government intervention; the governments are already supporting large numbers of garment workers through direct relief and the situation grows steadily worse." Crawford called for the government to establish an industrial code, but neither the provincial government nor the federal government was quite ready to act (Ontario Department of Labour Papers 1933).

In the garment industry the idea of industrial codes gained steam. In 1934, with a new Liberal government in power in Ontario and the decrees in place in Quebec, the province began to develop its own "little NRA" in Ontario, hoping to learn from the experiences of both Quebec and the United States. Certainly labour representatives were wary of the possibility of any Ontario legislation that would duplicate the Quebec decrees, because they believed that in some of the decrees the Quebec government was not respecting TLCC unions as employees' representatives.

Government discussions prior to the passage of Ontario's Industrial Standards Act made frequent references to the Quebec act, but Attorney General Roebuck later insisted that Ontario's act had been drawn up independently of the Quebec law — an unlikely proposition because Roebuck had met with Arcand well before the presentation of the ISA in the Ontario legislature. Roebuck, emphasizing interprovincial co-operation, met with government officials from Manitoba, Alberta, and Quebec, but in the end it was the collaboration between Arcand and Roebuck that mattered to the needle trades. Louis Fine, Ontario's industrial standards officer, expressed that hope in a meeting with clothing manufacturers on December 20, 1934:

> I know many of the men sitting around here will be happy not to worry about the other fellow's cost and I say, Mr. Roebuck, when we are able to accomplish this, the majority of the gentlemen represented here will agree with me that it is the first bright ray of sunshine that the needle trades will see for some time, and if there is a possibility of in some way making uniformity of prices or wages between the Provinces of Quebec and Ontario it would be a God-send to those in this Province (Ontario Department of Labour Papers: 2).

The Toronto Associated Clothing Manufacturers were quick to respond to the government initiative, requesting a meeting with labour department officials to discuss the new wage legislation (see Wm Johnston to Hon. A.W. Roebuck, August 22, 1934; F.R. Marsh to Wm Johnston, August 31, 1934, in Ontario Department of Labour Papers). This began a process of consultation with trade unions and employers' associations in all aspects of industry. The meetings carried on for a period of months, spanning the fall of 1934 and the winter of 1935, and at one of them, held on December 19, Roebuck outlined the procedures the government intended to follow: "I propose that either side, employers or employees, may requisition a meeting from the government, that is to say they may come up to the Department and say we desire a meeting, if they are employees with the employers, for the purpose of negotiating a collective agreement. In that case the department will call that meeting, an official from the department will take the chair ... so as to ensure skilled chairmanship."

The government, Roebuck said, would try to intervene before a strike occurred.

> Now if a meeting of the kind *with a proper and sufficient representation from both sides*, — note my words — reduces an agreement to writing in which there is a schedule of hours or of days of labour and of wages, not necessarily just a minimum wage like the present Women's Minimum Wage Act, but any schedule that may operate through the industry... If an agreement of that kind is actually signed and laid before the Department of Labour and approved by the minister in charge, it may by Order-in-Council be declared law within that portion of the province which the meeting decides and which the Minister approves and becomes law, so that the will of the majority within the industry may be enforced on those who do not attend the meeting, or who after attending do not carry out the agreement. There will be sufficient teeth in the Act (Ontario Department of Labour Papers: 2).

The question of "proper and sufficient representation" became a central concern to both employers' and workers' representatives. Trade union officials wanted assurance that unions would be the only legal representatives for employees — to ensure, as Tom Moore of the TLCC aptly put it at a meeting of the TLCC and the Ontario Department of Labour on December 19, 1934, "that our position is protected from the chiselling organization, just as the trade is protected from the chiselling employer." They wanted assurance that representation from company unions would not be considered as "competent to negotiate these agreements, unless they were organized freely and entirely separately from any connection with the employers." Despite protests from all labour leaders who spoke to him, Roebuck remained convinced that the broad wording in the act was all that was required, and this wording remained in the final act.

Another concern for labour leaders arose out of interunion rivalry. The TLCC wanted the provincial government to recognize only collective agreements signed by its member unions. The ACCL wanted to know what the government would do when "two legitimate organizations" had collective agreements in the same industry. "What provisions does the Department make to determine who actually represents the workers? Our Union or the other union?" But Industrial Standards Commissioner Louis Fine, A.W. Roebuck, and F.R. Marsh (the deputy minister of labour) disagreed with the labour federation's views. Fine pointed out that in the dressmaking and shoe-making industries the Workers Unity League represented "possibly 85 per cent of the employees. Is the Minister to refuse to deal with them ... to tell them that he cannot come to terms with them because they work on the theory of political disruption?" When the TLCC's Moore continued to object to the inclusion of the WUL, Roebuck remarked, "What you mean Tom, is that no-one should be recognized unless he is affiliated with the international." Moore, with a smile, replied, "Certainly."

The issue was not that simple, and both parties knew it. So despite TLCC objections that they did not want to "be party to any legislation that lets them [the WUL] take advantage of our efforts," the final wording of the act did nothing more than state that employee associations were "a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, or interference by employers or associations of employers" (Ontario 1935). The Liberal government saw the legislation as a way of facilitating discussion between all elements of the labour and business communities. It was not about to establish a trade union act that would have limited application to bona fide trade unions and manufacturers' associations.

Given the close connections of men like Roebuck and Fine to the needle trades,[5] conditions in that industry were clearly on the minds of government officials as they drafted the Industrial Standards Act. In a meeting with members of the needle trades on December 20, 1934, Roebuck said: "When the Bill is drawn up and enacted and signed by the

5. Roebuck had acted as a lawyer for the ILGWU in negotiations between the cloak manufacturers' association and the ILGWU in 1934. He watched the agreement fall apart when non-association shops refused to abide by the agreement, and in the end, as Roebuck explained, "The chisellers bedeviled the whole situation." He was not about to see it happen again. Ontario's deputy minister of labour, Marsh, came from the building trades union into government office, but the adminstration of the act would fall on the shoulders of Louis Fine, the government's choice as industrial standards officer. Fine had spent most of his life working in the needle trades. Like many skilled craftsmen in the trade, he had at different times been both a manufacturer and a trade union representative.

Lieutenant-Governor I hope that the groups engaged in the needle trades, because I have this particular industry closely in my mind from the very inception, that immediately the needle trades will assemble and say what they can make of it" (Ontario Department of Labour Papers).

Even in these all-male meetings, the spectre of gender was never absent. The role of the language used in the talks, even in discussions with members of the needle trades, defined not only how male workers saw their sisters in the garment shops, but also how they saw themselves. When Roebuck and the other representatives referred to wage rates, they were talking about the rates for men. In an industry in which over half of the workers were women, the male voice was the norm, dominating discussion just as it did at most union meetings, maintaining a mode of discourse that gave privilege of position to all male workers. Men's concerns were taken for granted, and women's labour and women's place in the industry were left by the wayside. In Quebec these negotiations were further removed from the shop floor. The French-speaking membership did not even understand the language of those who assumed to represent them. This made it difficult for workers to know when and how to exert their collective strength (interview, Madeleine Parent 1997).

The question of "girl labour" was addressed in the meeting with garment manufacturers as part of a larger discussion on minimum-wage levels. When Roebuck referred to the administrative process outlined in the new act ("the Department calls the meeting, invites both sides, the representatives *of the men* and the employers"), it was clear that once again men were to speak on behalf of the women in industry. Relations of ruling demanded it.

AFTER THE ACTS: SETTING THE STANDARDS, APPLYING PRESSURE

> The Boys are having a conference with the employers tonight, preparatory to the conference which opens on Monday. I have just gone over the schedule paragraph by paragraph with the boys and changes will be proposed in the rates for specific crafts (Letter from J.L. Cohen to Bernard Shane, Nov. 26, 1936 in Cohen Papers, vol. 5, file 2494).

With the passing of the Industrial Standards Act in Ontario and the Arcand Act in Quebec, the clothing industry in both provinces was anxious to get collective agreements legally sanctioned by an order-in-council. Indeed, the political process involved in the registration of these collective agreements illustrates the importance of interprovincial markets in the clothing industry and at the same time suggests how a male

workforce was privileged through the outcome of these negotiation processes.

According to the Ontario legislation, after all the parties involved had settled on minimum wages and job classifications, the agreement was to be registered with the government and the schedule thus established would become law for all factories and their employees who lived and worked in the particular zone, whether they were members of trade unions covered under collective agreements or not. The industry would then establish a tribunal composed of two members from the unions, two members from the manufacturers, and a jointly agreed upon chair, which would administer the schedule for the trade.

In July 1935, Montreal cloak manufacturers and the ILGWU had signed a memorandum of agreement. In August the parties applied under the Arcand Act to have an order-in-council passed to extend the agreement to the industry as a whole. But they were concerned that Ontario cloak manufacturers set similar rates, so both ILGWU officials and manufacturers' associations in Montreal put pressure on Ontario to make a deal. When the meetings began in Ontario's clothing industry in June 1935, all of the representatives in attendance were anxious to see an agreement that would establish the schedule of wages and hours of labour under the Industrial Standards Act.

Initially, when the Ontario minister of labour convened the consultation meeting, Toronto manufacturers were unwilling to agree to wages and hours different than Montreal's. As a result, Toronto union officials were continually in contact with their Montreal counterparts to work out contract language that would assist the registration of Toronto collective agreements. The success of this act depended on the good will of both sides — labour and management — if it was to function properly. Representatives of the trade associations and the unions along with their respective lawyers sat down with government officials to draft the specific clauses of a "Schedule of Wages and Hours for the Cloak and Suit Industry."[6] Certain issues discussed illustrate both the patriarchal subtext of the agreement and the areas of conflict that existed between labour and management.

6. The Associated Clothing Manufacturers, the Toronto men's clothing trade association, represented 90 percent of Toronto manufacturers; the Toronto Cloak Manufacturers Association represented women's clothing trades in Toronto; in Montreal, the Association of Manufacturers of Cloaks, Suits, and Ladies Garments represented the women's ready-made trades; the Associated Clothing Manufacturers represented the men's clothing trades in Montreal. ILGWU and the ACWA were the main unions involved, but the small UGWA also took part in later negotiations.

First, manufacturers were concerned about defining the geographical limits of jurisdiction of the schedule. In Quebec, the decree in the men's clothing industry under The Collective Labour Agreements Extension Act had established standards for certain hours and wages to be applied in certain zones. In Ontario, to control the competition from out-of-town shops, manufacturers wanted to follow the same pattern of differential wage rates.

Second, the manufacturers also wanted to define jurisdiction over the type of product to be covered by the law. Given the fragmentation of production (in both grade of garment and type of manufacturer), this question would help determine the future economic advantages and disadvantages for each type of manufacturer. As the minutes of an Industrial Standards Conference indicated, in the men's clothing trades there were disputes over the type of garment manufacturer to be included: custom tailor shops, jobbers, and contractors all presented problems for the negotiators (Cohen Papers, vol. 4, file 2396a). While the Ontario law initially applied to the firms that produced women's coats and suits, it was later extended to men's and boys' clothing and then finally to all women's clothing. In the men's clothing sector, disputes over the inclusion of pant and vest shops in the agreement caused considerable problems, because clothing manufacturers used small-pant contractors to keep their production costs low.

Third, both manufacturers and trade union officials hotly contested the question of skill required to do specific jobs. Both parties drafting the schedule wanted to solidify the differentiation of men and women in the trade. The continued breakdown of job classifications offered certain manufacturers an opportunity to deskill work and gave them a competitive advantage in the market. As with the NRA in the United States, the new Ontario legislation was more a ratification of existing practices than a sweeping innovation in labour standards or trade regulations (for the U.S. see Carpenter 1972: 598). In other words, the legislation did not challenge the discrimination in wage rates between men and women, but merely clarified it.

Gender issues were an integral part of all three concerns at the bargaining table. Out-of-town shops were able to produce garments more cheaply because they relied on cheaper women's labour. The dispute over the type of garment covered by the law also involved gendered wages. Certain sectors of the needle trades were more heavily dominated by women workers, and shops in these sectors were more likely to be non-union and have low wages. The manufacturers in these sectors wanted to remain outside of the provincial law. But the most obvious area of conten-

tion between men and women's work in the trade was the question of skill and job classification.

Defining Skill, Legislating Inequality

When the state and the clothing industry got down to negotiating an order-in-council that would ratify their collective agreement, the issue of skill was front and center. At one of the conferences held before the passage of the ISA, in December 1934, labour lawyer J.L. Cohen illustrated the intricacy of job classification and skill in an industry that had no uniformity in styles or grades of products. "In a complex trade like the needle trade one could get together a dictionary of what various terms mean and what they mean on various occasions and various seasons," he said. "I'm afraid the other industries will have very little attention because the needle trade will take all their time.... It is an industry that brings points up every hour of the day" (Ontario Department of Labour Papers). Indeed, the schedules do read like dictionaries, with pages of job classifications attached to each agreement.

For negotiators, trying to define skilled work was like walking through a minefield. Union representatives on the Ontario negotiating committee wanted to protect the jobs of their members while at the same time appearing to be "reasonable." In these deliberations the question of gender and skill eventually became the pivotal issue, but first all sides had to accept the legitimacy of the subdivisions of work performed in the shops. Through the subdivision of labour, manufacturers had been able to institute an "infinite variety of labour costs" (Teal 1985: 387). To justify these divisions the committee placed workers in separate categories and attempted to classify them on the basis of skill, which proved from the beginning to be a thorny task. At an ACWA convention in 1934, H. Wernik articulated the political nature of the problem: "It seems that our officials are looking too much to the standpoint of the industry and they are overlooking, to some extent, our standpoint.... Owing to the fact that our industry has so many sections, we can not say whether this or that is skilled or unskilled. I am positive, if we were to differentiate between skilled and unskilled, that most of the workers would be in the unskilled class. It does not really take much time to learn operations in the pants and vest branches of the industry" (ACWA 1934: 302-303).

The trade unions were placed in a no-win situation. Because they wanted to defend the skill requirements in the job classifications — as a basis for justifying specific wage rates for their members — they had to engage in the discussion of job classifications in developing the industrial standards schedules for the needle trades. However, they were now taking

part in this discussion in an environment in which they were not in a position to define the classification of jobs through collective strength. Instead, they sat across the table from the manufacturers, their lawyers, and the government officials and tried to make their case in a language that would be acceptable to all sides. The lawyers took over. Away from the picket lines, away from the rank and file, in the hands of the lawyers, collective bargaining took on a new identity, and the limitations in these negotiations would alter the character of labour negotiations for all unions from this point forward. The unionists had to show themselves to be responsible members of the needle trades community, willing to compromise and place the needs of the community before their own collective interests. To do this, they hired Cohen, an experienced lawyer with a sharp mind, a background in left-wing politics, and close familiarity with the needle trades. Cohen was a dealmaker, comfortable with backroom trade union political manoeuvring.

The growth in the numbers of section-work shops created discrepancies in labour costs, because manufacturers who employed only two operators, usually men, to sew together the various parts of a garment — one man to make the whole body and the other to make the whole lining — were at a competitive disadvantage with manufacturers who divided the work into "simple" sections, each done by a different worker, supposedly "unskilled" compared to the operators, and usually a woman. As L.M. Singer, a lawyer for the Toronto Cloak Manufacturers Association, put it to Cohen in a letter of June 27, 1935, "There has developed in the industry a mass production or `section' system of manufacturing cloaks and suits by unskilled employees whose services are confined to the constant performance of one simple operation" (Cohen Papers, vol. 3, file 2181a). By Singer's estimate, some 25-30 percent of all garments manufactured in Ontario were being produced in that way by the mid-1930s.

The growth of section work was considered a threat to organized labour, partly because of its impact on the so-called "skilled" workers, who found a "constantly diminishing market for their skill, experience and ability," and partly because standard manufacturers employing these "skilled workmen" had to pay (according to Singer) "considerably more (and sometimes nearly twice as much)" as the section manufacturers to produce the same garment (Cohen Papers, vol. 3, file 2181a). When some shops worked section work and others did not, those on section work had a competitive advantage as the speed of production and the cost per unit was lower than those found in the non-section shops. Not surprisingly, then, manufacturers wanted to see some regulation of section work in order to level the playing field, as correspondence regarding the collective agreements for cloakmakers makes clear (Cohen Papers, vol. 3, file

2181a). The Toronto cloakmakers' collective agreements had tried to abolish section-work shops, but the agreements were never enforced. The continued presence of "section shops" and their devastating effect on the needle trades attested to union ineffectiveness in controlling the cloak trade. ILGWU did not have the strength to fight the erosion of the conventional cloak shops, and while some of these manufacturers appealed to the union to do just that, they both knew it was a losing battle.

In 1935, the ILGWU entered negotiations in the hope, as Cohen put it in a June 7 letter to B. Shane, that it could protect the skilled male operators and "define section workers as mechanics in the same category as complete operators thus making it possible to establish one formula of wage payment applicable to section as well as to non-section shops" (ILGWU Papers). In this manner, wage rates would be high enough to convince manufacturers that doing business as section shops was going to cost them as well. The discussion around the establishing of the schedules indicates that in the interests of defending their skilled male workers the unions were generally willing to concede to lower rates for women workers.

During the negotiations for an agreement in the women's cloak trade, the section-work issue split the manufacturers. Large cloak manufacturers such as Durable Cloak and Superior Cloak, both section-work shops, refused to join the manufacturers' association (ILGWU Papers, "Report by Thomas Cohen on Canadian Cloak Markets," Jan. 20, 1939). Manufacturers tried to place the responsibility for controlling the section-work shops on the union's shoulders by threatening to resist registration of the agreement under the Industrial Standards Act (Cohen Papers, vol. 3, file 2181a). On May 25, 1935, the Toronto Cloak Manufacturers Association lawyer Singer wrote to M. Heller, association president, encouraging the manufacturers to take part in the negotiations. Singer suggested: "It would be expedient to enter into such an agreement for Ontario, on the express condition and provided only that wages and hours and days of labour could and would, similarly and to the same extent, be regulated and standardized in Quebec." He hoped that negotiations under the ISA could lead to a uniform wage rate system that could standardize operations on the "body system." By this he meant a method of wage settlement that divided garment production into its basic component parts — operations on the main body of the jacket, the sleeves, the collar, the pockets, and so on — each assigned individual rates of prices and wage rates. Singer recognized that uniform wage rates both in the provinces and among the various manufacturers were not possible until all shops were regulated and standardized.

The ILGWU, recognizing the fragility of the alliance with the manufacturers and aware that the companies could bolt at any moment (ILGWU Papers, "S. Kraisman to B. Shane," June 3, 1935), decided that one way to keep wage rates high was to call section workers skilled workers. The best the union could hope for was a guaranteed minimum rate for all section workers.

When negotiations began in the women's cloakmaking trades, the manufacturers stated a key position: "There should be a differential with regard to the rates paid to men and women help. There should be a 20 percent difference in the rate." But they cautioned, "That should be a minimum wage rate and would not affect the piece work" (Cohen Papers, vol. 4, file 2369: 15). It was significant that they wanted to exclude pieceworkers, for piecework was a great leveller. "When you work piecework, the faster you work the more money you make," Sophie Mandel, a Toronto finisher in a cloak shop, explained in an interview. "In the union where we had, the local 94, the men and women used to get the same price. If you were faster you made more, if you wasn't so fast you made a little less. But the same price was for each of us."

The question of skill was pivotal in the discussions, because it would have an influence on the numbers of lower-paid women in the shops. The introduction of section work in both the men's clothing trades and women's coats had necessitated defining skill again at the bargaining table. The union had to argue that section jobs were actually skilled work and should be financially compensated as such, which became its first goal in negotiations.

The Montreal agreement of February 1935 created three different classifications for skilled workers, including section workers among them. Skilled operators were defined both as "section operators who do any one or more of the following operations, such as sewing on collars, making sleeves, sewing facings, joining seams of body, joining seams of lining, making collars, making pockets, attaching linings" and as non-section operators who "do any one or more of the following operations in a workmanlike manner — join cloth body, sew in sleeves, facings and collars." In addition they were "able to do in a workmanlike manner all the sewing machine operations necessary to complete garments" (Cohen Papers, vol. 3, file 2181d). While these definitions were intended to "place the section operator in a position similar as to the earning rates and capacities as that of any skilled operator," they would, as the Toronto ILGWU lawyer Cohen pointed out to the Toronto Joint Board of the Cloakmakers, "involve serious organizational problems relating particularly to the `right to the job'" (Cohen Papers, vol. 3, file 2181a). As a result, the Toronto ILGWU draft proposal for the Industrial Standard Act's definition of sec-

tion workers was convoluted in the extreme: "Those able to operate by sewing machine but not able to make complete garments; but those engaged in operations as aforesaid under what is known in the industry as the section system shall not be included in this category but shall be considered skilled operators" (Cohen Papers, vol. 3, file 2181c).

To further substantiate the workers' claim to skilled status, the union proposed giving equal pay to section and non-section workers. But in a letter to Bernard Shane on June 7, 1935, Cohen noted, "Some means would have to be established of applying the general wage formula in a flexible manner" (ILGWU Papers). This kind of problem could easily be resolved in Quebec, where the joint committee of unions and manufacturers created under the provincial decrees allowed for wage assessments to be made. The question was more complex in Ontario, where the Industrial Standards Act was to have no such clause.

The underlying issue was the increased number of cheaper women workers, so the question of skill differences between men and women had to be addressed. Years of established practices had defined jobs in the trade by gender. As Israel Shanoff said in an interview (Toronto 1973): "The cloak operators are mostly men. There were women on ladies' coats too, but the majority were men. At that time you had to be a good mechanic to be, [an] operator. Women only made the linings. To be an operator, to operate, was a man's job.... Most came from the old country, tailors, ladies tailors, and they became cloak operators and designers in the trade."

All members of the committee drafting the Ontario legislation were willing to formalize the subordination of specific sectors of workers in the shops. The issue here was which group of workers should receive this designation. The question was certainly a political one. Women, traditionally a minority among cloak operators, were beginning to move into the operating jobs customarily held by men. Since women were seen as unskilled workers, when they moved into the cloak operator jobs they carried with them the stigma of unskilled workers. If male workers were to resist deskilling, they needed to do so through assertions of men's superiority as skilled cloak operators. Men would have to argue that women working at the same section-operator jobs as men were skilled workers as well. If they failed to win this argument, manufacturers could claim that section-work jobs were unskilled and the men and women would both receive a lower wage rate. Men could ensure their superior status in the production process if certain jobs were defined as skilled and women's access to them was limited, but with the erosion of operators' jobs through the introduction of the section-work system, men had a hard time arguing that their work was skilled while women's section work was not.

Manufacturers wanted to keep labour costs down and equalize production costs throughout the trade. They simply wanted to ensure access to a sector of cheaper labour; they cared little whether it was male or female. Indeed, the trade union men who negotiated the rates in the Act were all "skilled" workers themselves.

For the Good of the Industry: The Victory of Wage Discrimination

When the first Ontario clothing industry schedule under the Industrial Standards Act was signed on October 1, 1935, it did not contain a clause specifying wage differentials between men and women in the cloak and suit industry (Cohen Papers, vol. 3, file 2181b) — a clause included in the Quebec decree. Quebec's decree relating to the women's cloak and suit industry under the Collective Labour Agreements Extension Act included both section and non-section workers and specified a 20 percent wage differential between skilled men and women and a 10 percent wage differential between semi-skilled men and women. The Montreal ILGWU was forced into a position from which it had to sell the agreement to its Toronto counterparts because the Quebec agreement contained a provision stating, "The date on which the Collective Contract will become effective, will be Monday, November 18, 1935, provided that the contract in the province of Ontario, containing similar provisions as to definitions of crafts, hours and wages, becomes effective the same day" (Cohen Papers, vol. 3, file 2181d).

Bernard Shane, general manager of the ILGWU's Montreal Joint Board, was the agreement's salesman, and when he came to Toronto to push for the acceptance of the differential clause by the ILGWU, he met with some opposition, especially around the clause establishing a wage differential. Hyman Langer, a cloakmaker on the Joint Board in Toronto, gave his support; in an October 21, 1935, letter to David Dubinsky, Shane reported, "The presence of Brother Langer at these meetings was a great help to me. He could see the point in a clear cut way, and he also realized that there are very few girls, either in Toronto or Montreal, that can compare to the minimum of a skilled male operator" (ILGWU Papers). But Cohen realized that the clause would allow manufacturers a free hand to replace men's labour with cheaper women's labour unless they excluded section workers from the differential clause. On October 19, 1935, in a letter to Louis Fine, Cohen argued, "It would be injurious to provide for a lower minimum for female section operators because it was felt that as regards section operators the method of operation too adds to the relative skill or rate of production, that a female section operator should receive the regular minimum" (Cohen Papers). Toronto union representatives and Cohen argued: "A female section operator becomes as productive as an

individual male operator and although the lower minimum for individual female operators may be justifiable, such a provision should not apply to female section operators" (Cohen to Kraisman, October 29, 1935, in Cohen Papers).

The Toronto position, then, was that since men and women were in direct competition as section operators, it was important to ensure wage parity for all section work irrespective of gender. At the same time, Toronto officials were willing to differentiate by gender those working in other occupational categories. They linked gender to the low productivity of non-section operators and argued that a woman's productivity in non-section work jobs was lower than a man's. Therefore, they decided, the wage differential clause could apply exclusively to this category of worker and thereby avoid male/female wage competition in the section-work jobs.

The Montreal manufacturers' association pressured its Toronto counterparts on this issue, advising them to accept the original clause establishing a differential "wholeheartedly for the good of the industry," as Shane put it to Dubinsky on October 21, 1935, "also for the reason that the clause is justifiable, since the female operators in Canada are far below in their skill, especially in production, in comparison with the men operators" (ILGWU Papers). Both the manufacturers and Shane threatened that the Toronto schedule would not obtain registered agreement unless the clause was inserted as it had been in the Montreal agreement. Toronto union officials held out for their split version of the clause.

"The boys" from the Toronto ILGWU soon had a conference with Shane, who was "quite put out at first over the difficulty" the Toronto unionists were creating around the issue of the differential. Aside from Langer, none of the other Toronto ILGWU officials were in favour of the differential clause as put forward by Shane. Finally, a meeting held in Montreal on October 28, 1935, in Arcand's office, registered the two agreements, and the schedule of the agreement was registered with the Ontario Department of Labour on November 18, 1935 (*Labour Gazette*, December 1935: 1158).[7]

7. The clause stated: "The minimum wage requirements for female operators shall be as hereunder provided: Skilled female operators shall be 20% below skilled male operators' minimum. Female semi-skilled operators shall be 10% below the semi-skilled male operators' minimum. Provided however, –That the wages or remuneration of any female operator of equal productivity or performing the same operations on piecework basis as a male operator, shall be equal to that payable to the male operator. That in any event the minimum scale for female section operators shall be the same as that of male section operators." See "Schedule of Wages and Hours for Cloak and Suit Industry," Province of Ontario, *Ontario Gazette*, Nov. 9, 1935.

On November 7, 1935, a Quebec order-in-council made obligatory the collective agreement between the ILGWU and the Association of Manufacturers of Cloaks, Suits and Ladies Garments (the Manufacturers Council). The agreement included the revised version of the wage differential clause (*Labour Gazette*, December 1935: 1156). It did, nonetheless, set limits on the wage differentials between contract shops and inside manufacturers and between rural and urban shops. In a departure from previous other labour legislation, enforcement of the decree was to be administered through a joint committee of manufacturers and trade unions, not directly by the government itself.

The progress in government regulation had not only mirrored trade union organization — starting with the areas in which men numerically dominated and moving from the men's clothing sector to women's cloaks and suits, and later to dressmaking — but also mirrored the exploitative character of the trade, reaffirming the sexual division of labour and the lower wage levels of the rural shops. In an attempt to protect male jobs, the union bought into the further fragmentation of the labour force and agreed to a system of negotiations that gradually refined those divisions. In the end, the union accepted a hierarchy of labour with women at the bottom; but to keep women at the bottom they had to argue that women were less skilled at operating sewing machines.

Male trade unionists were sensitive to the degradation of their work and the use of women as replacement workers, but at the bargaining table they had not been successful in attempts to block this process. Now negotiations with the government presence gave them a window of opportunity they could not afford to miss. In the end, the Canadian unions put their stamp on wage discrimination. As if to punctuate this discrimination, a Montreal newspaper carried a picture of the signatories to the agreement, with the caption "Fathering a Cloak `NRA' for Canada" (Cohen Papers, vol. 3, file 2181c). The "boys" had completed their task.

CONCLUSION

How could gender be used as a basis of discrimination in a trade union movement in which women were in the majority? For one thing, trade union activity in the needle trades in the 1920s and early 1930s for the most part stayed away from the women's dress sector, where women constituted the largest section of the workforce. The wage schedule of the ISA did not address wage differences between men and women or speak to women's day-to-day concerns. The interunion struggles of the early 1930s served as a catalyst for organizing women workers in the dress sector in 1937, but most of the political manoeuvring went on in a domain

exclusive of women. Although the traditional unions (ILGWU and ACWA) made some efforts to organize women, the presence of women in the union bureaucracy was limited. Because of this, the move away from shop-floor unionism towards industry-wide collective bargaining ensured that women at best had a peripheral position in union decision-making. Because the Communist-led unions, such as the IUNTW, which favoured returning control of the labour process and decision-making to the shop floor, were more likely to attract women workers (as they had shown in the early 1930s), the defeat of Communism in the union movement was more than a simple defeat of a political faction. It marked the end of a form of unionism that had drawn women into trade union activism (Steedman 1994).

The ISA and the Arcand Act set in place a formal set of rules that again reflected relations of ruling that privileged men's workplace rights over those of the women workers. In all of the discussions leading to the orders-in-council in the needle trades, gender formed an invisible force. Gender-neutral job classifications made it difficult for unionists to reveal the concrete relations on the shop floor. The job descriptions located positions within the labour process, outlined wage rates, and placed positions in the hierarchical structures shaped by management. In an industry dominated by women workers, their sex was not a matter of record.

By 1935, Montreal women's cloakmakers had given up much of the ILGWU's right to control wages through the collective bargaining process. The Joint Committee procedure (a committee of union and manufacturers representatives) set up by the decrees in the clothing industry meant that, as Shane told Cohen in a letter of August 7, 1935, "We cannot have the Price Committee responsible to the Union. May I call your attention that we are living in the Province of Quebec." In the end the issue was whether the union staff were "going to turn the Union over to the Law as was done by other Unions" or whether the staff would retain the Union and use the law to its advantage (Cohen Papers, vol. 3, file 2181a). For the left forces in the union, the choice made by the union was clear; they had turned the union over to the law.

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RÉSUMÉ

Le *New Deal* et l'industrie du vêtement au Canada : la législation sur les salaires et les heures de travail des années 1930

L'adoption aux États-Unis de la *National Industrial Recovery Act* en juin 1933 avait établi une sorte de précédent. Cette loi avait en effet pour but d'instaurer la paix dans les industries. Dans celle du vêtement par

exemple, elle encourageait les groupes professionnels à la coopération et persuadait le salariat et la direction de travailler avec le gouvernement pour éliminer les pratiques commerciales déloyales, ainsi qu'améliorer les salaires et diminuer les heures de travail. Au Canada, les années de la crise ont eu pour effet d'accélérer la collaboration entre les syndicats et le patronat dans l'industrie manufacturière. Grâce au règne de Roosevelt aux États-Unis et à ses répercussions au Canada, les gouvernements provinciaux du Québec et de l'Ontario ont rapidement rendu possible l'institutionnalisation des relations patronales-syndicales dans l'industrie du vêtement. Les conséquences sociales de la crise et la faiblesse du mouvement syndical ont donc aidé les partisans des réformes sociales à lancer les relations industrielles vers un nouvel âge.

Les conséquences économiques et sociales de ces années de dépression ont facilité la coopération entre les syndicats, le patronat et l'État. Tout en étant conscients que leurs organisations pourraient devenir les otages d'un corps public sur lequel ils auraient fort probablement peu d'emprise, les syndicats ont voulu néanmoins que des règles de négociation collective soient établies et sanctionnées par l'État. Pour leur part, les grands industriels ont ressenti les effets de la concurrence effrénée des ateliers à forfait et souhaité que leur croissance soit réglementée. Étant donné la faiblesse des syndicats et, par conséquent, le peu d'appui qu'ils pouvaient offrir à cette fin, l'État est demeuré le seul recours possible pour arriver au but.

Le présent article présente l'historique de l'élaboration des lois québécoises et ontariennes relativement aux normes de travail à respecter dans l'industrie du vêtement. Il fait état des documents sur le processus de négociation entre les syndicats, l'État et les employeurs qui permettent de découvrir comment la définition du travail des hommes et des femmes a été enchâssée dans des documents juridiques qui en sont venus à régir les salaires et les heures de travail dans l'industrie du vêtement.

L'élaboration de la législation provinciale sur la négociation collective des années 1930 a exercé une incidence décisive sur l'industrie du vêtement de Montréal et de Toronto. L'effort accompli en vue de procurer un nouveau contrat aux travailleurs canadiens a abouti à une législation provinciale régissant les heures de travail et les salaires dans l'industrie du vêtement au Québec et en Ontario. La *Loi sur les normes industrielles* de l'Ontario et la *Loi des conventions collectives de travail* du Québec ont été mises en vigueur au moment où le projet de loi américain sur la relance industrielle réorganisait la convention collective au sud de la frontière canadienne. D'une manière plus particulière, la législation et le processus politique de négociation qui l'a accompagné (négociation qui, en bout de ligne, a fixé les heures de travail et les salaires des travailleurs du vête-

ment) étaient fortement empreints de la discrimination sexiste de l'époque qui ne pouvait que porter préjudice aux femmes qui formaient pourtant la majorité des travailleurs et des syndiqués de l'industrie du vêtement. Devant un gouvernement convaincu de la nécessité d'établir une réglementation précise du travail, les chefs syndicaux ont eu comme tâche d'orchestrer l'assentiment des syndiqués. Toutefois, les négociations de l'Union internationale des ouvriers et ouvrières du vêtement pour dames comme celles des Travailleurs amalgamés du vêtement d'Amérique avec les gouvernements provinciaux se sont déroulées sans que les membres des syndicats y soient mêlés. Les femmes en particulier ont su très peu de choses sinon rien des négociations de l'accord avant qu'il ne soit ratifié. Les hommes qui représentaient les syndicats ont parlé au nom de tous les syndiqués, c'est-à-dire qu'ils ont continué de parler au nom des femmes comme ils le faisaient depuis des décennies.

RESÚMEN

El nuevo acuerdo canadiense en la industria de las agujas : Legislando salarios y horas de trabajo en los años treinta

Este documento examina la redacción del la legislación que gobierna los standares industriales en Canadá y sus consecuencias en la industria del vestido. En particular, la argumentación es que la legislación formalizo el orden ya existente de sectores específicos de trabajo dentro de la industria. La decisión fue política. Como el sexo del trabajador pudo ser utilizado como base discriminatoria en el movimiento sindical en el que las mujeres eran la mojaría ? Aun y cuando los sindicatos tradicionales (ILGWU y ACWA) hicieron esfuerzos por organizar a las mujeres, la presencia de ellas en la burocracia sindical fue muy limitada. Debido a esto el movimiento de un sindicalismo de base hacia un sindicalismo de industria garantizo el limitado papel de las mujeres en el proceso de decisión sindical. Cuando los hombres en la profesión se sentaron a negociar el marco legal de la legislación de la industria, la gran mayoría de las concesiones se otorgaron en sectores donde las mujeres predominaban. En las negociaciones en de las industrias en Ontario y Quebec, los hombres garantizaron la masculinización del trabajo introducción un carácter masculino a la presentación de la legislación a través del leguaje legal usado y los standares establecidos para la industria.