

THE ONTARIO COMMITTEE ON THE STATUS OF WOMEN

P.O. Box 188
Station Q
Toronto M4T 2M1

NEWSLETTER

February 1974

APPOINTMENTS TO BOARDS AND COMMISSIONS

Much of the work initiated by the subcommittee on boards and commissions, quite logically, has been taken over by the Ontario Status of Women Council. They have begun to monitor government activity of appointments of women to boards and commissions. Since October 1, 1973 seven out of ninety-three appointments went to women. (Slow progress but progress nevertheless.) The Council has undertaken to set up a talent bank and a letter urging womens' organizations throughout the province to submit names of interested, qualified women has gone out to sixty-five organizations, including the OCSW. Anyone interested in submitting her name to the talent bank should contact: Lorna Marsden (923-1506) or Rose Dyson (961-0853). This subcommittee is currently meeting to determine the direction its activities should take in relation to the Ontario Status of Women Council.

MEDIA

The OCSW and Women for Political Action have worked together preparing a brief to be presented to the CRTC during the week of February 18th in Ottawa. The brief will be presented as a formal intervention to the licence renewal of the CBC English Language Television Network. This brief will be one of about two hundred interventions but will be the only one which will deal specifically with issues concerning women. The two main areas of complaint around which the brief centers are the employment practices of the CBC, including issues dealing with promotion, hiring, salaries and benefits, and the image of women as portrayed through program content and advertising.

For two and one half months approximately sixty people monitored CBC TV programs for information on the image of women as portrayed in advertising and in the programs themselves. The results of this data gathered forms the basis for the brief.

For information on this project or for a copy of the committee's brief contact Helen LaFontaine 789-5230.

FAIR EMPLOYMENT PRACTICES COMMITTEE -- BANKING

The banking committee is continuing with the programs which it initiated last year. The committee has been successful in meeting with the executives of two chartered banks (The Bank of Nova Scotia and The Royal Bank) to discuss the discriminatory practices in these banks. While the Royal Bank was

particularly uncooperative with us in its refusal to withdraw a discriminatory educational booklet from circulation, the publicity and pressure exerted by the Ontario Status of Women Council and the National Action Committee have finally succeeded in having the booklet removed from circulation. The Toronto Dominion Bank, the Bank of Montreal and the Imperial Bank of Commerce have all refused to meet with out committee, however the Toronto Dominion has agreed to meet with Lauria Sabis, chairperson of the Ontario Status of Women Council. The object of these meetings with the bank executives is to make the banks aware that the grievances of the women workers are supported by a large number of women in Canada and that the discriminatory practices of the banks can no longer be ignored.

The committee feels that it is necessary to have the active support of many groups throughout the country in this campaign to end discrimination against women in banking. A package containing briefs, pamphlets and information about how to contact women working in banks is being sent to womens' groups throughout Canada. Any groups who would like to receive this package should write to OCSW P.O. Box 188, Station Q, Toronto M4T 2M1.

Any bank employees of OCSW interested in the banking project should contact Alice Protz (923-1275) or Linda Frampton (961-4579).

FAIR EMPLOYMENT PRACTICES COMMITTEE -- TASK FORCE ON BENEFITS

In early April 1973 the OCSW presented a brief to the provincial task force on benefits. This brief urged prompt implementation of legislation which would prevent discrimination in fringe benefits on the basis of sex and marital status. The task force is expected to publish a green paper setting out the guidelines for "nondiscriminatory" fringe benefits at the end of March. The OCSW will then have an opportunity to examine the position of the task force and to take whatever steps are necessary to ensure that this legislation, which was passed almost two years ago, is implemented.

EDUCATION -- RYERSON OPEN COLLEGE

The OCSW may well have had some influence on Premier Davis's decision to provide for the continuation of "open college" broadcasting in the Toronto area (via radio CJRT.) The Premier announced in December that his government would "establish CJRT-FM as a separate and independent corporation" with the capacity to operate the present station and "to continue its educational broadcasting activities." However we have yet to see him actually approve the independent managing board. The deadline is fast approaching for the new board to apply for a renewal of the station's license.

The OCSW has been active in urging the continuance of Ryerson Open College. It was the only open education program operating successfully in Ontario, and since fully three-quarters of its participants were women, its continuance would ensure an opportunity for higher education for women in the home.

EDUCATION - DAY CARE

The Education Committee has drawn up a preliminary statement on the subject of child-care services.

Having adopted the premise that early childhood services are needed and wanted by all segments of society, we recognize that present facilities are inadequate and that their welfare auspices are inappropriate.

Type of Service: Regardless of departmental jurisdiction, legislation and regulations governing child care should embody standards in three areas, health, welfare (child protection) and education. Where parents are employed there is currently an urgent need for homemaking services for sick children and for round-the-clock care when parents work on irregular shifts. Provision for school children before and after school hours should also be expanded.

Auspices and Funding: Child-care services are at present administered in a welfare context - particularly as federal funds are contributed under the Canada Assistance Plan and as local administration falls under the jurisdiction of municipal welfare officers. We recognize a strong need for increased government spending in the field of child care and for the transferral of initiative (for the planning and development of programs) away from the municipalities. Initially, at least, we would support a sliding scale of parents' fees to assist in generating needed resources.

Salaries: Salary levels for child-care staff (such as early childhood education graduates,) family day-care workers and visiting homemakers should be upgraded.

The committee would appreciate input from anyone interested in this issue. Contact Cathy Morrison (483-4785) or Gail Newall (294-4765).

NEWS FROM OTHER GROUPS

The Ontario Status of Women Council has been operating for four months and are heavily involved in issues relating to employment (banks, maternity leave, benefits), social services (day care, family planning), law (property rights, change of name, maintenance), and appointments of women to senior posts, councils, boards and agencies. The council meetings are held monthly (every second Thursday) and are open to the public and press. For further information contact Sandra Burkenmayer (487-0218) or Naomi Black (925-3069).

Women at the Ontario College of Art are having a showing from February 14 - 24 at Gallery 76, 76 McCall Street. The gallery is open from 10-5 during the week and from 12-5 on weekends. On February 21 at 8 p.m. there will be a showing of womens' films. The purpose of this show is to bring women together to discuss art and feminism and a feminist aesthetic.

MARRIED WOMENS' PROPERTY RIGHTS

In preparation for the February 19 forum on property rights, Mary Eberts has written the following summary. This deals with the law as it relates to womens' property rights and to the major issues in the Murdoch case.

MURDOCH v. MURDOCH

Supreme Court of Canada, October 2, 1973

Some Background Notes on the Law

(1) The law generally recognizes two kinds of ownership. A person has legal ownership when title to the property is held in that person's name (car registration, deed, etc.) A person can have beneficial ownership when title is not in his or her name if the person who does have title is really holding it for the benefit of the other.

(2) In many situations involving husband and wife, the husband alone will be the registered (legal) owner of the property--the matrimonial home, for example. If the wife wants to assert a claim on this property, she must show that she is the beneficial owner--that her husband is really holding the title on her behalf. There are, basically, two ways of showing this.

(3) Where the wife contributes part or all of the purchase price of the property, but title is placed in her husband's name, there may be a presumption that the husband holds part or all on a resulting trust in her favour. He is holding that part as her trustee and not for his own benefit. The size of the part may depend upon the size of her contribution. As this is just a presumption, however, the husband could rebut it by showing that they intended a different arrangement.

(4) Where the wife has made no financial contribution, she must establish that there was a common intention on the part of the spouses that she benefit from the purchase of the property. This intention must have existed before or at the time the property was acquired. She could prove the intention by showing an express agreement, or by evidence of the facts from which the intention might be inferred.

(5) There are many questions arising from these principles. What if a wife doesn't contribute to the down payment or mortgage, but uses her salary for household expenses, leaving her husband's salary free for the house purchase? What if she doesn't contribute to the purchase price, but pays for renovations and repairs later? What if her contribution is not financial, but of labour (building the house, clearing land)? What if the spouses don't think of beneficial ownership at all when they buy their house, and the question arises only after years of marriage?

The Case of Irene Murdoch: Facts

(1) The Murdochs were married in 1943 and separated in 1968.

(2) From 1943 to 1947 they worked together on several ranches, receiving as a couple \$100.00 per month and room and board. Ms. Murdoch did the cooking for work crews and assisted her husband.

(3) In 1947 Mr. Murdoch and Ms. Murdoch's father bought a guest ranch, each paying \$3,000; some of Mr. Murdoch's share may have come from the couple's saved earnings. While in the guest ranch business, Mr. Murdoch worked at another job for five months each year, leaving his wife to accompany guests on pack trips and hikes and do other chores in the business.

(4) In 1952 Mr. Murdoch paid \$4,000 advance rent for some grazing land in the form of a loan to the owner, Mr. Sturrock. Ms. Murdoch had been given this money by her mother. It came from the proceeds of her father's life insurance. Mr. Murdoch claimed that he regarded this as a loan from his mother-in-law; and showed that he had repaid part of it to her; his wife said it was her own money.

(5) In 1956 Mr. Murdoch bought "the Ward property" for \$4,500; part of the price came from the proceeds of the sale of the guest ranch, part from Ms. Murdoch's bank account (more of her father's insurance money). In 1958 this property was sold for \$8,000.

(6) In 1958 Mr. Murdoch bought three quarter sections of land for \$25,000. The down payment of \$6,200 and over \$3,000 worth of farm machinery was paid for with the proceeds of the sale of the Ward property, and the repayment of the Sturrock loan. The balance was paid on installments.

(7) All through this time, and right up to their separation Mr. Murdoch continued to be away at his other job for five months each year, leaving his wife to perform his work in his absence. When asked the type of work this involved, Ms. Murdoch told the trial court:

Haying, raking, swathing, moving, driving trucks, tractors and teams, quietening horses, taking cattle back and forth to the reserve, dehorning, vaccinating, branding, anything that was to be done.

(8) Ms. Murdoch also purchased all their household appliances and furniture, except their stove.

Ms. Murdoch goes to Court

(1) After their separation in 1968, Ms. Murdoch brought two actions against her husband. The first was for judicial separation, alimony, custody of their son, and possession of the family home. The second was for a half interest in the ranch land, because she claimed that she and her husband were partners in the ranch business and he therefore held the land on her behalf. In her first action, she was granted a judicial separation and \$200 per month maintenance; her second action was dismissed.

(2) She then appealed to the Appellate Division of the Alberta Supreme Court, and her appeal was dismissed.

(3) She then appealed to the Supreme Court of Canada. In the Supreme Court she did not argue that she and her husband were partners, but claimed that he held the land on a resulting trust for her because she had contributed to its acquisition.

The Judgment of the Supreme Court of Canada

(1) Put quite simply, the Court had to decide whether Ms. Murdoch had established enough of a contribution to the purchase of the ranch to entitle her to an interest in it, and what had been the intention of the spouses regarding ownership of the land (as Mr. Murdoch held legal title).

(2) The majority of the Court found that she had not established a financial contribution to acquisition of the land. The trial judge had not dealt with her financial contribution, as Mr. Justice Laskin pointed out in his dissent, and an appeal court cannot make its own inquiry into the facts. Normally it accepts the trial judge's finding of facts; however, it can look at the transcript of evidence put in at the original trial.

(3) Nor did the majority find that Ms. Murdoch's labour was a contribution to the purchase; it appeared satisfied with the trial judge's conclusion that she had made only the normal contribution of an ordinary rancher's wife.

(4) Finally, the majority decided that there was no common intention that the wife would have any beneficial interest in the land. Here again, the findings of the trial judge and evidence at the original trial were accepted.

(5) As a result, the majority of the Supreme Court dismissed Ms. Murdoch's appeal.

(6) Mr. Justice Laskin dissented from the majority judgment. He found a modest direct financial contribution by Ms. Murdoch, by tracing the course of her original earnings as a hired hand through the various transactions. He also found "extraordinary" contribution of her physical labour.

(7) Mr. Justice Laskin would have recognized her claim on an interest in the ranch. Instead of doing so on the basis of the resulting trust, which is discussed above in the notes, and which depends on evidence of the intention of the spouses, Mr. Justice Laskin would support his decision on the basis of a constructive trust. This does not depend on the intention of the spouses. Rather, it is a method used by law to prevent one person from being unjustly enriched from the labour or property of another.

For further information on the Ontario Committee on the Status of Women:

Moira Armour 653-5152
Sandra Burkenmayer 487-0218
Naomi Black 925-3069
Marjorie Cohen 661-9763

Lorna Marsden 923-1506
Cathy Morrison 483-4785
Aideen Nicholson 481-0672

MEETING

The next general meeting of the Ontario Committee on the Status of Women will be held on Wednesday, March 20, at 8 p.m. This will be held at Sandra Burkenmayer's home, 72 Duggan Ave.

MEMBERSHIP

The activities of the OCSW are financed solely through membership fees. While we do not have any formal membership policies each member is urged to renew membership annually. The membership fee is \$3.00.

Send to:

ONTARIO COMMITTEE ON THE STATUS OF WOMEN
c/o Francis Money
195 Stibbard Ave.
Toronto, Ontario

I am renewing my membership and enclose \$3.00.

I would like to become a member and enclose \$3.00.

I am interested in

NAME.....TEL.....

ADDRESS.....

Wendy Lawrence
185 Cottingham St.
TO
MTR 1C4

