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Between the Scylla and Charybdis of Anarchy and Despotism

**The State, Capital, and the Working Class
in the Great Depression, Toronto, 1929-1940**

by

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A thesis submitted to the Department of History
in conformity with the requirements for
the degree of Doctor of Philosophy

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The rich have become richer, and the poor have
become poorer; and the vessel of the state is driven
between the Scylla and Charybdis of anarchy and despotism

(Shelley, "A Defence of Poetry")

Abstract

The Great Depression of the 1930s was the culmination of severe contradictions building within a maturing capitalist world economy, and has been credited, in conjunction with the Second World War, for structuring the post-war compromise around a national welfare state, full employment, Keynesian fiscal policy, demand management, and the expansion of trade union rights. Despite the importance of this decade in Canadian history, and the highly developed literature on the Roosevelt administration and the American New Deal, few writers have attempted to probe the finer contours of the Great Depression in Canada.

This thesis is broadly structured around the threat of social disorder which state officials and social workers perceived to be rooted in the economic malaise of the decade. Attempts to manage the poor through municipal welfare schemes and efforts to regulate the family through newly developed "socialized tribunals" were paired with a campaign to contain juvenile delinquency and structure the leisure time of working-class adolescents. The order that social workers sought to impose on the working-class family and child was materially related to struggles to bring order to the economy. The ideological retreat from *laissez-faire* capitalism by business and the state coalesced with a burgeoning and militant union movement that propelled the state towards active intervention in the economic, social, moral, and political relations of capital and labor. Pushed in part by an escalation in strike-related violence, the state tentatively embarked on a program of economic control through the Industrial Standards Act, opened legal space for union activities, and attempted to introduce the first minimum wage for male workers.

The thesis explores the role of unions, representing both men and women, skilled and unskilled, in structuring the re-organization of capitalism in Toronto's transportation, construction, and service industries, yet draws upon the paradigm of state-centered regulatory regimes which emerged in the state's treatment of the unemployed, the family, and youth. Policies designed to contain 'chiseling' employers, wayward youth, and cheating husbands all faltered because the state was unwilling or incapable of stepping too heavily into the private sphere or interfering with the prerogatives of private property. The resulting half-measures produced a set of contradictions inherent in initiatives designed to accommodate both labor and capital and generated intense struggles against the 'sweatshop,' while bringing the twin issues of the family wage and relief-subsidized competition to the forefront of political and economic mobilization. The largely ineffectual attempts to bring order to political, economic and social life witnessed the emergence of a nascent regulatory state, tied to significant pockets of organized capital, and contingently supported by organized labor. This particular constellation of social forces not only attained a degree of ideological prominence during the depression, but was of profound importance in shaping the second-half of the twentieth century.

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This thesis is dedicated to our daughter, Maia Katarzyna MacKenzie Klee, with the hope that she will grow up with a critical appreciation of the forces structuring inequality and oppression, and match her ability to dream with a passion to build a better future for all, and to my grandfather, whose passing marked the end of a very personal connection to the Great Depression as a lived experience.

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Introduction

The Context of Class Struggle in the Great Depression

The newspapers say it is because there is overproduction. There is so much of everything they do not require our labour any longer." "Overproduction!" Christopher exclaimed. "Yet you and those men are hungry. Your wives and children have nothing to eat. Your houses are cold through lack of fuel. Your clothes are shabby and threadbare. Yet they say there is overproduction?"¹

The Great Depression was a defining event of the twentieth century, coming as the culmination of contradictions building within a maturing capitalist world economy, and serving as the conduit to a post-war compromise characterized by the prominence of a national welfare state, a commitment to full employment, the ascendancy of the idea of Keynesian fiscal policy and demand management, and the expansion of trade union rights.² The desperation in the radio broadcasts of Canada's first millionaire Prime Minister R.B. Bennett, who proclaimed his intention to transform capitalism into a servant of the people, speaks to the level of anxiety experienced by a ruling class willing to implement reform just "short of socialism" through "the regulated state," rather than

1 Claudius Gregory, *Forgotten Men* (Hamilton 1933), 14.

2 Although John Kenneth Galbraith proclaimed that Canada was perhaps the first country to adopt Keynesian economic policy, Robert Campbell points out that the actual practice departed considerably from the Keynesian prescription. Robert M. Campbell, *Grand Illusions: The Politics of the Keynesian Experience in Canada* (Peterborough, Ont. 1987). For a similar argument in the British context see Kerry Schott, "The Rise of Keynesian Economics: Britain, 1940-64," in David Held *et al.*, *States and Societies* (Oxford 1983), 338-62.

risk the political collapse of the capitalist system.³ The world-wide economic crisis of the 1930s, Anne Showstack Sassoon points out in her analysis of Gramsci's concept of politics, prompted a reorganization of capitalism which took "a variety of political forms from the New Deal to Fascism."⁴ In Canada, Bennett's New Deal was introduced just before his electoral defeat; the legislation failed judicial scrutiny and the regulatory agencies were quickly disassembled by a victorious MacKenzie King, who offered little in the way of reform promises. The struggle to reconstitute capitalism's hegemonic grip thus shifted to the provincial and municipal levels of the state where much innovative legislative and policy development occurred, including minimum wages for male workers, a legal regime for industrial regulation with a *de facto* recognition of trade union rights, and standardized relief entitlements.

Economic and political thought in Canada was profoundly disrupted as old economic theories failed to explain or remedy the crisis, contributing to a new consensus that "in spite of Adam Smith ... the reconciliation of self interest among millions of individuals was essentially impossible" and "the marketplace could not be left to work the disequilibrium out of the economy."⁵ Economic and social theories, including the basic tenets of public finance, Margaret Weir and Theda Skocpol argue, were undermined

3 R.B. Bennett, *The Premier Speaks to the People: The Prime Minister's January Radio Broadcasts Issued in Book Form, The First Address* (Ottawa 1935), 7.

4 Anne Showstack Sassoon, *Gramsci's Politics* (New York 1980), 208. R.B. Bennett defined fascism in his radio address as the moment when capitalism controls the modern state. R.B. Bennett, *The Premier Speaks to the People: The Prime Minister's January Radio Broadcasts Issued in Book Form, The Fifth Address* (Ottawa 1935), 14.

5 Doug Owsram, "Economic Thought in the 1930s: The Prelude to Keynesianism," in Raymond B. Blake and Jeff Keshen, *Social Welfare Policy in Canada* (Toronto 1995), 195.

by the decade-long crisis of the 1930s, prompting a more active state role as an “agent of societal welfare.”⁶ Reform at the federal level of Canadian state fiscal policy, David Wolfe observes, “only came to a head in the war years,” leaving both Liberal and Conservative governments to follow a policy of retrenchment and strict economy, advocated, in the words of John Maynard Keynes, by “fools and madmen.”⁷

State formation in the 1930s was contradictory and complex partly, Bob Jessop notes, because the capitalist state is a fragmented institution that serves more than capital’s interests.⁸ Theda Skocpol points to the emergence of social programs initially opposed by capital as evidence of the relative autonomy of the state.⁹ However, the ‘ad hoc’ state responses to crisis, Alan Sears points out, marked the limits imposed on state activity by capitalist social relations.¹⁰ Similar arguments are made by Ian Gough who describes the contradictory patterns of social policy as rooted in the constraints of a capitalist economic system.¹¹

Frances Fox Piven and Richard Cloward hint at one contradiction of the capitalist welfare state when they note the relationship between below-subsistence relief rates and

6 Margaret Weir and Theda Skocpol, “State Structures and the Possibilities for ‘Keynesian’ Responses to the Great Depression in Sweden, Britain, and the United States,” in Peter Evans *et al.*, eds., *Bringing the State Back In* (Cambridge 1985), 148.

7 David A. Wolfe, “The Rise and Demise of the Keynesian Era in Canada: Economic Policy, 1930-82,” in Michael Cross and G.S. Kealey, eds., *Modern Canada, 1930-1980s* (Toronto 1977), 52. John Maynard Keynes, “The World Economic Outlook,” *Atlantic Monthly*, Vol. 149 (May 1932), 522.

8 Bob Jessop, *The Capitalist State: Marxist Theories and Methods* (New York 1982), 221-226.

9 Theda Skocpol, *Protecting Mothers and Soldiers: The Political Origins of Social Policy in the United States* (Cambridge 1992), 28.

10 Alan Sears, “Before the Welfare State: Public Health and Social Policy,” *The Canadian Review of Sociology and Anthropology*, Vol. 32, No. 2 (May 1995), 172.

11 Ian Gough, *The Political Economy of the Welfare State* (London 1979), 122.

the *ability* of employers to pay less than living wages.¹² Provincial and municipal politicians in Ontario remained committed to maintaining levels of relief below the lowest wages earned by the working poor so as to compel male family heads to seek paid labor, and to prevent others from turning to relief.¹³ In the context of falling wages and the proliferation of sweatshops in Ontario, this strategy was rife with contradictions. The theme of relief-subsidized wages (explored in detail in Chapter Four), provides a framework for analyzing the contradictory development of municipal relief programs. Workers across Ontario were driven to compete with each other in order to supplement a level of assistance that was intentionally inadequate at the same time that certain sections of capital, locked in vicious competition, were able to lower wages with the understanding that relief would off-set inadequate wages.

The emergence of a municipal welfare state was thus a process which structured both poverty and entitlement, produced contradictory social tendencies and tensions in which municipal welfare programs inadvertently (and inextricably) subsidized and structured competition among capitalists, lowered wages, and compounded the effects of the Depression. Rather than mute the opposition of the increasingly organized unemployed, as suggested by Piven and Cloward in the American context, the rise of the municipal and provincial welfare state increased labor militancy by facilitating greater access to relief (from which even striking workers could draw after 1934),¹⁴ raising

12 Frances Fox Piven and Richard Cloward, *Regulating the Poor: The Function of Public Welfare* (New York 1971), 124-6, 147-9.

13 James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920-1970* (Toronto 1994), 94, 105.

14 R. Warren James, *The People's Senator* (Vancouver 1990), 70.

public knowledge of what was actually available, yet driving workers to seek employment at sweatshop wages. The struggle against the sweatshop thus occurred at the intersection of work and welfare, production and consumption, and provides a unifying theme in an otherwise chaotic and fragmented labor scene. What labor strove to overcome was at once the sweatshop and the economic system so eloquently pilloried by F.R. Scott:

The efficiency of the capitalist system
 Is rightly admired by important people.
 Our huge steel mills
 Operating at 25% of capacity
 Are the last word in organization.
 The new grain elevators
 Stored with superfluous wheat
 Can load a grain-boat in two hours.
 Marvellous card-sorting machines
 Make it easy to keep track of our unemployed.
 There is not one unnecessary worker
 In these textile plants
 That require a 75% tariff protection.
 And when our shoe factories re-open
 They will produce more footwear than we can possibly buy.
 So don't let us start experimenting with socialism
 Which everyone knows means inefficiency and waste.¹⁵

The 'efficiency' of capitalism, Antonio Carlo argues, was a direct result of the dominance of monopoly capital, the concurrent tendency towards overproduction, and the containment of price competition by economic actors capable of contracting out of the market.¹⁶ The over-capacity/under-consumption crisis of the 1920s, which spawned

15 F.R. Scott, *Efficiency: 1935*.

16 See Antonio Carlo, "The Crisis of the State in the Thirties," *Telos*, No. 56 (Winter 1980-81), 62-80.

mergers, acquisitions and combines, and culminated in the dramatic economic dislocations of the 1930s, ultimately forced the state, at the provincial level, to undo the effects of anti-combines legislation and open space for cartelization. Ontario's 1934 *Industrial Standards Act (ISA)* created a legal framework in which workers and employers, on an industry-by-industry basis, could enter into voluntary agreements as to wages and hours, and then extend those conditions to their competitors with the force of law. The central role given to organized labor in bringing order to markets in cooperation with organized groups of capital in specific sectors of the economy was assumed under the rubric of freedom of contract (as both a collective agreement between labor and capital and a state-sanctioned restraint of trade among capital) at a time when confidence in the free market was badly eroded, and class antagonisms threatened social stability. The development of legal doctrine governing combines in restraint of trade, therefore, occurred in reference to changing material conditions, economic theories, class strategies, and the imperatives of government.

Numerous articles and monographs have explored the development of combines legislation in Canada and related topics in the area of restraint of trade.¹⁷ Most authors refer primarily or exclusively to the intra-class conflict between small merchants and large manufacturers as the motor driving legislative development, and the persistent

17 Michael Bliss "Another Anti-Trust Tradition: Canadian Anti-Combines Policy, 1889-1910," *Business History Review* Vol. 47 (1973), 177; Richard F. Grosse, *The Law of Competition in Canada* (Toronto 1962); Lloyd G. Reynolds, *The Control of Competition in Canada* (Cambridge 1962); Paul K. Gorecki and W.T. Stanbury, *The Objectives of Canadian Competition Policy, 1888-1983* (Montreal 1984); L.A. Skeotch, *Restrictive Trade Practices in Canada* (Toronto 1966); A.C. Chrysler, *Restraint of Trade and Labour* (Toronto 1967).

belief by government that business consolidation was essential for economic development.¹⁸ The English common law, Patrick Atiyah argues, was unable to respond to the problems posed by monopolies, cartels, trade associations, and other economic formations that were designed to stifle competition, because English judges were enamored with the private ordering of economic exchange (*laissez faire*) and thus staunch defenders of freedom of contract.¹⁹ When called upon to judge restrictive trade agreements, price fixing arrangements, market sharing agreements, and quota agreements, in a series of cases after 1870,²⁰ the courts invoked a notion of “public policy,” which effectively established the right of parties to contract out of the market. The often quoted comments of Jessel M.R. in *Printing and Numerical Registering v. Sampson*, speak to the primacy of freedom of contract in ordering economic life:

if there is one thing more than any other that public policy requires it is that men of full age and competent understanding shall have the utmost liberty of contracting, and that their contracts when entered into freely and voluntarily shall be held sacred and shall be enforced by the courts.²¹

18 Russell Smandych, “Marxism and the Creation of Law: Re-examining the Origins of Canadian Anti-Combines Legislation, 1890-1910,” *Canadian Criminology Forum*, Vol. 6 (Fall 1983), 56.

19 Patrick Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford 1979), 693, 697. But see Betty Mensch, “Freedom of Contract as Ideology,” *Stanford Law Review*, Vol. 33 (April 1981), 764, who argues that “the assumption that the state was not implicated in the outcomes of free market bargaining was *never* true — a quite different point from saying, as Atiyah does, that it is no longer true.”

20 W.R. Cornish and G. de N. Clark, *Law and Society in England, 1750-1950* (London 1989), 269. See for example *Hearn v. Griffith* (1815), 2 Chitty 407; *Wickens v. Evans* (1829) 3 Y. & T. 318; *Jones v. North* (1875) L.R. 19 Eq 426; *Mogul Steamship Co. v. McGregor, Gow & Co.*, [1892] A.C. 25; *Nordenfelt v. Maxim Nordenfelt Guns & Ammunition Co.*, [1894] A.C. 535. For an interesting synthesis of English and American cases see Federal Trade Commission [U.S.], *Memorandum on Unfair Competition at the Common Law* (Washington 1916).

21 *Printing and Numerical Registering v. Sampson*, (1875) L.R. 19 Eq. 462, at 455, cited in Cornish and Clark, *Law and Society*, 269. In *English Hop Growers v. Dering*, Scrutton J., in upholding a market-regulating exclusive sale agreement, went so far as to cast aspersions on the contract breaker’s

It was only as the result of an “absent-minded” amendment in 1900 that Canadian anti-combines legislation began to depart from the English common law.²² Successive amendments and innovations culminated in the 1923 *Anti-Combines Act* which created a small but significant mechanism for prosecuting combines that were abusing their economic power. The departure of Canadian law from the English common law’s approval of contracts in restraint of trade was perhaps most evident in the little known prosecution of Joseph Singer, the architect and self-styled “Commissioner” of the Amalgamated Building Council (ABC) in 1929. This Toronto case, discussed in detail in Chapter Nine, provides a view into the operation of a cartel initially comprised of plumbing fixture manufacturers, distributors, and employing plumbers, yet also evidences the collusion between organized labor and combined capital to regulate industry for the benefit of all those in the trade. Singer was inspired by the economic, social and legal developments in England that would eventually culminate in court approval of overtly collusive anti-competitive combines of capital and labor. In the 1942 *Crofter* case, the House of Lords upheld an agreement between an employers’ organization and a trade union to embargo the products of rival manufacturers by having unionized dock workers

honesty and “good sportsmanship.” *English Hop Growers v. Dering*, [1928] 2 K.B. 174 at 180-1, cited in Atiyah, *Rise and Fall*, 700.

22 Brian Cheffins, “The Development of Competition Policy, 1890-1940: A Re-evaluation of a Canadian and American Tradition,” *Osgoode Hall Law Journal*, Vol. 27 (1989), 457. See Goreki and Stanbury, *The Objectives of Canadian Competition Policy*, 52. There were only five successful prosecutions between 1890 and 1910. Goreki and Stanbury, *The Objectives of Canadian Competition Policy*, 25-9. See *Proprietary Articles Trade Association v. A.G. Can.*, [1931] A.C. 310 (P.C.). John Ball, *Canadian Anti-Trust Legislation*, 33. See Jamie Bendickson, “The Combines Problem in Canadian Legal Thought, 1867-1920,” *University of Toronto Law Journal*, Vol. 43 (Fall 1993), 799-850. Bendickson’s argument largely ignores a consideration of economic developments and class tensions.

refuse to load and unload the rival's products.²³ An economist commenting on the case noted with disdain that "businessmen seeking to advance their private trade interests may not only combine with each other, but also bring their workers into the scheme, and promise them part of the swag."²⁴ Viscount Simon L.C., who ruled in the case, described the union's motives somewhat differently. He held that the union's participation in the embargo "was to benefit their trade union members by preventing under-cutting and unregulated competition ... to create a better basis for collective bargaining and thus directly to improve wage prospects."²⁵

A similar relationship developed in Canada between organized labor and organized capital in the 1930s, yet they drew inspiration from Roosevelt's New Deal legislation. In response to a crisis of excess capacity that spawned intense competition after World War One, American capital strove to enlist the state in controlling market forces at the same time that capital embarked on self-organization through business associations, monopolies, and corporate concentration.²⁶ In several key industrial sectors (notably construction, printing, the needle trades, bituminous coal, trucking, glass, and pottery), capital actively enlisted organized labor as a means of controlling the market. Colin Gordon, discussing the emergence of "regulatory unionism" between the wars,

23 *Crofter Hand Woven Harris Tweed Co. v. Veitch*, [1942] A.C. 435 at 447 (H.L.) [hereinafter *Crofter*], cited in Patrick Atiyah, *The Rise and Fall*, 693, 697.

24 W. Arthur Lewis, "Monopoly and the Law: An Economist's Reflections in the Crofter Case," 6 *Modern Law Review*, 97 (1943), cited in Atiyah, *The Rise and Fall*, 701.

25 *Crofter* cited in Michael J. Trebilcock, *The Common Law of Restraint of Trade*, 288-9.

26 Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge, Mass. 1991), Ch. 8-10.

notes that industry-wide unionization “allowed firms to discipline marginal competition by unifying labor” and “restricting the entry of new firms.”²⁷ Regulatory unionism was a natural complement to the drift away from class-conscious unionism, evident in the emergent “new unionism” of the 1920s.²⁸ Because only 10% of the American workforce was unionized in the 1920s, regulatory unions did not become firmly entrenched or widespread; but with the crisis of the Great Depression, the state and broad sections of capital began to look upon unions as a way of stemming competition and restoring order to the market.

Roosevelt’s New Deal ultimately turned to regulatory unionism as a means of reducing competition after attempts at regulating prices and wages by capital and the state faltered and then failed. The evasion of the codes established under the *National Industrial Recovery Act* (NRA) of 1933 by segments of capital demonstrated the state’s weakness in enforcing the codes even before the Supreme Court struck down the legislation as unconstitutional in 1935. The *Wagner Act*, Roosevelt’s response to the failure of the NRA, turned the principles of the NRA inside out. The emphasis shifted

27 Colin Gordon, *New Deals: Business, Labor and Politics in America, 1920-1935* (Cambridge 1994), 92.

28 *Ibid.*, 88-9. John Perry Miller, *Unfair Competition: A Study in Criteria for the Control of Trade Practices* (Cambridge, Mass. 1941), esp. 283-305. See Ronald Radosh, “The Corporate Ideology of American Labor Leaders From Gompers to Hillman,” *Studies on the Left*, Vol. 6, No. 6 (Nov.-Dec. 1966), 66-88. Radosh argues convincingly that conservative labor leaders and ‘far-sighted industrialists’ colluded to bring unions into a junior partnership with capital in the 1920s and 1930s. Philip Foner’s critique of Radosh forces a consideration of the role workers (not labor bureaucrats) played in forcing capital to accommodate unions. Philip Foner, “Comment,” *Ibid.*, 89-96. Also see James Weinstein, *The Corporate Ideal in the Liberal State, 1900-1918* (Boston 1968). For the debate between Weinstein and Foner over the progressiveness of certain business elites see James Weinstein, “Gompers and the New Liberalism, 1900-1909,” *Studies on the Left*, Vol. 5, No. 4 (Fall 1965), 94-105; Philip S. Foner, “Historical Materialism and Labor History,” *Studies on the Left*, Vol. 6, No. 2 (Mar.-Apr. 1966), 71-5; James Weinstein, “Reply,” *Ibid.*, 76-80.

from establishing competitive standards (by regulating prices and to some extent wages) to empowering labor organizations to enforce them.²⁹ Despite the vocal opposition of many business leaders, such a move would serve their interests by achieving the market stability they had failed to voluntarily construct with their rivals, or adequately implement under state tutelage. After months of agitation, many firms signed union contracts and grudgingly surrendered some managerial control to organized labor as a means of enforcing voluntary agreements amongst themselves.

In the 1920s and 1930s Canadian capital faced many of the same dilemmas as their American cousins, and followed a surprisingly similar pattern of regulatory efforts that strove to drive competition from the economic system. A Canadian movement to reduce competition, through mergers, acquisitions, cartels and trade associations, paralleled American developments. In numerous sectors of the Canadian economy, competition was circumvented by formal and informal collective business strategies.³⁰ The stability of these arrangements varied widely between industries. Where a single producer controlled a significant share of productive capacity, restrictive sales practices were used to ensure that a standard price was maintained by wholesalers and retailers. Industries with more players, such as footwear manufacturers, first formed associations and circulated price lists, but eventually set production quotas to eliminate competition

29 Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill, N.C. 1994). Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (New York 1990).

30 For a good summary of the merger movement and 'welfare capitalism' see Bryan D. Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 214-19.

driven by excess capacity. Rivalry in quality was reduced by agreements to standardize production processes and grades.

Although there is no developed literature on regulatory unionism in Canada, certain industries in the 1920s turned towards “responsible” unions for some stability. Harold Logan points to the role of unions in reducing competition in the pulp and paper industry.³¹ While it is difficult to determine how prevalent regulatory unionism was within Canadian industry in the 1920s, it is clear that it was recognized by some employers as a useful complement to trade associations. Although some trade associations actually gained more regulatory power in the first few years of the Depression, as the crisis deepened associations and cartels became fragile or ineffective, and capital turned to direct and often “viscious” competition.³² Some associations held together or regrouped, but others looked to the government for solutions. In this context Ontario’s *Industrial Standards Act* represents an adaptation of the principles of both the NRA and the *Wagner Act*. The ISA gave business the legal sanction it needed to extend its own voluntary industrial codes, and gave labor some of the power it needed to enforce them. The operation of the ISA demonstrates that in many areas of the economy, labor and capital were willing to work together provided they could master the market to their mutual benefit. Some employers were clearly swayed by the government’s assurances

31 Harold Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto 1948), 121-2. Also see Tom Traves, *The State and Enterprise: Canadian Manufacturers and the Federal Government, 1917-1931* (Toronto 1979), 77-78; Ian Radforth, *Bushworkers and Bosses: Logging in Northern Ontario, 1900-1980* (Toronto 1987), 18-9; Michael Bliss, *Northern Enterprise: Five Centuries of Canadian Business* (Toronto 1987), 177-188, 427.

32 Lloyd G. Reynolds, *The Control of Competition*, 18-30; L.A. Skeoch, *Restrictive Trade Practices in Canada* (Toronto 1966), 57.

that the ISA “would only affect employers who were competing ruinously with others by the unholy expedient of cutting wages to the starvation point,” and supported the Act because it could force their competitors onto a level playing field and bring stability to prices and profits.³³

Ultimately the importance of the ISA lay not so much in the improvements it brought to discrete segments of workers, but in what it reveals about the nature of welfare, waged labor, the union movement, competitive capitalism, business attitudes to industrial regulation, and the role of the state in managing the collective affairs of capital. The end result was the eclipse of concerns about freedom of trade and competition and the re-emergence of the primacy of freedom of contract in both its classical application and as the recognition of labor’s right to collectively bargain. The collective labor contract, which Patrick Atiyah argues is merely a particular form of freedom of contract,³⁴ thus gained a measure of state recognition in the context of capital’s desire to circumvent anti-combines legislation, and return to the comfort of contractually restricted markets.

In some respects the Canadian labor movement had been groomed to play a regulatory role by its moderate and conciliatory leaders. In 1919, Trades and Labour Congress President Tom Moore endorsed Whitney councils as a means of promoting harmony in industry. The Canadian National Railway’s B&O plan developed the notion of “teamwork” to the point that the union was disciplining rebellious workers. “Fordism”

33 *AFL Weekly News Service*, Supplement, 27 Mar. 1937, p. 2, copy in AO, Labour, RG 7-1-0-145.

34 Atiyah, *The Rise and Fall*, 600.

and “Mondism” economically tied workers’ efforts, and their unions, to the profit rates of capital, thus fostering the myth of the mutual interest of capital and labor.³⁵ However, Canadian labor’s new-found desire to spread the gospel of class collaboration was limited in the 1920s by their organizational weakness, and by capital’s own ability to manage competition through amalgamation and association while taming labor unrest through ‘welfare capitalism’; labor’s weakness *or* radicalism stood as a barrier to regulatory unionism in the 1930s.³⁶

The lens of regulatory unionism occasionally focuses upon a pure example of workers and capital working together to limit competition, such as in the construction industry, where a decimated conservative craft union banded together with building contractors in an effort to raise wages and profits by controlling competition. Yet Gordon’s work on regulatory unionism exposes a much more profound and simple perspective on the relation of labor, capital and the market in the 1930s. In almost all sectors of the economy in the 1930s, unions had to address the implications of competition between rival employers, and were thus drawn into the struggle by capital for economic survival. The New York Window Cleaning Company told its striking workers that it would concede the hours and wages sought by the Window Cleaners Union (affiliated with the TLC), but only when the trade was 80% organized.³⁷ Taxi drivers

35 Charles Lipton, *The Trade Union Movement of Canada, 1827-1959* (Montreal 1968), 237-253.

36 Tom Traves, *The State and Enterprise*, 89; For a detailed discussion of welfare capitalism see Scott, Bruce, “A Place in the Sun: The Industrial Council at Massey-Harris, 1919-1929,” *Labour/Le Travailleur*, Vol. 1 (1976), 158-92.

37 “For Boss When Drunk, But For Union When Sober,” 30 Oct. 1936, *Toronto Clarion*, copy in NAC, RG 27, Labour, Vol. 379, file 162, Window Cleaners, Oct 1936 (MNF T-2988).

organized by the International Brotherhood of Teamsters were forced to confront the economic structure of their industry and press for licencing reform and fare increases in order to underwrite their campaign for living wages. Many workers had to look beyond wage rates to the economic anarchy that made it impossible for individual employers to concede concessions that would undermine their competitive position.

The Communist-organized unions of the Workers' Unity League, perhaps ironically, enhanced the ability of unions to accommodate capital's regulatory agenda, first by organizing new groups of workers on an industrial basis, and then by rendering the new organizations 'acceptable' by dissolving them back into the mainstream of the labor movement. The unionization of Toronto's 1,500 coal drivers and handlers (discussed in detail in Chapter Seven) provides a good example of this dynamic. For the duration of the Depression this union (first as an affiliate of the WUL, and then as a new Teamsters local) was led by an active member of the Communist Party who ran as a candidate for Alderman in Ward 6.³⁸ Despite radical leadership, the union followed a path of (albeit militant) regulatory unionism that self-consciously cultivated an alliance with small operators, and ultimately turned to the state to cement working-class gains through the regulation of competition.

Lizabeth Cohen found, in her study of Chicago workers, a consciousness of class position (independent of a more radical union leadership) that limited agitation to the

38 Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part IV, 1937* (St. John's 1997), 478-9. Haysey won 1417 votes in 1938; Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part III, 1936* (St. John's 1996), 534.

remoralization of capitalism, rather than its overthrow. Workers clung to the belief that “capitalism and its factory outposts could be made fair and just for all.”³⁹ This belief in reforming capitalism that many workers held, even while engaged in often violent strikes, speaks to labor’s adolescent character in the 1930s. Although national statistics show only a gradual increase in unionization rates in the 1930s, much of the union growth in Toronto was driven by the organization of entirely new segments of workers, unschooled in organized work-place confrontation.

As a city of light industry and commerce,⁴⁰ Toronto witnessed organization drives and strikes by a wide array of workers, from bottle washers and junk collectors to illustration artists and ballerinas. Although these workers were new to the process of work-place confrontation, they emulated the activities of the industrial workers organized in the USA by the Congress of Industrial Organizations (CIO), or drew from the spirit of resistance witnessed in numerous WUL-organized strikes. Elevator operators in the skyscraping Metropolitan Building, for example, locked themselves in their lifts for 2.5 hours in February 1936 to reduce their 72 hour work week and raise their wages. A strike at the Colonial Footwear Company in June 1936 saw 75 men and women occupy the factory for two days to win the re-instatement of a fired worker, while the following year carpet weavers at the Toronto Carpet Manufacturing Company staged several sit-down strikes.⁴¹

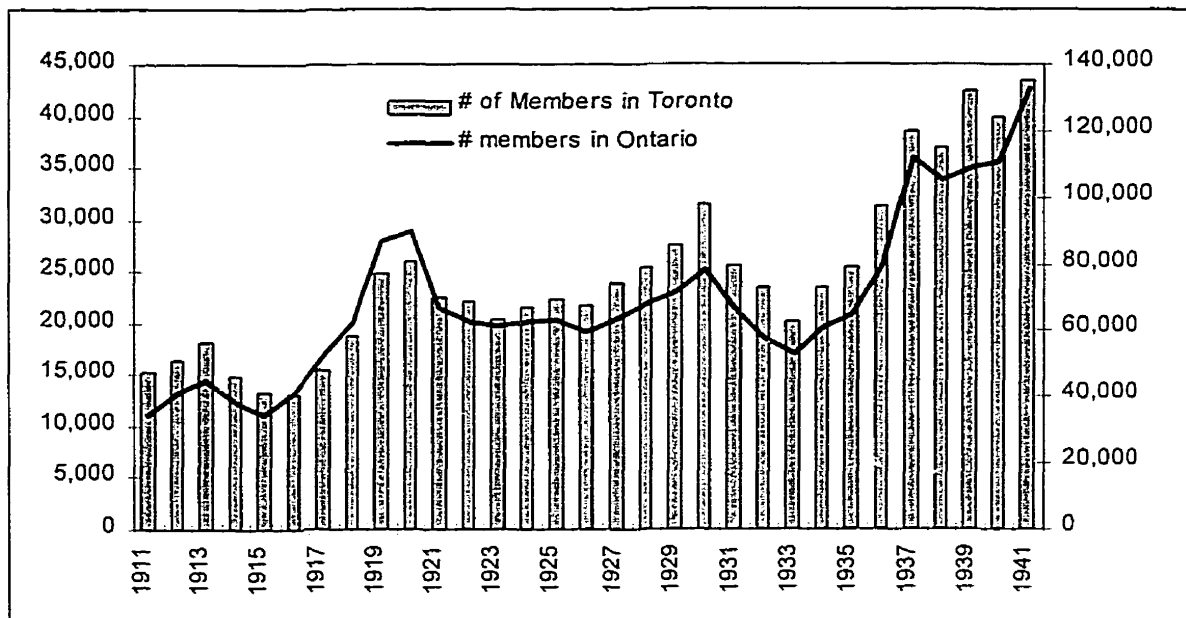
39 Lizabeth Cohen, *Making a New Deal*, 354.

40 See James Lemon, *Toronto Since 1918: An Illustrated History* (Toronto 1985).

41 “Colonial Men Stop Working,” *Toronto Clarion*, 6 Jun. 1936, copy in NAC, Labour, RG 27, Vol. 376 (57) Shoe Factory Workers, Jun. 1936 (MNF T-2985); “Carpet Weavers Pull Stay-In Strike,” *Toronto Clarion*, 9 Mar. 1937, and (Weavers May Call Strike in Toronto, *Toronto Star* 23 Mar. 1937) copies in NAC, Labour, RG 27, Vol. 382 (55) Carpet Factory Workers, Mar 1937 (MNF T-2991). *Toronto*

Industries which had no prior sustained union presence experienced spontaneous strikes orchestrated sometimes without union leadership. Despite the decline in traditional areas of union strength (as unemployed workers failed to pay their union dues), the number of unionized workers rebounded from the depths of the Depression as new workers and new unions emerged. The following chart, drawn from official government reports that tended to underreport the actual numbers of unionized workers, shows a rapid rise in union membership after 1933 that exceeded the mercurial rise in union activity culminating in the labor revolt of 1919.

Telegram, 27 Feb., 1936, copy in NAC, Labour, RG 27, Vol. 375 (12) Elevator Operators, Feb. 1936 (MNF T-2984).

Graph 0A: Trade Union Membership in Toronto and Ontario, 1911-1941⁴²

The 1930s were a formative decade for the union movement in Canada, giving birth to the Communist Workers' Unity League, the popularization of industrial-based unionism, the expansion of national unions in direct competition with unions affiliated with the TLC, and the emergence of the CIO. Entirely new economic sectors were organized, bringing a wide variety of men and women into direct contact with the union movement. It is impossible to deal adequately with the depth and variety of working-class experience in the 1930s, particularly in a city as economically diverse as Toronto; but by focusing on workers in the construction, transportation, and service sectors, a view into

42 Source: *Labour Organizations in Canada, 1928-1941*. These figures do not reflect the relationship between population growth and union growth. However, unionization as a percentage of the total population of Toronto stood at 4.33% in 1921 and 5.95% in 1937.

the lives of both male and female workers in skilled and unskilled occupations is possible. Although divided by race, ethnicity, gender, and occupation, all workers in the 1930s were forced to consider the relationship between work, relief, economic organization, and the state. These considerations often turned to the sweatshop as an emblem of anti-social exploitation which served as a rallying point for workers and a platform from which to voice alternatives to a system that brought seemingly endless poverty. The contradictions of monopoly capitalism compelled workers, in the words of Karl Marx and Frederick Engels, “to face with sober senses [their] real conditions of life and [their] relations with [their] kind.”⁴³

The dimensions of the union movement of the 1930s also prefigured and preconditioned the legitimization of organized labor that rose to a peak in the 1940s. The labor movement of the 1930s, in its radical, revolutionary, collusive and conservative forms, was on the way to being made, in the words of Hal Draper, into a “tame cat,” in the 1930s, partly via contractualism.⁴⁴ The 1946 Rand formula, Eric Tucker and Judy Fudge suggest, “subjected trade unions and workers’ collective action to more effective state control than ever before,” by combining union security with contractualism.⁴⁵ There is no better way to understand the complex dynamics of this process of class struggle and

43 Karl Marx and Frederick Engels, *Communist Manifesto* (International Publishers 1932) 12.

44 Hal Draper, *Karl Marx’s Theory of Revolution, Vol. II: The Politics of Social Classes* (New York 1973), 234, quoted in Leo Panitch and Donald Schwartz, *The Assault on Trade Union Freedoms* (Toronto: 1988), 17. Panitch and Schwartz opened their first chapter with this quote from Hal Draper. It is a fitting introduction to their argument that the formal recognition of trade union rights by the federal government in the 1940s came with tight restrictions on unions, such as a limitation on strikes and picket lines, that were designed to ultimately “tame” labor and maintain capital’s dominant position.

45 Eric Tucker and Judy Fudge, *The Contours of Industrial Legality: The State and Workers’ Collective Action in Canada, 1800-1948* (book-length manuscript 1998), “Introduction,” p.5.

reconciliation than through localized studies which are attentive to the politics of business, state, and labor leadership, and the structural limits of a capitalist economy. The industries, unions, and strikes that are explored in this thesis illustrate different themes, such as regulatory unionism, gendered militancy, strike-related violence, economic regulation, and the demise of competitive capitalism, and provide a reference from which to explore the role of union rivalry, political ideology, and the development of government policies.

Beyond the formal and structured analysis of working class struggle, I hope to convey something of the experience of workers as they navigated the worlds of work and family during capitalism's greatest twentieth century crisis. The Depression, as Blair Neatby points out, was "a state of mind, a loss of faith in stability and security," that affected everyone who lived through the decade.⁴⁶ Unease with the dislocations of the Depression reverberated through ruling ideas of economic organization, fiscal policy, labor relations, policing, gender roles, family stability, the development of youth, and generational reproduction of social order. Perhaps nowhere was this more visible than in the state's attempt to manage family crisis. Dorothy Chunn, drawing upon the theoretical insights of Donzelot and Garland, has argued that the advent of Family Courts in the 1930s was driven by middle-class fear of a breakdown in social order. Toronto's Family Court was established at the dawn of the Depression by social workers and court officials who sought to use the intrusive and coercive power of this institution for "the moral-political regulation of the dependent and working poor" — a project which at one level

46 Blair Neatby, *The Politics of Chaos: Canada in the Thirties* (Toronto 1972), 22.

strove to compel compliance by working-class families with middle-class notions of proper family form and function (consistent with the well known “cult of domesticity”).⁴⁷

While the officers of the Family Court initially focused on the morality of individual family members, the dimensions of the Depression eventually prompted the construction of causal links between poverty and family crisis, leading to what Linda Gordon terms the ‘discovery’ of certain types of dysfunctional behavior.⁴⁸ The exploration of the relationship between unemployment, poverty and family crisis by social workers played an important part in the emergence of significant national programs such as unemployment insurance and family allowance during the Second World War.

The experience of the Depression was structured by particular family dynamics that contextualized the meaning of work, welfare, dependency and resistance. It is impossible to situate family breakdown within any chain of causality, but its consequences would have compounded poverty, and perhaps affected (in often contradictory ways) the nature of labor militancy.⁴⁹ The relationship between welfare, family and union activities is most evident in demands for a “living wage” or a “family wage,” put forward by both social workers and trade unionists. Increased wages, won through unionization and strikes, may have been driven by a desire to re-establish male

47 Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario 1880-1940* (Toronto 1992), 20, 172-73. See Jacques Donzelot, *The Policing of Families* (New York 1979); D. Garland, “The Birth of the Welfare Sanction,” *British Journal of Law and Society* Vol. 8 (Summer 1981), 29-45.

48 Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York 1988), 146.

49 Samuel A. Stouffer and Paul F. Lazarsfeld, *Research Memorandum on the Family in the Depression* (New York 1972 [1937]), 62-6.

power within the household.⁵⁰ Family crisis, particularly caused by separation and desertion, was also related to female waged labor in the 1930s. Single women with children ran almost no risk of being denied relief, nor were they expected to work for the dole; yet relief payments were never adequate to properly feed, clothe and house them and their children, and thus many entered the labor market.⁵¹

Several historians have noted the particular pressures placed upon working women in the 1930s as a consequence of the gendered concepts of “the family wage” and the male breadwinner.⁵² Margaret Hobbs has argued that gender-based protective legislation, such as the *Minimum Wage Act*, limited and disadvantaged women in their search for work, and was driven by ideological concerns with facilitating “female dependence in the family and their marginal status in the labor force.”⁵³ Hobb’s invocation of a crisis of masculinity is perhaps one of the most interesting discussions of the consequences of the Great Depression to date. Drawing upon a developed literature on the relationship between work and masculinity, and using workers’ own words along with the pronouncements of reformers and social workers, Hobbs argues that unemployed men feared a “loss of their manhood.”⁵⁴

50 See Willis, Paul, “Shop Floor Culture, Masculinity, and the Wage Form,” in J. Clarke, C. Critchen and R. Johnson, eds., *Working-Class Culture: Studies in History and Theory* (New York: St. Martin's Press, 1980).

51 Joan Sangster, *Earning Respect: The Lives of Working Women in Small-Town Ontario, 1920-1960* (Toronto 1995), 128-31.

52 See Bryan D. Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 242.

53 Margaret Hobbs, “Gendering Work and Welfare: Women’s Relationship to Wage-Work and Social Policy in Canada During the Great Depression,” (Ph.D. thesis, University of Toronto, 1985), 4-15.

54 *Ibid.*, 62-9. Steven Maynard, “Rough Work and Rugged Men: The Social Construction of Masculinity in Working-Class History,” *Labour/Le Travail*, 23 (Spring 1989), 159-69; Mark Rosenfeld, “It was a

Alice Kessler-Harris uncovers an oppositional sense of justice, shaped by the material economic crisis of the 1930s, that cut against the supposed ideological hegemony of domesticity by legitimizing female breadwinners. The construction of 'provider' gave widows, single women, and married women with disabled, unemployed, absent, or low wage earning husbands, the 'right' to work and reflected the real material conditions which brought an ever increasing number of American women into paid labor.⁵⁵ A similar trend is apparent in Toronto and across Canada as more women (both married and single) entered the work force.⁵⁶ Attempts to re-cement the family and limit female participation in waged labor are more indicative of middle-class anxiety than actually lived material conditions.

Similarly, renewed concerns between the wars with juvenile recreation, labor, schooling, "social hygiene," and criminality, Cynthia Comacchio has argued, were intertwined with larger middle-class issues of national welfare, citizenship, and modernity.⁵⁷ Attempts to reshape and mold youth were ultimately aimed to inculcate middle-class social values in working-class families, yet renewed attention to the 'problems' of youth shifted the gaze of state functionaries to the social milieu of poverty

hard life': Class and Gender in the Work and Family Rhythms of a Railway Town, 1920-1950," *Historical Papers* (Windsor 1988), 237-79. Paul Willis, "Shop Floor Culture, Masculinity, and the Wage Form," in J. Clarke, C. Critchen and R. Johnson, eds., *Working-Class Culture: Studies in History and Theory* (New York 1979).

55 Alice Kessler-Harris, "Gender Ideology in Historical Reconstruction: A Case Study from the 1930s," *Gender and History*, Vol. 1, No. 1 (Spring 1989), 36, 39-40.

56 Veronica Strong-Boag, *The New Day Recalled: Lives of Girls and Women in English Canada, 1919-1939* (Toronto 1988), 48-49.

57 Cynthia Comacchio, "Dancing to Perdition: Adolescence and Leisure in Inter-war English Canada," *Journal of Canadian Studies*, Vol. 32, No. 3 (Fall 1997), 6.

and physical deprivation. Male youth-crime evoked anxiety because it, like family crisis, was perceived to be rooted in poverty. Juvenile criminality, particularly the ‘youth gang,’ was both a symbol and a symptom of a crisis of social reproduction, and struck at the core of increasingly insecure middle-class notions of childhood, adolescence, leisure and the family.⁵⁸

The Depression produced immense anxiety about disorder at many levels of society. Attempts to regulate and ‘re-cement’ the family were paired with efforts to map and then colonize gangs, and to structure the leisure time of working-class adolescents. The order that some social workers struggled to impose on the family and the child would be reproduced in (and materially related to) struggles to bring order to the economy. The following chapters examine working-class strategies of survival, adaptation, and resistance that fed into a burgeoning union movement, pushed the state towards active intervention in the economic, social, moral, and political relations of capital and labor. While the effectiveness of government intervention was largely disappointing in the 1930s, the full breadth of the emergent regulatory state is clearly discernible in the following exploration of the family wage, gendered militancy, economic regulation, relief subsidized competition, and regulatory unionism, and is written into the enigmatic organizational history of the International Brotherhood of Teamsters, female and male service workers, and the building trades unions.

58 See Joseph Gusfield, *Symbolic Crusade* (Urbana 1963); Ian Taylor, “Moral Enterprise, Moral Panic and Law-and-Order Campaigns,” in M. M. Rosenberg, R.A. Stebbins, and A. Turkowitz, eds., *The Sociology of Deviance* (New York 1982), 123-49.

Many subjects in this thesis merit greater analysis, and much has been left out of the narrative, but perhaps, in the words of Samuel Beckett “it is better to adopt the simplest explanation, even if it is not simple, even if it does not explain very much,”⁵⁹ in the hope that this work will prompt studies that explore further the intersection of law, violence, family regulation, gender ideology, youth, welfare, the consolidation of monopoly capital, trade unions, left politics, and state formation.

59 S. Beckett, *Malone Dies* (Paris 1959), 248.

Chapter One

Capital, State Formation, and the Contradictions of Welfare

Studies of the welfare state in Canada have focused upon eighteenth-century precedents, the pivotal role of largely female social workers in the transition from private to public modes of assistance, the role of both organized labor and capital in shaping programs and levels of assistance, the particularity of regional welfare regimes, and the development of specific entitlements culminating in the emergence of a 'modern' national welfare state after the Second World War.¹ Most scholarship of the welfare state has operated at the national or national-comparative level, largely ignoring, James Struthers points out, "the extent to which needs-based programs most directly targeting the poor have been developed and administered by provinces and local governments."² Struthers, in his recent study of the historical development of local responses to poverty and unemployment in Ontario, demonstrates the centrality of provincial and municipal levels of the state in shaping needs-based programs, and offers insights into the gender ideologies informing entitlements and program design. Margaret Hobbs has recently

1 An excellent collection of work on the Canadian welfare state can be found in Allan Moscovitch and Jim Albert, eds., *The Benevolent State: The Growth of Welfare in Canada* (Toronto 1987). Other studies include Kenneth Bryden, *Old Age Pensions and Policy Making in Canada* (Montreal 1974); C.D. Naylor, *Private Practice/Public Payment: Canadian Medicine and the Politics of Health Insurance, 1911-1966* (Montreal 1986); Leslie Pal, *State, Class and Bureaucracy: Canadian Unemployment Insurance and Public Policy* (Montreal 1986); Cynthia Comacchio, *'Nations Are Built of Babies': Saving Ontario's Mothers and Children, 1900-1940* (Montreal 1993); James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State, 1914-1941* (Toronto 1983); James Struthers, *Canadian Unemployment Policy in the 1930s* (Peterborough 1984); Dennis Guest, *The Emergence of Social Security in Canada* (Vancouver 1980).

2 James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920-1970* (Toronto 1994), 3-4.

produced an intriguing gender analysis of welfare program development in the early 1930s, using Toronto as a case study, that highlights the way in which social policy attempts to reproduce existing gender and family relations.³

Rather than revisit the terrain covered by Struthers and Hobbs, and attempt a comprehensive chronicle of the displacements of private philanthropy by the municipal state, this chapter explores a specific instance of state formation to expose a plane upon which class struggle (by both the employed and unemployed), business and professional groupings, and administrative imperatives (as perceived by both bureaucrats and elected officials) intersected to create a matrix of contradictions rooted in the social and economic relations of capitalism. While comments are made in this chapter upon the experience of different segments of the poor, many groups do not receive the attention they might: the chapter focuses primarily upon the nature of programs and support provided to families (as opposed to single men, single women, single mothers, and the elderly) by Toronto's municipal welfare system.

The first section of this chapter briefly outlines features of state formation as "a series of ad hoc responses to short term problems which could not be dealt with in any other way."⁴ The number of families seeking relief overwhelmed the organizational and

3 Some of the most interesting work in this area has been conducted on the relationship between gender and the formation of the welfare state: Margaret Hobbs, "Gendering Work and Welfare: Women's Relationship to Wage-Work and Social Policy in Canada During the Great Depression," (Ph.D. Thesis, University of Toronto, 1995); Linda Gordon, ed., *Women, the State and Welfare* (Madison 1990); Linda Gordon, "Social Insurance and Public Assistance: The Influence of Gender in Welfare Thought in the United States, 1890-1935," *American Historical Review*, 97, 1 (Feb. 1992), 19-54; Frances Fox Piven and Richard Cloward, "Welfare Doesn't Shore Up Traditional Family Roles: A Reply to Linda Gordon," *Social Research* 55, 4 (Winter 1988); Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York 1988).

4 M. Kidron, *Western Capitalism Since the War* (Harmondsworth 1970), 24.

financial capabilities of private welfare organizations, prompting the state to assume the full cost of funding these organizations as it assumed control over relief programs. By 1934, after a series of incremental expansions, Toronto had developed a comprehensive (if parsimonious) welfare state to replace a profoundly unequal and discriminatory system of private welfare that provided widely divergent 'support' for discrete segments of Toronto's poor (according to their age, gender, martial status, nationality, past military service, place of birth, religion, skin color, class background, and ethnicity). The disjointed steps of state growth did not represent a coherent agenda to construct new institutional forms; rather the material conditions of the 1930s prompted an incremental and uncertain rationalization of welfare programs under state direction as a means of controlling costs.

State formation in the 1930s, Bob Jessop points out, reflected the contradictory influences acting upon and fragmenting social policy.⁵ Indeed, Theda Skocpol points to the emergence of social programs initially opposed by capital as evidence of the relative autonomy of the state, and identifies the locus of change within the historical development of state capacity.⁶ Interwoven with the history of state formation is the emergence of professions and the migration of both ideas and personnel into the body of the state.⁷ Nonetheless, the 'ad hoc' responses to crisis by the state, and the largely

5 Bob Jessop, *The Capitalist State: Marxist Theories and Methods* (New York 1982), 221-226.

6 Theda Skocpol, *Protecting Mothers and Soldiers: The Political Origins of Social Policy in the United States* (Cambridge 1992), 28.

7 Margaret Weir and Theda Skocpol, "State Structures and the Possibilities for 'Keynesian' Responses to the Great Depression in Sweden, Britain, and the United States," in Peter Evans *et al.*, eds., *Bringing the State Back In* (Cambridge 1985), 107-63.

reactive development of welfare programs in Toronto, supports Alan Sears' identification of a pattern in state social policy which reflects the limits imposed on state activity by capitalist social relations.⁸ Similar arguments are made by Ian Gough who finds that contradictory patterns of social policy are rooted in the constraints of the capitalist economic system.⁹ Alvin Finkel, tracing what Leo Panitch has termed the "close and intimate" relationship between the state and leading capitalists, goes further and explains the development of the welfare state as a reflection of capital's interest in social programs that would act as economic stabilizers and also serve to dampen rising working-class discontent.¹⁰

It is not necessary to chart the linkages between individual capitalists and individual politicians in order to suggest that social policy develops in ways which are conducive to the long-term survival of the capitalist system. Most members of parliament share an ideological commitment to the superiority of business leadership and believe that there is a symmetry of interests between the state policy (reflecting broad social interests) and business. As Lloyd G. Reynolds noted in 1940, cabinet members "do not need to be bribed to accept the business viewpoint. They already think like businessmen."¹¹ There is also evidence of shared "class and administrative perspectives

8 Alan Sears, "Before the Welfare State: Public Health and Social Policy," *The Canadian Review of Sociology and Anthropology*, Vol. 32, No. 2 (May 1995), 172.

9 Ian Gough, *The Political Economy of the Welfare State* (London 1979), 122.

10 Leo Panitch, "The Role and Nature of the Canadian State," in Leo Panitch, ed., *The Canadian State: Political Economy and Political Power* (Toronto 1977), 9; Alvin Finkel, "Origins of the Welfare State in Canada," in Raymond B. Blake and Jeff Keshen, *Social Welfare Policy in Canada, Historical Readings* (Toronto 1995), 221-243.

11 Lloyd G. Reynolds, *The Control of Competition in Canada* (Cambridge Mass. 1940), 262.

between managers in government and in business in the framing of social policy,” James Struthers points out, that should alert historians to the pervasiveness of market paradigms in the deliberations of state bureaucrats.¹² Bureaucrats may utilize the value-laden accounting and planning techniques associated with corporate and commercial practices, or state managers may perceive their role as directly related to the proper functioning of the market. When designing programs to provide food and shelter to the unemployed, Toronto’s Department of Welfare worked to keep trade flowing in “its usual channels,” even if it resulted in increased costs. For example, the unemployed benefited from the shift to voucher relief exchangeable at any local store, and the regular provision of rental assistance, but the pressure to have food relief distributed through retailers (rather than a central depot) also served the interest of retailers, while the push for regular rental payments, equivalent to an amount that would provide for carrying costs on the rental property, came from landlords. Similarly, the emergence of medical assistance for relief recipients was shaped not so much by the therapeutic discourse of the medical profession, but by the economic patterns of private medical practice.

The contradictions that Ian Gough finds in the welfare state’s schizophrenic benevolent/punitive character is most apparent in the quantity of support provided to the unemployed. The welfare programs that were transplanted from England to Canada in the nineteenth-century were designed to instill a work ethic (including both thrift and temperance) by ensuring that the assistance provided to the poor would be less than that

12 Struthers, *The Limits of Affluence*, 13.

obtained through the “worst-paid unskilled work.” This principle of “less eligibility,” combined with the advent of the workhouse (modeled on the penitentiary) in which the poor toiled for their meager assistance, compelled ‘shiftless’ workers to “seek labor at any price.”¹³ Assistance was intentionally structured to be inadequate, and stigmatizing, Frances Fox Piven and Richard Cloward have argued, as a means of regulating the working class (preventing disorder) and compelling re-entry into the labor market.¹⁴ The rise and professionalization of social work, state involvement in welfare administration, and the displacement of the workhouse and its successor, the work-test, tempered the harshness of “less eligibility,” yet the principle continued to animate the provision of relief in Toronto during the 1930s and beyond.¹⁵

Provincial and municipal politicians, James Struthers points out, remained committed to maintaining levels of relief below the lowest wages earned by the working poor so as to compel male family heads to seek paid labor, and to prevent others from turning to relief.¹⁶ In the provision of food and rental relief, the state consistently provided not only less than that available to low wage earners, but significantly less than

13 James Struthers, *No Fault of Their Own*, 7.

14 Frances Fox Piven and Richard Cloward, *Regulating the Poor: The Function of Public Welfare* (New York 1971), xiii.

15 Metro Archives (MA), Commissioner of Public Welfare Records (Welfare), Box 100, File 46.21, Vol. 1. “General Welfare Assistance — Policy, Regulations, Legislation and Instructions,” Jan./31 - Mar./33, Minutes of the Eighth Meeting of the Advisory Committee on Public Welfare, Toronto, 2 Nov. 1931; *Ibid.*, Box 21, File 9, Vol. 1, “History, Development of Department of Public Welfare,” May/1895 - Dec./1931, Sec. Board of Trade Emergency Loan Committee, to Mayor, Wm. J. Stewart, 23 Sept. 1931. Although Toronto required married men to work for relief, the program was incapable of accommodating all those who wished to work. Single men were ineligible for paid municipal relief labor and thus received their hostel accommodation and meals without a work test. Single men were, however, sent to labor camps or to work on the Trans-Canada Highway.

16 James Struthers, *The Limits of Affluence*, 94, 105.

required for adequate nutrition to sustain health. Rent relief was intentionally inconsistent, and once payment was standardized, inadequate. In the context of falling wages and the proliferation of sweatshops in Ontario and Toronto, the strategy of ‘less eligibility’ was rife with contradictions, not least of which was the effect of relief on wage rates. Piven and Cloward, in tracing the expansion and contraction of welfare programs, argue that welfare, by legislative design and administrative operation, ‘enforces’ low wages by restricting access to support and compelling the acceptance of low wage employment. They also point out, but minimize the importance of, the relationship between below-subsistence relief rates and the *ability* of employers to pay less than living wages, operationalized through the granting of ‘partial relief’ by welfare officials to supplement what can be called ‘partial wages.’¹⁷

The theme of relief-subsidized wages (explored in greater detail in Chapter Four), provides a framework for analyzing the contradictory development of municipal relief programs. Workers were driven to compete with each other in order to rise above a level of state relief assistance that was intentionally inadequate, at the same time that capitalists, locked in vicious competition with each other, were able to lower wages below subsistence with the understanding that workers could seek relief to supplement their earnings. East York Deputy Reeve John Doggett, responding to provincial Minister

17 Piven and Cloward, *Regulating the Poor*, 124-6, 147-9. According to Piven and Cloward, it is only during periods of working-class political tranquility (roughly corresponding to periods of high employment) that the state aggressively restricts access, but their comments on access restriction and labor compulsion apply to the 1930s due to both the employment of vigilant relief inspectors and the disqualification of non-residents and non-citizens. For a discussion of the role and disposition of relief inspectors in Ontario see Struthers, *The Limits of Affluence*, 83-9.

of Welfare David Croll's reduction in relief contributions, pointed out that many employers were paying their workers "boys wages and telling them to apply for partial relief," making it "practically impossible for a legitimate unemployed man to get work at a living wage."¹⁸ Toronto's Department of Public Welfare was also aware that some employers were cutting workers' wages and "advising them to apply for welfare," but was loath to take action because "these men were finding some employment and assisting themselves," and thus "entitled to partial relief."¹⁹ David Croll, cast as a cost-cutting villain by James Struthers, was highly cognizant of the relationship between wages and partial relief.²⁰ Croll, in fact, wrote to many businesses asking them to raise wages and reduce hours. In the gasoline retail business, where the average wage was \$10 a week for 70 hours of work, Croll pointed out that

these underpaid men must be in part a burden upon the whole community ... they were receiving something less than what would be granted to them were they on full relief ... In a regrettably large number of cases they had in fact applied for and received supplementary assistance ... The Province and the municipality were being required to subsidize the business ... in other words the taxpayer was helping to operate your business."²¹

The emergence of a municipal welfare state was a process which structured both poverty and entitlement, producing contradictory social tendencies and tensions. The

18 Patricia Schulz, *The East York Workers' Association: A Response To The Great Depression* (Toronto 1975), 35.

19 MA, Welfare, Box 100 (46.21), Vol. 2, "General Welfare Assistance — Policy, regulation, legislation and instructions," Apr./33 - Mar./39, J.W. Somers to A.W. Laver, 22 May 1933, 5 June 1933; A.W. Laver, to Wm. J. Stewart, 9 Sep. 1933.

20 Struthers, *The Limits of Affluence*, 91-8.

21 Archives of Ontario (AO), Records of the Department of Labour (Labour), RG 7-1-0-133, David Croll to Roy L. Saunsley, Crown Dominion Oil Company, Toronto, 6 Dec. 1935.

privilege afforded to the family unit by the state, the inadequacy of levels of material support, the advent of free medical care and prescription drugs for those on relief, and the (albeit inconsistent) disenfranchisement of 'non-residents' and immigrants, created a paradox in which municipal welfare programs inadvertently (and inextricably) subsidized and structured intense competition among capitalists, lowered wages, and compounded the effects of the Depression. Rather than mute the opposition of the increasingly organized unemployed, as suggested by Piven and Cloward, the rise of the municipal and provincial welfare states increased labor militancy by facilitating greater access to relief (upon which even striking workers could draw after 1934),²² increased public knowledge of what was actually available yet structured programs in a manner which drove workers to seek employment at sweatshop wages. The municipal state had limited powers to regulate the abuses of welfare by capital; thus municipal welfare programs, increasingly influenced by provincial financial contributions, were a prelude to unprecedented provincial intervention in the labor market. This chapter provides the starting point of a thematic linkage connecting the emergence and form of welfare programs with the structure of competition (both between and among capital and labor), economic regulation, social legislation, and the development of the labor movement, and serves as a foundation for the exploration of family dynamics and juvenile delinquency in the 1930s.

22 R. Warren James, *The People's Senator* (Vancouver 1990), 70.

From Private to Public Welfare Administrative: An Overview

Prior to the Great Depression, unemployment relief and other services for the poor were the responsibility of private charities.²³ A small municipal “relief office” (originally created by the City in 1893 to coordinate and supervise all private and public relief efforts) did little but bury paupers and keep track of City-supported hospital patients, yet Toronto provided grants to dozens of private charities on a case-by-case basis. With a combination of City and private funding, a tangle of private and quasi-public agencies such as the House of Industry, the Neighbourhood Workers Association (NWA), and denominational organizations such as the Catholic Welfare Bureau (CWB) and the Jewish Family Welfare Bureau (JFWB), administered assistance without municipal supervision.²⁴

The autonomy of the City’s numerous charities went largely unassailed in the first two years of the Great Depression because Toronto’s politicians failed to recognize growing unemployment as the beginning of a sustained economic depression. Initially the City responded to the ‘temporary’ crisis by accelerating road and sewer projects to provide employment, while Toronto’s Board of Trade allocated additional funds to private charities. The pattern of private charity and public works was bolstered by a

23 James Pitsula, “The Relief of Poverty in Toronto, 1880-1930,” (Ph.D. thesis, York University, 1979).

24 In order to deal with requests more efficiently, a Charities Commission was appointed in 1912. Based on the recommendations of this Commission, the City, on October 30, 1912, created the Social Services Commission within the Welfare Branch of its Department of Public Health. It reviewed all applications from charitable organizations and recommended grant levels. The Commission was abolished by City Council on 20 May 1921, and the few social workers in the Social Welfare Division of the Department of Public Health assumed responsibility for the re-investigation and counseling of paupers under the care of the House of Industry (originally founded as a poor house in 1837).

shared-cost emergency plan between the federal, provincial and city government which jointly funded a \$500,000 winter works program for Toronto's unemployed in 1930-1931. Despite severe program restrictions that limited access to married men with families, so many registered for work relief that men were given no more than two weeks work over the course of the winter.

As unemployment soared, private relief agencies appealed desperately to the City for more funds, receiving an unprecedented total of \$160,000. Alarmed by the growing magnitude of unemployment, and concerned with the proper expenditure of public funds by private charities, the Board of Control appointed a special Civic Unemployment Relief Committee in 1930 to investigate the distribution of relief. The Committee was rapidly upgraded to assume responsibility for relief administration.²⁵ Trained social workers from the Department of Public Health were brought under its control to investigate applicants, and a new Central Bureau was created under its auspices to register homeless men, assign them to shelters, and issue meal tickets. Although the province passed the *Department of Public Welfare Act* in January 1931, creating its own Public Welfare Department responsible for Mother's Allowance, Old Age Pensions, Soldier's Aid, Training Schools and Orphanages, unemployment relief administration remained a municipal responsibility.

25 The Advisory Committee on Public Welfare was comprised of Controller Simpson, representing the Board of Control, Alderman Holdsworth, representing the City Council, Howard Moore, representing the Federation for Community Service, Percy Hermant, representing the Federation of Jewish Philanthropies, W. T. Kernaham, representing the Federation of Catholic Charities, Rev. Captain Lambert, Soldier Representative, and F.D. Tolchard, representing the Civic Unemployment Relief Committee and advised the Commissioner of Public Welfare and the Board of Control on all welfare matters. See MA, Welfare, Box 21, File 9, Vol. 1, History - Development of Department of Public Welfare. May/1895 - Dec./1931, City Clerk to A.W. Laver, 15 Dec. 1931.

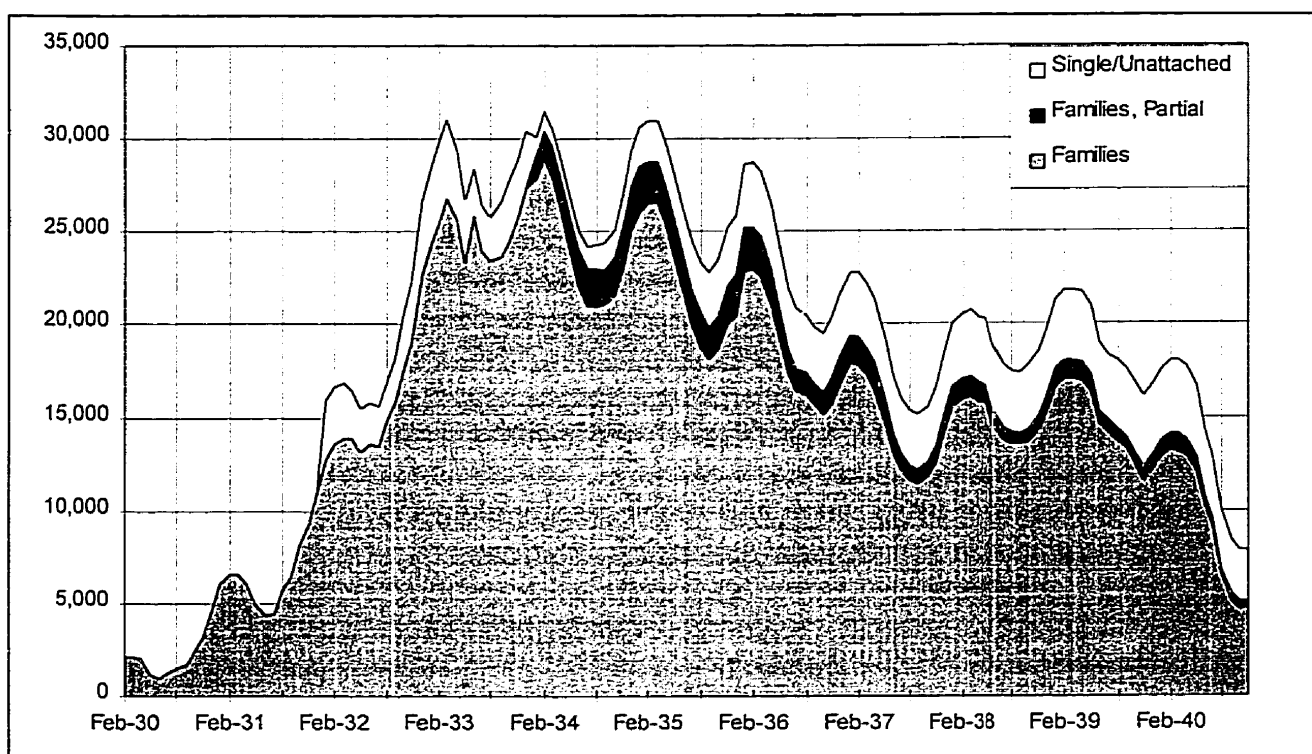
Despite large-scale disentanglements and rigorous cost-cutting, the burden of providing emergency relief and shelter continued to escalate. In June 1931 the City created the Department of Public Welfare (DPW) to administer all aspects of relief and social services.²⁶ Existing City agencies such as the Relief Office, the Division of Social Welfare (which co-ordinated private and public efforts) and the recently-created Central Bureau were incorporated into the new Department, and it assumed responsibility for the City's share of the administration of the Mother's Allowance Program, Old Age Pensions and Children's Aid. A. W. (Bert) Laver, previously Toronto's chief tax collector, was appointed its first Commissioner.

By steadily exerting increased control over the budgets, policies and procedures of the many private and quasi-public relief agencies, the Department was able, by 1934, to place itself in control of all major elements of unemployment relief for both families and single unemployed males. Its staff grew to over four hundred employees and its budget became the largest of any City of Toronto Department; over ten million dollars (two-thirds provided by the Province) was spent to directly and indirectly assist about 120,000 people at its peak in 1934. The magnitude of the unemployment crisis forced the municipal authority of Toronto to assume new responsibilities, displace private charities, and build an enduring welfare state. As the following chart shows, the total number of families on full and partial relief, and the number of single individuals receiving relief

26 "City of Toronto Civic Unemployment Relief Committee Report and Recommendations" May 1931 copy in MA, Welfare, Box 21, File 9, Vol. 1, History - Development of Department of Public Welfare. May/1895 - Dec./1931. Also see "Official Opening of New Civic Building, 149 College Street, Toronto, By William Sewell, esq. Mayor, Thursday, July 30th, 1931" in MA, Welfare, Box 21 File 9, Vol. 1, History - Development of Department of Public Welfare. May/1895 - Dec./1931.

from 1930 to 1940, surpassed 30,000 in peak years. Overwhelmingly, support was provided to families as full relief, although after 1931 the provision of relief to single people was entered separately as was the provision of partial relief to families after 1934.²⁷

Chart 1A: Number of Families and Individuals on Relief in Toronto, 1930-1940²⁸



27 H.M. Cassidy, *Unemployment and Relief in Ontario, 1929-1932* (Toronto 1932), 17-51. Cassidy's 1932 study of unemployment in Ontario hinted at the dramatic increase in poverty one year away, yet his argument that the unreliable nature of unemployment statistics made relief statistics and expenditures a better indication of the extent of the Depression in Toronto was insightful.

28 Source: MA, Commissioner of Welfare, Box 21, File 9, Vol. 2 "History."

The transition from a private to a predominantly public welfare system occurred largely in an *ad hoc* manner, and was driven by the state's desire to reassert control over its expenditures. In December 1931 the DPW assumed responsibility for case work and began to supervise the families of unemployed men over sixty, those families with a long history of charitable support, and "burnt out" soldiers receiving a small pension.²⁹ Six months later, the NWA convinced the DPW to assume responsibility for Mothers' Allowance cases where the allowance had ceased as a result of either "alleged immorality, lack of co-operation from the clients, [or] ceasing to qualify;" the DPW also assumed the care of families of criminals in prison, "Children Aid cases where family relief and family service are needed in addition to the service given by the Children's Aid society," and individuals over 60 (except when they are of a "better class or have family resources").³⁰ At the same time the Catholic Welfare Bureau began to transfer all families in which the 'breadwinner' was over 50 years of age, and families of ex-servicemen in which the man was over 40 years of age, to the DPW, and private agencies began to shed "poor type" families who were unresponsive to intensive social supervision by case workers and families in which there was a "history of mental hospital care," "low I.Q.'s,"

29 MA, Welfare, Box 128, File 53.1, Vol. 1. "Private agencies, Family Services Association," Dec./31 - Mar./43, Memorandum to all Districts from the Deputy Director, Division of Family Welfare, 12 Dec. 1931.

30 *Ibid.*, A.W. Laver to F.N. Stapleford, Gen. Sec., NWA, 8 Aug. 1932; *Ibid.*, Box 100, File 46.21, Vol. 1. "General Welfare Assistance — Policy, Regulations, Legislation and Instructions," Jan./31 - Mar./33, "Interpretation of the Present Policy with the Neighbourhood Workers' Association," 29 Apr. 1932.

and “former Mental Diagnosis.”³¹ By 1933, the DPW was something of a dumping ground for resistant, chronic and difficult cases not desired by the private agencies. In April 1933 all Protestant relief cases in which the man was over 40 were transferred to the DPW, and all new applications were directed to the DPW.³² Changes to provincial law in 1934, requiring cities to care for non-resident families, prompted the NWA to transfer its care of non-resident families to the DPW, and relinquish all responsibility for investigating cases. The NWA continued to play a small role in case work, but only with selected families where unemployment was not a factor in their poverty.³³

A similar contraction in services was experienced by the quasi-private Veterans' Poppy Fund that provided relief to married veterans, disabled single veterans who couldn't find work because of their handicaps, and a small number of ex-servicemen's mothers, widows, and deserted wives. Although limited in its clientele, the Fund assisted 7,784 individuals between June 1930 and May 1931. The services it offered were extensive and comprehensive, covering everything from clothing and furniture to food,

31 *Ibid.*, Rev. F.H. Gallagher, Dir., Catholic Charities, to A.W. Laver, 23 Mar., 1933. *Ibid.*, Box 128, File 53.1, Vol. 1. “Private agencies, Family Services Association,” Dec./31 - Mar./43, RE Policy Between Department of Family Welfare and Neighbourhood Workers Association, 18 Jun., 1932.

32 *Ibid.*, J.W. Somers to A.W. Laver, 27 Apr. 1933.

33 *Ibid.*, Resolution passed by the Executive Committee of the Board of Directors of the Neighbourhood Workers Association, 29 Mar. 1934; Inter-Office Correspondence, 25 Sep. 1934. The NWA made a policy of transferring care of families to the DPW in which family members were “involved with the Unemployed Council of Toronto, or Communists.” The NWA continued to run auxiliary programs, such as the Fresh Air Exchange (funded by the Toronto Star Fresh Air Fund), the Bolton Camp, and the Christmas Exchange. The camp programs are quite interesting and involved children of all ages, with special emphasis on sick children who might be sent to camp for two terms in a row. The NWA selected children from its own case list as well as from cases managed by the DPW. The fees were paid by church groups if there was any church connection. The NWA administrators felt that “if the family can afford even a small fee they should be asked to give it as the family who plan and sacrifice to make their holiday possible appreciate it more than as if they do nothing toward it.” Minutes of Staff Meeting Held at Central Office, 15 May 1935 [NWA], copy in *Ibid.*

fuel, medical supplies and rent.³⁴ The Poppy Fund tempered its generosity with a limited but rigorous work test in its newly established Industrial Plant. More fortunate than most who had no one to cover the short falls in their earnings, the veterans' position was one of oppression balanced by small opportunity.

Welfare Commissioner Laver praised the Poppy Fund's work camp for its function in "re-establishing the morals of the men concerned and getting them back to a productive basis where they may ultimately be self supporting,"³⁵ but failed to provide it with adequate financial assistance. In June 1932, the Poppy Fund ran out of money, stopped issuing assistance, closed its offices, and dismissed its staff.³⁶ Their Industrial Plant stood as a symbol of the crisis of private philanthropy, as desperate veterans were reduced to stealing wood from the plant to heat their homes.³⁷ Laver moved quickly to transfer the Poppy Fund's 2,000 cases to the DPW.³⁸ The Fund was resuscitated by the

34 The Fund investigated its own cases and assisted families in obtaining relief from other agencies as well. If the family was ineligible for City relief, the Fund supported them and acted on their behalf to secure supplies from the City in the future. This was a particularly valuable service to families who did not meet Toronto's minimum residency requirements. In February of 1932 alone, they were looking after 110 families who were technically non-residents. "Poppy Fund, 1930-1931," p. 4, copy in *Ibid.*, Box 129, File 6, "Private agencies, Veterans - Poppy Fund," Nov./31 - Jul./32, Albert H. Abbot, Honourary President, Poppy Fund, to A.W. Laver, 1 Jun. 1932.

35 MA, Welfare, Box 129, File 6, "Private agencies, Veterans - Poppy Fund," Nov./31 - Jul./32, Albert H. Abbot, Honourary President, Poppy Fund, to A.W. Laver, 7 May 1932, Laver to Abbot, 13 May 1932. Laver apparently cut off funds to the Poppy Fund over its continued support of non-resident families. Laver claimed that 135 families fell into this category, and should be looked after by private charities that did not accept city funds.

36 *Ibid.*, Abbot, Honourary President, Poppy Fund, to A.W. Laver, 11 Jun. 1932.

37 *Ibid.*, Albert H. Abbot, Honourary President, Poppy Fund, to A.W. Laver, 29 July 1932.

38 *Ibid.*, A.W. Laver to Wm. J. Stewart and Member of the Board of Control, 12 July 1932.

DPW which relegated it to the provision of assistance over and above relief rations (in return for work in the Fund's re-opened Industrial Plant).³⁹

Veterans began to resist the work test demanded by the Poppy Fund. In January 1933 veterans complained that when seeking "clothes and boots for their families [they] have to work for same while people civilians and foreigners, are not obliged to do so."⁴⁰ One veteran had to "work on a truck from 7:30 in the morning until 5:30 at night in return for which he received a flimsy cotton garment for his wife."⁴¹ The ongoing struggle eventually forced the City to proclaim that work for relief was strictly voluntary, and that all veterans could receive clothing directly from the DPW.⁴² The collapse of the Fund thus ruptured some of the boundaries between discrete segments of Toronto's poor, at the same time that it opened space for an expanded state presence.

While the veterans bemoaned their position within the municipal welfare structure and resisted changes to patterns of assistance, Toronto's Black community experienced the rise of the municipal welfare state as an expansion of benefits and a retrenchment of

39 *Ibid.*, Albert H. Abbot, Honourary President, Poppy Fund, to A.W. Laver, 20 July 1932; City Auditor to W. J. Stewart, and Member of the Board of Control, 7 Mar. 1932; J.W. Somers to A.W. Laver, 17 Feb. 1933.

40 *Ibid.*, J. Clarke, Sec. 36 Ulster Division, Branch No. 166 Canadian Legion, to A.W. Laver, 20 Jan 1933; Robena Morris, Director, Division of Family Welfare, to A.W. Laver, 26 Aug. 1934. Morris confirmed these allegations: "Regarding the statement that ex-soldiers have to work for their clothing, whereas civilians do not, I may say that unfortunately this is true at the present time, there being insufficient work available to make some service compulsory for all clothing relief granted to civilians."

41 *Ibid.*, Box 91, File 46.09, Vol. 1, "Enlisted Men's and Veteran's Families" Oct./31 - July/39, J.W. Somers, City Clerk to A.W. Laver, 12 Jun. 1936.

42 *Ibid.*, A.W. Laver to Mayor Samuel McBride and Members of the Board of Control, 16 Jun. 1936; J.W. Somers to A.W. Laver, 18 Jun. 1936. As it turned out the Poppy Fund did require men to work unless they had a certificate stating that they were unfit, and it made them work for the value of new garments at the rate of \$3.00 per day. Laver insisted that it was not the policy of the DPW to refer ex-soldiers to the Poppy Fund.

racism. Close to half of Toronto's 4,000 Blacks lived between Spadina and Bathurst, south of College Street.⁴³ This area, with a total population of 9,000, recorded some of the highest rates of "dependency and delinquency," and Blacks faced systemic barriers to housing, employment and recreation.⁴⁴ Although this community included several solidly middle class members by 1941 (one doctor, two lawyers, three teachers, several small businessmen), almost thirty percent of the male breadwinners worked on the railroad.

During the depression years these workers suffered severely when the railroads were slack. A great proportion of the community are in unskilled employment, some of these workers want training, but are unable to gain admittance to skilled employment. There is a large incidence of unemployment. Young women are almost completely employed in domestic service ... Work as waiters, bellhops and porters, etc., often reserved to Negroes in American cities, is not open to Negroes in Toronto. ... All the boys when leaving school followed unskilled occupations.⁴⁵

The Home Service Association (HSA), an extension of the Overseas Comfort Club for Enlisted Colored Men in Service, which provided post-war welfare for veterans,

43 The Welfare Council of Toronto and District, "Study of the Home Service Association," p. 2, Sep. 1941, copy in MA, Welfare, Box 132, File 2, Vol. 1. "Private Agencies, Home Services Association," Dec./33 - Oct. 63. Blacks came to Toronto prior to the freeing of the American slaves in 1863, and the descendants of some of those families had resided in Toronto since that time. It was believed that 55% of blacks were of Canadian birth, with 25% being born in the West Indies and another 20% coming from America. Although the Dominion Bureau of Statistics reported only 1,344 blacks in Toronto, the population was estimated by municipal officials at 4,000 in 1930, and 5000 in 1947. According to the report, "the area included large commercial and industrial sections. Railroad lines cut across the southern section. Part of this district is occupied by a fairly large Jewish population. A better-off Jewish section is in the northwest part; a mixed working-class section is in the western portion." According to the report's author, Black families encouraged their children to stay in school in order to overcome some of the discrimination they faced but "many Negro parents and older brothers and sisters despair of getting employment because so many avenues of employment are closed to them. This is creating bitterness in the minds of some of the younger children, and doubt that there is any point in continuing in school."

44 *Ibid.*, 2. Although there were numerous facilities for recreation in this area, Blacks were reluctant to use them, as "these services are organized more especially for white people."

45 *Ibid.*, 3-4.

was formed in 1921 to provide for Black families in need. Despite receiving limited assistance from the NWA, the HSA could not adequately support its clients. The condition of the HSA's facilities, described in the following excerpt from an inspection report by the Welfare Council of Toronto, provides some indication of their predicament:

The Home Services Association is located on the second and third floor of a condemned building. The only entrance (and exit) is a narrow wooden staircase. This leads into a dingy, unpainted hallway, off which various rooms, equally unattractive, are to be found. The building is heated by a furnace 75 years old. The rooms are small, bare and impossible to keep clean. They are lit by one (or occasionally two) 60-watt bulbs. There is no sink in the kitchen. There is one large room with tables and benches, used for meetings ... for dinner meeting, an assortment of cast-off cutlery and dishes will permit reasonably complete table equipment for ten persons.⁴⁶

Between 1933 and 1937 the decline of the HSA coincided with the rapid expansion of the DPW; despite Laver's reluctance, the DPW eventually assumed responsibility for Black families.⁴⁷

The inability of private relief agencies to manage large numbers of unemployed, the concurrent expansion of the DPW as the institution of last resort, its assumption of control over food distribution, and the growing monetary contribution of the City precipitated the transition from private to public modes of welfare. Although private agencies continued to play a role in the provision of relief services in Toronto for the duration of the Depression, the City assumed the central role in funding, determining

46 "Study of the Home Service Association" p. 9, Sep. 1941, The Welfare Council of Toronto and District, 100 Adelaide Street West, Toronto, copy in MA, Welfare, Box 132, File 2, Vol. 1. "Private Agencies, Home Services Association," Dec./33 - Oct. 63.

47 *Ibid.*, Miss Morris and Captain Heron to A.W. Laver, 28 Dec. 1933. A.D. Hardie, General Sec., Federation for Community Service, to A.W. Laver, 10 January, 1935. As late as January 1935, the DPW offices were refusing assistance to Black families.

eligibility and setting relief entitlements. Race, ethnicity, and religion, among other divisions manifest in the myriad network of private philanthropy, were no longer as consequential in determining the type of basic services available to all residents of Toronto. The emergence of a municipal welfare state thus homogenized relief entitlement and centered the politicization of relief policy. The following section examines three key areas of Toronto's relief program (housing, food, and health care), as sites of struggle between business interests and relief recipients' needs.

Relief Capitalism: The Carrot and Stick of Social Control

The rise of Toronto's DPW influenced, encroached upon, and then usurped the function of the City's numerous private welfare agencies. The transition from private to public modes of welfare was uneven and incomplete, yet signaled a homogenization of services and an expansion of benefits available to the poor. In the construction and implementation of relief programs, the centrality of the state also provided a focus for the anger of unemployed citizens. Resistance from organizations of the unemployed played a part in shaping relief in many Ontario cities and towns. Patricia's Shulz's compelling account of the East York Workers' Association demonstrates the numerous ways that workers could pressure municipal officials to consider their demands.⁴⁸ Resistance was often dramatic and captured the attention of the local press. "When the Long Branch

48 Schulz, *The East York Workers' Association*. Also see Carmela Patrias, *Relief Strike, Immigrant Workers and the Great Depression in Crowland, Ontario, 1930-1935* (Toronto 1990).

Welfare Board bought nine hundred yards of cloth to be made into dresses by good ladies of the local churches, the women for whom they were intended promised to doff their new uniforms and march naked along the lakeshore.⁴⁹

While the resistance of the unemployed influenced relief policies, a greater, if more subtle, influence was exercised by local businesses and professionals. As a large consumer negotiating for an ever increasing amount of goods and services with which to supply the growing number of relief recipients, the DPW was a significant player in the local economy. The power of organized groups of retailers, landlords, and medical professionals, was brought to bear upon Toronto's relief policies, and gradually succeeded in forcing the DPW to integrate immediate business concerns into the relief structure. While the state partially accommodated sections of capital, and the medical profession, the basic level of relief the City provided to the poor continued to be barely adequate, and served to push the poor back into the labor market at whatever wages were offered. Relief for cash-strapped retailers, landlords, and doctors, contributed to the elaboration of contradictory welfare policies that cycled men back into a labor market incapable of offering living wages. The relationship between competition, sweatshop wages, and below subsistence welfare rates is further developed in later chapters dealing with provincial initiatives intended to stem the deleterious effects of municipal welfare administration on the labor market and business competition. The following examination

49 John T. Saywell, *'Just Call Me Mitch': The Life of Mitchell F. Hepburn* (Toronto 1991), 145.

of food, shelter, and health care sets the stage for further discussion of the contradictions inherent in the welfare state.

Sheltering Tenants, Sheltering Landlords: Rent Relief, 1929-1940

The payment of shelter assistance (to cover rent, light, gas and moving expenses) to people on relief was initially managed by the Board of Trade Emergency Loan Committee, which adhered to the policy, established in the 1920s, of only providing assistance to families facing *immediate* eviction.⁵⁰ In 1930 the Emergency Loan Committee received \$25,000 from the City, and an equal amount from the NWA, CWB, and the JFWB, but this fund was quickly exhausted the following year as 4,009 grants were made to 2,533 families, prompting the DPW to assume the full cost of the program.⁵¹ Despite hopes that the crisis would soon pass, the Emergency Loan Committee observed that

there is no doubt that the present heavy calls for assistance of this kind will continue over the winter even if employment conditions do improve in the meantime. Many are forced to seek aid by reason of the fact that their savings are exhausted, the arrears of rentals are now so great that landlords can no longer, in many cases, be expected to carry their tenants, credit for groceries, etc. is exhausted and seasonal work, such as the

50 MA, Welfare, Box 21, File 9, Vol. 1, "History, Development of Department of Public Welfare," May/1895 - Dec./1931, Medical Officer of Health to F.D. Tolchard, Sec. Board of Trade, City of Toronto, 21 Jun. 1927; Gen. Sec. Neighbourhood Workers Ass. to Miss L. Holland, Division of Social Welfare, 26 Apr. 1927.

51 *Ibid.*, Box 119, File 11, Vol. 1, "Shelter," Nov./33 - Mar./34, A.W. Laver to Wm. J. Stewart, Mayor and the Member of the Board of Control, 1 Mar. 1934.

building trades, has not been sufficient during the past summer to provide the usual savings to carry many families over the winter.⁵²

In the absence of adequate funds for rental assistance, private relief agencies attempted to broker deals between landlords and tenants, usually by convincing the landlord to accept erratic and partial payments, and reduce rent. If the landlord refused, the tenants were moved at the expense of the agencies.⁵³

In response to the ongoing crisis, a general conference on rent relief, attended by all the social welfare agencies, was hosted by the DPW in February 1932. As a result of the conference, the DPW offered rent grants to families for two consecutive months, but for no more than six months for the whole year. Families living in weekly-rent rooming houses could receive six weeks of rental relief in any three-month period. Electricity and gas bills were treated independently of rent. Gas bills were covered for two consecutive months with a one-month pause, and electricity bills were covered for two consecutive months with two-months pause (to a maximum of six months or \$300 per family per year).⁵⁴ When times were particularly tough the DPW was capable of greater leniency in applying these rules, allowing consecutive payments for gas and electricity in the winter for longer than two consecutive months.⁵⁵

52 *Ibid.*, Box 21, File 9, Vol. 1, "History, Development of Department of Public Welfare," May/1895 - Dec./1931. Sec. Board of Trade Emergency Loan Committee, to Mayor, Wm. J. Stewart, Sep. 23, 1931.

53 *Ibid.*, "Conference Regarding Rents," 26 Feb. 1932.

54 *Ibid.*, Box 21, File 9, Vol. 2, "History, Development of Dept of Public Welfare," Jan./32 - Jun./33, F.D. Tolchard, to A.W. Laver, 27 Apr., 1932.

55 *Ibid.*, Box 21, File 9, Vol. 3, "History - Development of Dept of Public Welfare," July/33 - Nov./35, F.D. Tolchard, Board of Trade to A.W. Laver, 9 Sep., 1933.

In September 1932 the provincial government, following the recommendations of the Campbell Report, passed an Order in Council limiting its contribution to rental relief in all municipalities to \$15 per month. The Board of Trade fought the application of this Order to Toronto because it felt that the publicity surrounding the announcement would create the impression among relief recipients that they were entitled to have their rent paid every month.⁵⁶ In fact the most adamant arguments that the Order obligated Toronto to pay rental relief every month came from landlords, not tenants. The DPW's District Supervisor reported that the alternate month rental payment policy "causes untold argument and extra work ... as landlords still contend that the \$15.00 per month arrangement of the Order-In Council applies to Toronto."⁵⁷

The Board of Trade suspended its alternate month rule in March 1933 and allowed families sharing a house access to continuous rental support by alternating payments each month between the two families.⁵⁸ Despite this incremental expansion of eligibility, the payment of rent was still treated as an emergency item by Robena Morris, Director of the Division of Family Welfare, which together with the NWA and the Catholic and Jewish Welfare Bureaus, worked on the front lines of rental relief dispensation. The alternate month rule, which the DPW adhered to as its maximum, was in fact avoided by the participating agencies since "any agreement with landlords to pay

56 *Ibid.*, Box 21 File - 9 Vol. 2, "History - Development of Dept of Public Welfare," Jan 32 - Jun./33, Robina Morris, Director, Division of Family Services, to Miss Serjeant, Dept of Public Welfare, 18 Jan. 1933.

57 *Ibid.*, Robina Morris, Director, Division of Family Services, to Miss Serjeant, Dept of Public Welfare, 18 Jan. 1933.

58 *Ibid.*, F.D. Tolchard, to A. W. Laver, 6 Mar. 1933.

alternate months immediately eliminates the emergencies” which acted as a trigger for rental relief.⁵⁹ All of the agencies involved issued rental relief sparingly, resulting in only 1 of 10 families on relief receiving rental payments in any one month, (rising to 1 in 6 in particularly bad months).

The major difficulty associated with this method of determining eligibility for rental assistance, besides the obvious stress it added to the lives of Toronto’s poor, was the tendency to reward aggressive and uncooperative landlords and punish lenient and understanding landlords. Consequently, the DPW was severely criticized for giving preferential treatment to those landlords who realized that the DPW could not “allow families to move every month,” and thus “demanded getting payments,” while other landlords, “who also pay taxes to the city on their rented properties,” were passed over because they would not “stoop to the disagreeable tactics employed by” aggressive landlords.⁶⁰ This situation was particularly acute in the high relief district of Moss Park where landlords and trust companies attempted to “bargain” with social workers with threats of immediate eviction of their clients.

Some of the uncooperative landlords formed the United Property Owners’ Association in 1934 to lobby the City for consecutive rental payments. The Association argued that their members were “unable to carry on any longer ... [and] must order all

59 *Ibid.*, Box 119, File 11, Vol. 1, “Shelter,” Nov./33 - Mar./34, Robena Morris, “Memorandum to Mr. Mowat” copy to Laver, 25 July 1933.

60 *Ibid.*, Box 21, File 9, Vol. 2, “History, Development of Dept of Public Welfare,” Jan./32 - Jun./33, “Conference Regarding Rents,” 26 Feb. 1932.

such tenants [on relief] to vacate.”⁶¹ Another landlord group, the Landlords’ and Property Owners’ Association, also threatened to evict its tenants if consecutive payments were not forthcoming.⁶² Laver was also frustrated with a system that forced private agencies to wait until an emergency developed.⁶³ Although the private agencies reported excellent relations with landlords, Moss Park property owners became more resistant to relief tenants, necessitating the settlement of people on relief in other sectors of the city.⁶⁴

As a result of these difficulties the City reviewed its rental assistance program in 1934 with a view to bringing it under the auspices of the DPW.⁶⁵ Tolchard, representing the Board of Trade, opposed any move to allow consecutive payments on the basis that the cost to cities with consecutive payments was 3 to 6 times higher. He also argued that

To adopt a definite publicly-announced policy of regular consecutive payments would not only result in a mechanized system of issuing rental cheques monthly as long as the client was unemployed, but would remove the incentive on the part of many of the

61 *Ibid.*, Box 119, File 11, Vol. 1, “Shelter,” Nov./33 - Mar./34, A.W. Laver to Wm. J. Stewart, Mayor and Member of the Board of Control, 10 Feb. 1934. The association was chartered by Willis and Willis, Income Tax Adjustments, Accountants and Auditors, and all of the principal officers, except for one, did not even live in Toronto. Landlords blamed their relief tenants for the proliferation of slums. “You talk about slums and dirt,” said Mrs. Caruthers, Secretary of the Riverdale Property Owners Association, “but I ask you who makes the dirt?” She went on to suggest that “Some of these people [relief recipients] should be put in camps where they can’t destroy other people’s property.” Another landlord, Mr. Ross, claimed that he had “two tenants that would make a slum of Casa Loma in three months,” and recounted his “encounter with a tenant whom he ‘smacked right on the breezer,’ and then ‘crushed [his] kelly to a pancake.’” Other landlords reported that when they finally evicted tenants, every window would be smashed. “Tenants and Low Rents Are Blamed by Landlords In Rehabilitation Protest,” *Globe and Mail*, 11 May 1938. The landlords were responding to a City offensive to enforce its new property by-laws, which resulted in the demolition of 473 homes between 1936-38.

62 *Ibid.*, J.B. Sherrings, Acting City Clerk, to A.W. Laver, 5 Apr. 1934.

63 *Ibid.*, A.W. Laver to Wm. J. Stewart, Mayor and Member of the Board of Control, 1 Mar. 1934; A.W. Laver to F.D. Tolchard, 4 Apr. 1934.

64 *Ibid.*, The Emergency Loan Committee, report to Wm. J. Stewart, and members of the Board of Control, Jun. 25, 1934.

65 *Ibid.*, A.W. Laver to Wm. J. Stewart, Mayor and Member of the Board of Control, 1 Mar. 1934.

clients to assist themselves and lead to the adoption by many of an attitude of complete dependence upon the State.⁶⁶

Tolchard's bluster succeeded in stalling Laver's plans to assume control of rental relief.⁶⁷ Laver continued to push for consecutive rental payments to all families on relief,⁶⁸ while he quietly extended such assistance to widows and deserted wives without dependents. City Council supported Laver, passing a motion that monthly rental payments be made "where necessary," to a maximum of \$180 per year.⁶⁹ Shortly thereafter members of the Emergency Loan Fund resigned and their work was taken over by the DPW, while new regulations enshrined the \$15 consecutive payment rule that resulted in a doubling of rental expenditures by the City.⁷⁰

Despite the assumption of control by the DPW and the implementation of consecutive payments, rental assistance continued to be inadequate for many families. Communist Alderman Smith, seconded by Alderman Quinn, observed that the \$15 monthly cap was "resulting in unemployed families being crowded into sub-standard housing in slum districts."⁷¹ In January 1938 there were 52 families in temporary shelters

66 *Ibid.*, The Emergency Loan Committee to Wm. Stewart and the Members of the Board of Control, 25 Jun. 1934.

67 *Ibid.*, A.W. Laver to F.D. Tolchard, 7 Nov. 1934.

68 *Ibid.*, Box 120, File 49, Vol. 2, "Shelter," Apr./34 - Nov./34, John A. Tory and F.D. Tolchard, ELC to Wm. J. Stewart, and Members of the Board of Control, 12 Nov. 1934.

69 *Ibid.*, J.W. Somers to A.W. Laver, 13 Nov. 1934.

70 *Ibid.*, F.D. Tolchard, Sec. Toronto Board of Trade Emergency Loan Committee, to A.W. Laver, 19 Nov. 1934. *Ibid.*, Box 120, File 49, Vol. 3, "Shelter," Dec./34 - Feb./37, "Analysis of Rental Payments For Mar. 1935." This rose to \$20 and 2X the tax bill in Spring of 1935, although the maximum was kept to \$15.00 for families under 4.

71 *Ibid.*, Box 120, File 49, Vol. 4, "Shelter," Mar./37 - Jan./42. J.W. Somers to A.W. Laver, 14 Apr. 1937. One house which was assessed at \$50 standing (actually leaning) on land valued at \$300, was rented at \$7.00 a month (\$84 a year). The *Globe and Mail* ran a front page photo of this house,

after being evicted, in addition to 48 families facing imminent displacement from condemned houses, forcing the DPW to establish a residence for evicted families.⁷² In one instance, a family of 13, which had been on relief since 1933, was forced to live in three rented rooms while they tried to find suitable accommodation.⁷³ In whose interest the new payment scheme operated was clearly open to debate.

Capitalism's Welfare: Feeding Labor, Feeding Capital

When asked to defend his opposition to consecutive rental payments, Tolchard pointed out that landlords were pushing for consecutive payments on the basis that they deserved the same benefit as shopkeepers supplying relief recipients. Without a trace of irony, Tolchard conceded that shopkeepers receiving regular patronage from relief recipients may benefit more than landlords, but that was only because "an unemployed person cannot be allowed to starve."⁷⁴ In fact, Toronto's shopkeepers, like Toronto's landlords, organized and campaigned to secure financial benefits from the emergent welfare state.

In the first few years of the Depression, all food relief was administered through the publicly funded, but privately administered, House of Industry. Through this

identifying it as a home of a welfare recipient, and complaining that the city was paying too much. Albert and Irene Hall, who made this tenement their home, had been off relief longer than they had been on it, with Mr. Hall finding odd jobs on a regular basis. The house was found to be impeccably clean by the welfare inspectors.

72 *Ibid.*, Heron to A.W. Laver, 12 May 1938; A.W. Laver to The Rev. Mother Superior, Sisters of St. John the Divine, 2 Jun., 1937.

73 *Ibid.*, Heron to A.W. Laver, 29 Jan. 1941.

74 *Ibid.*, Box 119, File 11, Vol. 1, "Shelter," Nov./33 - Mar./34, The Emergency Loan Committee to Wm. Stewart and the Members of the Board of Control, 25 Jun. 1934.

institution, the City provided the lowest quantity and the lowest quality of food deemed necessary to sustain the recipient.⁷⁵ In the early 1930s, milk was only given to children on the order of a doctor “when the evidence before him indicates that *serious* under-nourishment exists or is threatened.”⁷⁶ A similar requisition from a doctor was needed if mothers were to receive milk or special diets. If recipients complained about the food provided, their wives received paternal instruction on proper cooking techniques and were assisted reading the book of recipes provided by the House of Industry.

While relief recipients struggled with inadequate relief allowances, businesses in Toronto angled to have their products supplied to relief recipients. The Ontario Honey Producers Co-Operative succeeded in having its “beekist” honey included on the grocery list on the basis that it employed 40 Torontonians.⁷⁷ Similarly, the Canada and Dominion Sugar Company (Redpath and Dominion Crystal) secured contracts with the House of Industry for their locally produced beet sugar.⁷⁸ The success of food commodity producers in persuading the House of Industry to purchase their products annoyed small grocers who had carried so many relief recipients on credit; they protested that direct purchase arrangements excluded them from a share of relief business.⁷⁹ In November 1931, Aldermen Leslie and Baker forwarded a motion that would have given cash

75 *Ibid.*, Box 135, File 2, Vol. 1. “Food,” Oct./31 - Oct./32, “Supplementary Supplies From the House of Industry,” n.d.

76 *Ibid.*

77 *Ibid.*, The Ontario Honey Producers Co-operative to City Clerk, 25 Nov. 1931.

78 *Ibid.*, Box 135, File 3, Vol. 1. “Food,” Nov./33 - Nov./40, W.J. McGregor, Sec. Tres., Canada and Dominion Sugar Company, to Mayor Stewart, 15 Mar. 1933.

79 *Ibid.*, Box 135, File 2, Vol. 1. “Food,” Oct. 31 - Oct./32, H.W. Scott, Scott’s Groceries, 461 Sackville St. Toronto, to Mayor Stewart, 19 Feb. 1931.

vouchers to relief recipients to be spent at stores in Toronto. Laver supported this proposal for “reliable” recipients arguing that it would pass business back to tax paying store keepers.⁸⁰ In December 1932, Laver and the Board of Control urged that food vouchers be issued to families on relief that could be reimbursed at “a designated merchant in the locality, who has contracted to supply them at an approved price.”⁸¹ The Retail Merchants Association of Canada weighed in with its own proposal to supply relief food at a savings to the City “with a view to protecting the morale of the recipient, the interests of the City and re-establishing consumer contact with the food distributor.”⁸²

Amid a back-drop of inadequate and monotonous diets, the clamor of eager and struggling shopkeepers, and the disclosure that the House of Industry had over-charged the City \$50,000 in 1931 by failing to pass on the rebates it received from suppliers, the “controlled voucher” was introduced in April 1933.⁸³ Vouchers attempted to dispense the minimum quantities of different food groups by stipulating a given quantity of food to be supplied at a prearranged price from participating stores.⁸⁴ The voucher system was

80 *Ibid.*, Box 114, File 48.2.3, Vol. 3, “Care of Aged and Aged Peoples’ Homes - Laughlin Lodge,” Dec./31 - Dec./32, “Memorandum re Distribution of Family Supplies,” 17 Mar. 1932.

81 *Ibid.*, Box 114, File 48.2.3, Vol. 3, “Care of Aged and Aged Peoples’ Homes - Laughlin Lodge,” Dec./31 - Dec./32, “Memorandum for his Worship the Mayor,” 27 Dec. 1932.

82 *Ibid.*, G.S. Hougham, Executive Sec., Ontario Provincial Board, The Retail Merchants’ Association of Canada, to A.W. Laver, 6 Jan. 1933.

83 For a good discussion of the power struggle between Laver and the House of Industry see Allan Bass, “‘Properly Socialized Service’: Unemployment Relief and the Formation of Toronto’s Civic Department of Welfare,” research paper, York University, 1989, copy in Metro Archives Reading Room. A more detailed examination of the House of Industry can be found in Robert Cupido, “Losing Battle: The City of Toronto versus the Great Depression, 1929-1933,” research paper, York University, 1993. I would like to thank Craig Heron for bringing this paper to my attention

84 *Ibid.*, Box 73, File 37.2, Vol. 1. “General Welfare Assistance, Food Allowance,” Aug./33 - July/41, J.W. Somers to A.W. Laver, 30 Nov. 1934.

modified twice before the open voucher was introduced in late 1934, redeemable for a set dollar value of food rather than a set quantity. While the food secured was hardly adequate to begin with, the shift to what was essentially relief cash script exposed recipients to fluctuations in prices, and heightened concerns about meeting the minimum dietary needs of the poor.

These concerns were not new. As early as February 1932 public protest had forced an inquiry into child hunger in Toronto.⁸⁵ Later that same year, the Department of Health undertook an investigation at the urging of the School Board, the Teachers Association, the NWA, the Child Welfare Council, the Trades and Labor Council, and the National Labour Council, surveying eight geographically and socio-economically diverse schools. The survey found instances of malnutrition or anemia in 369 of 7,857 students (4.7%). Further investigation in the homes of these children found that only 40% had adequate diets. The report, however, blamed mothers for 60% of the cases of inadequate diets (citing poor mentality, ignorance, or 'poor habit training'), and concluding that *only* 1.5% of children would actually benefit from an increase in their food intake. The report was used to assure politicians that malnutrition had risen only 1% since 1927.⁸⁶ The levels of food relief provided to Torontonians in 1932 were reproduced in the food guidelines established by the Campbell Report. Wallace Campbell, general manager of

85 *Ibid.*, Box 135, File 2, Vol. 1. "Food," Oct./31 - Oct./32, Margaret S. Gould, Exec. Sec., Child Welfare Council of Toronto, to A.W. Laver, 25 Feb. 1932.

86 *Ibid.*, Vol. 1. "Food," Oct./31 - Oct./32, "Investigation of Adequacy of Diets of Children in Eight Elementary Schools," 26 Oct. 1932. Working Mothers, in fact, were found to provide better nutrition to their children despite limited time and resources. The investigators also found that a lack of skilled employment for the father "relates ... to low earning power and to lack of ability in home and child management."

the Ford Motor Company of Canada, chaired the influential provincial committee (devoid of nutritionists) which set *maximum* food allowances (levels above which the province would not financially contribute).⁸⁷

Despite the constraints imposed on municipal autonomy by the Campbell Report, the City did raise the value of open vouchers to offset the 11% increase in food prices between June 1934 and January 1937: however, the increase was not sufficient to keep up with inflation. The 1937 OMA guidelines for caloric intake (which *were* consulted during the drafting of food schedules) called for an additional 10% over what the City provided. Rather than further increase the value of food relief, the City's Chief Medical Officer undertook a survey of 577 families on relief, and 624 families living on wages, to refute the OMA guidelines. The investigation found that incidences of underweight (20%) and malnutrition (15%) which could be directly traced to an inadequate diet (6%) were nearly identical for both the families of employed men and relief recipients. Instead of lamenting the apparent malnutrition of Toronto's poor and laboring poor, the Chief Medical Officer argued that the findings were "most re-assuring both to our Administration and our citizens at large."⁸⁸ The City cited the absence of an increase in child malnutrition to refuse demands for increased relief allotments, despite a 15% decrease in the value of relief. In 1939 both Laver and Jackson admitted that the diet only covered 85% of recipients' dietary needs, but noted that many wage earners managed to meet only 75% of

87 See James Struthers, *The Limits of Affluence*, 85-98.

88 MA, Welfare, Box 73, File 37.2, Vol. 1. "General Welfare Assistance, Food Allowance," Aug./33 - July/41, G.P. Jackson, Chief Medical Officer, to W.D. Robbins, 10 Aug. 1937.

their dietary needs with their pay cheques.⁸⁹ According to Sir John Boyd Orr, “one of the world’s eminent nutritionists,” Toronto’s relief food allowance represented only 57% of minimum dietary requirements.⁹⁰

The City consistently maintained a level of support that would have prevented starvation and malnutrition in most cases, but which acted as a strong incentive for those on relief to secure employment. Rather than embark on cost-effective distribution (such as a central warehouse and centralized food pick-up or delivery), Welfare Commissioner Laver justified the extra expense by pointing out that the voucher system was a “fixed policy to maintain such trade as far as possible in its usual retail channels.”⁹¹ The welfare state had become directly implicated in the maintenance of business solvency, while the added cost associated with the use of retailers to distribute food to relief recipients was in effect taken from the diet of Toronto’s poor. The contradictions of under-nourishing the poor were manifold. In 1939 Sir John Boyd Orr questioned the economic logic of inadequate diets on the basis of what Jacques Donzelot would later term the poor “social economy” of state intervention:

From the point of view of the State, the adoption of a standard of diet lower than the optimum is uneconomic. It leads to a great amount of preventable disease and ill-health which lay a heavy financial burden on the state and on the public spirited citizens who support hospitals and other charitable organizations. It is probable that an enquiry would show that the cost of bringing a diet adequate for health within the purchasing

89 *Ibid.*, G.P. Jackson, Chief Medical Officer, and A.W. Laver to Mayor R.C. Day and Member of the Board of Control, 24 Oct. 1939.

90 R.W. Lipsett, “Toronto Food Allowance Half of What is Needed,” *Toronto Star*, 23 May 1939.

91 *Ibid.*, Box 16, File 7, Vol. 2. Fuel Supplies, Jan./37 - Dec./37, A.W. Laver to K.S. Gillies, Commissioner of Buildings, Toronto, 4 Nov. 1937.

power of the poorest would be less than the cost of treating the disease and ill-health which would thereby be prevented.⁹²

Private Practice, Public Patients: The Rise of Medical Relief

The specter of malnutrition prompted intervention late in the Depression by a medical community concerned with relief diets; yet Toronto's doctors initially used their collective power to pressure the state into accommodating their interests in the design and implementation of welfare programs.⁹³ Across the country, Dennis Guest points out, doctors expressed interest in medical insurance plans, but failed to come to terms with the state's approach to the problem.⁹⁴ Under the direction of socialist academic Harry Cassidy, British Columbia embarked on a health insurance scheme in 1936, but withdrew the enabling legislation under pressure from the medical profession which opposed the conditions and the fee schedule.⁹⁵ As an alternative, David Naylor points out in his study of medical relief in Winnipeg in the early 1930s, doctors suffering from drastically

92 Sir John Boyd Orr, Aberdeen Scotland, quoted approvingly by Frederick F. Tisdall, M.D., F.R.C.P. (C.), Director of Nutritional Research Laboratories, Hospital for Sick Children, and Department of Pediatrics, University of Toronto, Chairman, Committee on Nutrition, Canadian Medical Association, "Diets Adequate for Health, An Address given to the Welfare Council of Toronto and District, 86 Queen's Park, Toronto," 16 May 1939, copy in MA, Welfare, Box 73, File 37.2, Vol. 1, "General Welfare Assistance, Food Allowance," Aug./33 - July./41.

93 Jacques Donzelot, *The Policing of Families* (New York 1979), 12.

94 Dennis Guest, *The Emergence of Social Security in Canada* (Vancouver 1980), 98-101.

95 Allan Irving, "The Development of a Provincial Welfare State: British Columbia, 1900-1939," in Allan Moscovitch and Jim Albert, eds., *The Benevolent State: The Growth of Welfare in Canada* (Toronto 1987), 167.

declining incomes pushed for payment from the state for treating relief recipients in their homes, rather than having them attend the poor ward at municipally-funded hospitals.⁹⁶

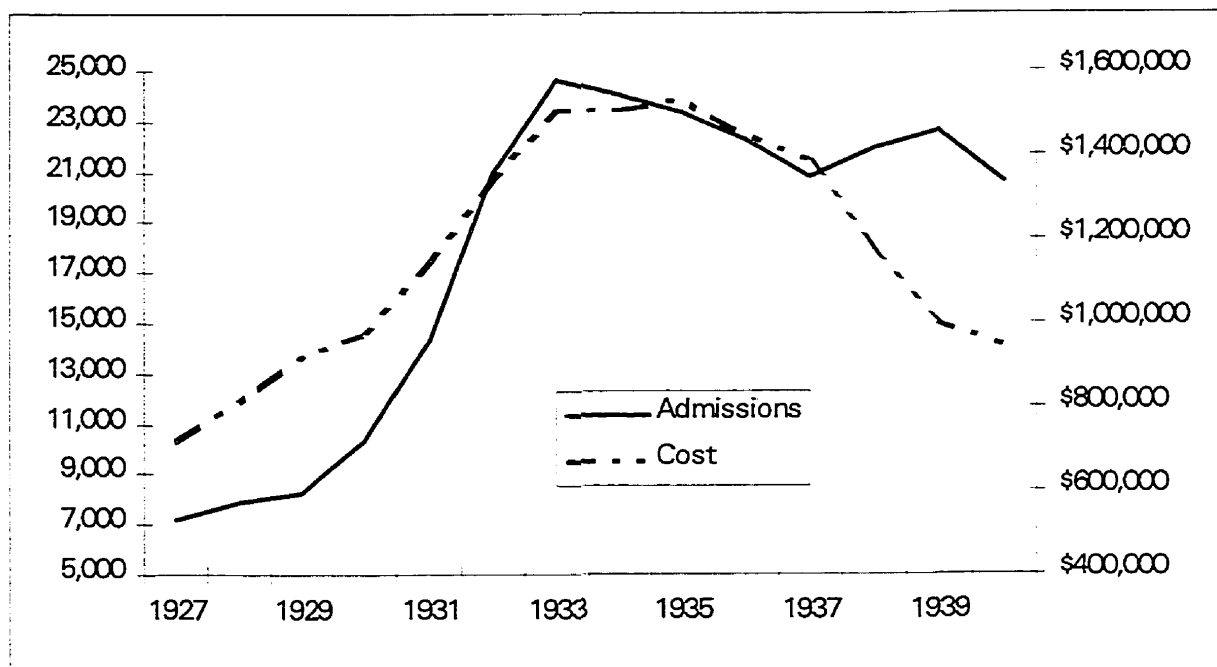
Municipally-supported hospitals were a feature of the Poor Law tradition that Canada inherited from Britain. Ontario established asylums for the poor in the 1830s and greatly expanded the system of hospital 'poor wards' in 1893.⁹⁷ By 1933, however, Toronto's hospitals were overflowing with indigent patients while ten private hospitals went out of business.⁹⁸ Toronto hospitals were treating over 68,000 patients, the majority of whom were on relief.⁹⁹ The following chart depicts the accelerating increase in state expenditure on medical relief and provides an indication of the rapidly escalating number of poor people requiring medical attention.

96 C. David Naylor, "Canada's First Doctor's Strike: Medical Relief in Winnipeg, 1932-4," in Michael Horn, *The Depression in Canada: Responses to Economic Crisis* (Toronto 1988), 102-130.

97 Richard B. Splane, *Social Welfare in Ontario, 1791-1893* (Toronto 1965), 194-213. The Charity Aid Act of 1893 precipitated rapid growth in hospital services for the poor. State subsidies rose from \$32,684 to \$107,312, and the number of patients increased from 3,466 to 12,392 in one year.

98 AO, RG 63, Sub Series 63, Records of the Inspector of Asylums, Prisons and Public Charities, Vol. 741, File 3, A.S. Allan, Assistant Inspector, "Memorandum for A.L. McPherson," 17 Jan. 1933.

99 *Ibid.*, "Statement respecting Public Hospitals in the City of Toronto, Oct. 1/32-Sept. 30/33."

Chart 1B: Admissions and Cost of Medical Services for Relief Recipients in Toronto¹⁰⁰

In January 1933 the provincial government allowed municipalities to admit the cost of paying doctors to care for relief recipients as a sharable expense.¹⁰¹ Cities which participated were allowed to pay doctors 50% of the prevailing fee for services including surgery, home care, and maternity care. Doctors were capped at \$100 per month, effectively eliminating the possibility of having them work full-time for relief patients.¹⁰² The shared cost program was optional and most of the smaller cities in Ontario decided to

¹⁰⁰ Source: MA, Welfare, Box 22, File 10, Vol. 1 "Hospitalization, 1931-Sep./55.

¹⁰¹ MA, Welfare, Box 91, File 46.10, Vol.1, "Medical Assistance, O.H.I.P. Ontario Hospital Insurance," Dec./32 - June/34, A.W. Laver to Wm. J. Stewart, (Mayor) and Members of the Board of Control, 21 Dec. 1932. For a study of hospitals and state subsidized medicine see David Gagan, *'A Necessity Among Us': The Owen Sound General and Marine Hospital, 1891-1985* (Toronto 1990), Ch. 4.

¹⁰² *Ibid.*, "Memorandum Re: Medical Services and Medical Supplies," 29 Dec. 1932.

opt out, fearful of the rush of patients who would seek medical advice from doctors outside of hospitals.¹⁰³

The Toronto Academy of Medicine supported the “medical services clause,” which paid 50% of a physician’s normal fee, on the grounds that many doctors were treating patients on relief for no fees at all.¹⁰⁴ The Academy was instrumental in swaying Toronto politicians in favor of home care, paid according to the clause, and ending the long established practice of hospitalizing the indigent. This was not an easy project. During a meeting between the Toronto Academy of Medicine and the Advisory Committee on Hospitalization in October 1933, Dr. Cameron argued that “the medical men represent the only class that is called upon to give such service without pay.”¹⁰⁵ Mayor Stewart agreed, noting that doctors could well decide to stop treating patients at home for free, and shift the burden to the hospitals, at which point the hospital physicians, now overwhelmed with work, would demand larger salaries. Dr. McDonald claimed that if the clause were not accepted as a way of paying physicians in private practice, “many physicians will have to go on relief.”¹⁰⁶

Controller McBride, at the joint meeting of the powerful Board of Control and the Advisory Committee on Hospitalization tried to reject the proposal and end the meeting, taunting with his suggestion that the City “get all the unemployed doctors and pay them a

103 *Ibid.*, 29 June 1933.

104 *Ibid.*, J.W. Sommers to A.W. Laver, 13 Oct. 1933.

105 *Ibid.*, “Meeting of the Advisory Committee on Hospitalization and Public Welfare, City Hall, Toronto, October 17, 1933 at 10:00.”

106 *Ibid.*

straight salary of \$100 per month and put them to work under Dr. Jackson [head of the Department of Health].”¹⁰⁷ McBride argued that since the City established a provisional fund for paying private practitioners, “thousands of additional families have gone on relief to get a share of this grant.”¹⁰⁸ Fortunately, for both the poor and for medical practitioners, his blustering comments failed to convince the other members of the Board of Control, and a trial period attracted participation from 680 of the 700 doctors in general public practice in Toronto.¹⁰⁹ Toronto’s Welfare Department was the first to take up the provincial offer to pay the cost of doctor’s fees.¹¹⁰

In early 1935 the Ontario government considered abandoning medical relief due to the escalating costs and the lack of consistency and control. The Ontario Medical Association (OMA) quickly stepped in and offered to run the program. In March 1935 the province cut a deal with the OMA to pay the association 25 cents per month for each relief recipient. The fund was to compensate doctors and druggists for their services. Every person on relief was entitled to seek medical attention from any doctor.¹¹¹ By

107 “Meeting of the Advisory Committee on Hospitalization and Public Welfare in Conjunction with the Board of Control Meeting, City Hall, Toronto, November 22, 1933 at 2:30,” in MA, Welfare, Box 91, File 46.10, Vol.1, “Medical Assistance, O.H.I.P. Ontario Hospital Insurance,” Dec./32 - June/34.

108 *Ibid.*

109 Doctors were burdened with the paper work of proving their claim, many finding that their bills to the City mysteriously depreciated. Following quickly upon the success of the doctors, the Toronto Association of Osteopathic Physicians (Chiropractors) asked to be included in the same provisions, but failed.

110 AO, RG 63-63, Vol. 742, File 4, B.T. McGhie, Acting Deputy Minister of Hospitals to J.M. Robb, 9 Mar. 1934.

111 MA, Welfare, Box 87, File 46.03, Vol.1, “Social Work, Government of Ontario,” Sep./32 - Mar./37. D.B. Harkness, Acting Secretary, Unemployment Relief Branch, Department of Public Welfare, “Memorandum: Provisions of Order in Council Relating to Medical Services and Medical Supplies for Persons in Receipt of Relief in the Municipalities of the Province,” 1 March, 1935, MA, Welfare, Box 87, File 46.03, Vol.1, “Social Work, Government of Ontario,” Sep./32 - Mar./37.

1937, after some readjustment, the OMA was firmly in charge of administering publicly funded medical relief in Ontario.¹¹²

Toronto's pharmacists tailed the medical profession into seeking state funds for their professional services. Initially doctors were allowed an additional 12.5% of their relief billings to cover the cost of prescriptions; however, Toronto's 400 druggists approached Laver demanding that all drugs for relief recipients be procured from druggists, rather than through physicians.¹¹³ They complained that the doctors were making a profit from the drugs they prescribed, depriving them of much needed business (particularly since their loss of the liquor trade to the state liquor monopoly) and offered a savings to the City as part of a plan that would "give the Druggist the business which rightfully belongs to him and, thus, keep trade in its usual and proper channels."¹¹⁴ They pointed to the practice in Ottawa, Pennsylvania, the National Health Insurance Plan of England, and the recommendations of the League of Nations, which followed plans similar to the one they were suggesting, stressing their professional status and the 5,000 people that were employed by druggists in Toronto.¹¹⁵

Laver opposed this move because the 12.5% cap on physicians' billings for prescriptions effectively controlled expenditure. The pharmacists were not deterred and pushed ahead with a plan to provide "relief medicine" at a reduced rate in return for

112 MA, Welfare, Box 91, File 46.10, Vol.3, "Medical Assistance, O.H.I.P. Ontario Hospital Insurance," July/37 - Dec./42, C.W. Kelley to Dear Doctors, 12 Mar. 1941.

113 *Ibid.*, Box 91, File 46.10, Vol.1, "Medical Assistance, O.H.I.P. Ontario Hospital Insurance," Dec./32 - June/34, J.W. Somers to A.W. Laver, 17 May 1934.

114 *Ibid.*, Mr. Jacobs, Ontario Retail Druggists Association to A.W. Laver, 10 April 1934.

115 *Ibid.*, Mr. Jacobs, Ontario Retail Druggists Association to Mayor & Controllers, 16 May 1934.

having all relief business directed to them.¹¹⁶ The druggists eventually succeeded in securing the relief drug business. In February 1937 the province required each municipality to make monthly payments of 6 cents per relief recipient into a fund in support of the Ontario Retail Druggists Association.¹¹⁷ The system appears to have been maintained until March 1941, when the Association withdrew from the plan following complaints that physicians were over-prescribing, with the extra cost being covered by pharmacists.¹¹⁸

Dentistry and Optometry

The move to state-sponsored dental care was less successful than the move to medical relief. In April 1932, the provincial government refused to provide funds to establish dental clinics in large hospitals, despite an offer from the Dental Association of Ontario to procure dentists to work for free (provided the Province paid for material).¹¹⁹ In January 1934, the City of Toronto added dental care to its roster of services available to relief recipients. The Board of Health and the Department of Welfare opened a dental clinic in co-operation with the Academy of Dentistry in the heart of the then strike-plagued garment district. Many relief recipients also went to the Toronto Western

116 *Ibid.*, J.W. Preston, Sec. Tres., Toronto Retail Druggists Association, to A.W. Laver, 15 June 1934.

117 Provincial Order-In-Council dated February 27, 1937, copy in *Ibid.*, Box 87, File 46.03, Vol.1, "Social Work, Government of Ontario," Sep./32 - Mar./37.

118 MA, Welfare, Box 91, File 46.10, Vol. 3, "Medical Assistance, O.H.I.P. Ontario Hospital Insurance," July/37 - Dec./42, C.W. Kelley to Dear Doctors, 12 March 1941.

119 *Ibid.*, Box 34, File 15, Vol. 1, "Glasses, Prosthetics, Dentures, Etc.," A.W. Laver to Dr. James Cotton, M.D., 10 Jan. 1934.

Hospital, on Bathurst Street, to have denture work done. The hospital covered the surgical cost of extraction, while various philanthropic organizations, or the recipients themselves, paid a reduced rate for the dentures.¹²⁰ In December 1937 the City assumed responsibility for paying hospitals and dentists for fitting relief recipients with dentures. It was not until 1940 that the provincial government funded dental care for relief recipients; even then, the payments were limited to the extraction of infected or aching teeth, and repairs to dentures.¹²¹

The provision of eye-glasses to relief recipients proved to be a contentious issue for the City of Toronto. Initially the Optometrical Association of Ontario offered a free clinic at its offices on St. George St., including examination, glasses, and orthoptic treatment when necessary.¹²² In 1935 the Association complained that the demand had become burdensome and requested a municipal grant. The City, however, had been running its own system for supplying eye glasses.¹²³ Initially they sent relief recipients to different opticians but eventually sent all of their clients to the Imperial Optical Company, which offered glasses at a cut rate.¹²⁴

The Association of Opticians, representing a number of small practitioners, wanted to compete for its share of the relief eye-glass business. In a communication to the

120 *Ibid.*

121 *Ibid.*, Box 92, File 46.10.2, Vol.1, "Medical Assistance, O.H.I.P. Ontario Hospital Insurance, Dental Services," Jan./40 - Nov./66. "Emergency Dental Treatment for Relief Recipients," 1 Jan. 1940.

122 *Ibid.*, Box 34, File 15, Vol. 1, "Glasses, Prosthetics, Dentures, Etc.," Edward Bind, Secretary, the Ontario Optometrical Association of Ontario, to A.W. Laver, 20 Oct. 1934.

123 *Ibid.*, Edward Bind, Sec. The Optometrical Association of Ontario, to A.W. Laver, 30 Mar. 1935.

124 *Ibid.*, L.P. to George Scott, Public Welfare Dept, 3 Apr. 1935.

Department of Public Welfare it charged that “people on relief were sent by your department to an optical firm with a none too savory reputation, with headquarters in Chicago, who have been convicted several times for infringements of the Ontario Optometry Act.”¹²⁵ While the Optometrical Association was compiling its price list, the major glass wholesalers were submitting bids to acquire part of the relief market. Oblivious to the fiscal constraints, and the succession of low bids made by wholesalers, the Optometrical Association submitted a high bid, backed by a resolution from its members opposing the DPW’s use of “wholesale houses to have prescriptions filled and glasses fitted.”¹²⁶

As the competition for relief business heated up among opticians, the Sterling Optical Company submitted a bid only slightly higher than the newly depreciated wholesale price but argued that it was “the only union shop recognized by the Trades and Labor Congress in Canada.”¹²⁷ Sterling Optical was the only shop unionized after a bitter strike in November 1935 against all seven of Toronto’s optical companies.¹²⁸ Sterling Optical enjoyed the support of Alderman R. H. Saunders who repeated the company’s claim that they should get relief business because they were a union shop.¹²⁹ Mr. F. Stanley, the Secretary of Local No. 422, Optical Workers Union, wrote the Board of

125 *Ibid.*, Edward Bind, Sec. The Optometrical Association of Ontario, to A.W. Laver, 30 March 1935.

126 *Ibid.*, Edward Blind to A.W. Laver, 29 Aug 1935.

127 *Ibid.*, U.C. Gibson, Sterling Optical Company, Toronto, to Capt. Heron, DPW, 3 Mar. 1936.

128 NAC, Labour, RG 27, Strikes and Lockouts File, Vol. 371 (174) Opticians and Mechanics, Nov. 1935 (MNF T-2981).

129 *Ibid.*, Walter Strurly Sterling Optical Company, Toronto, to Mr. Scott, Dept of Public Welfare, 26 Mar. 1936.

Control in support of his employer, demanding to know why “the only firm in the City employing full [union] help ... does not receive any of the relief optical business from the Department of Public Welfare.” The Toronto District Labor Council weighed in behind its members and the Sterling Optical Company, alleging in a letter to the Mayor and Laver that “the optical work that is needed by those recipients of Public Welfare ... is being done by firms that do not conform to the Municipal Shop Fair Wage Clause of the City of Toronto,” and demanded that Laver “be instructed” to purchase all optical goods from firms adhering to the fair wage clause.¹³⁰

The letters seem to have had the effect of bringing attention to the issue of union shops, although Laver got out of hot water by lying to the Mayor, claiming that he had never received a solicitation from the Sterling Optical Company.¹³¹ The end result was a call by the Mayor for sealed tenders, to close on September 15, 1936. The tenders were as follows:

	Sterling Optical	J.O. McArthur	Imperial Optical	Optometrical Ass'n
single vision with frame and case	\$3.25	\$3.00	\$3.50	\$3.00
bifocal with frame and case	\$6.25	\$6.00	\$7.00	\$6.00
single no frame	\$2.50	\$2.50	\$2.50	\$2.25
bifocal no frame	\$5.50	\$5.00	\$6.00	\$5.25

130 *Ibid.*, J.W. Buckley, Sec. Toronto District Labor Council, to Mayor S. Mc Bride; 25 July 1936, and J.W. Buckley, Sec. Toronto District Labor Council, to Laver, 25 July 1936.

131 *Ibid.*, A.W. Laver to Samuel Mc Bride, 29 Jul. 1936.

The Optometrical Association had in fact not submitted a sealed bid, but had made a deputation, supported by Alderman Conroy, to the Board of Control. It was enough to win the game, and all relief patients for their members. The Board justified its decision on the basis that the Association's prices were low (one wonders if this was rigged because its prices were submitted the day the tenders were opened) and because "this business would be made available to all qualified licensed optometrists."¹³² Eight months later, the number of relief patients demanding glasses exceeded the supply of funds set aside by the City. All of the effort expended to acquire an eye-glass supplier while people went without proper eye care, once again, demonstrates the relationship between the mode of assistance and accessibility.¹³³

Conclusion: Social Reproduction and Economic Destabilization

The growth of the local welfare state as a patchwork of segmented private agencies was gradually brought under the direction, and then largely displaced, by the City's Department of Public Welfare. Allotments of food and clothing and rent relief remained inadequate, but distribution became more consistent between different segments of the poor. New programs were introduced that improved the lives of Toronto's poor,

132 *Ibid.*, Deputy Commissioner to Samuel McBride, Mayor, Chairman of the Board of Control, 29 Sep. 1936.

133 *Ibid.*, H.S. Cooper, Sec. The Board of Examiners in Optometry, to A.W. Laver, 22 Mar. 1937, citing an article in the *Toronto Star*, 17 Mar. 1937, reporting a relief recipient's attempts to get a pair of glasses. Toronto in fact lagged behind other municipalities which had passed resolutions to furnish glasses to school age and pre-school age children who were members of families on relief.

and blurred the material boundaries between the working poor and relief recipients. Medical and dental relief were locally initiated and administered programs which held the potential to off-set the meager provision of food and shelter and to undo the ideological commitment to less eligibility. The success of Toronto's professionals, however, compounded the contradictions of the local welfare state. The unemployed were still compelled to seek work in order to supplement their below-subsistence food allowance and inadequate rental allowance, yet had access to services, such as medicine, that the working poor simply could not afford.

The relationship between capital, the professions (as entrepreneurs) and the state was structured by two distinct features of Toronto's welfare system: partial relief for working men and government purchases of goods and services for welfare recipients. Food distribution under Toronto's emerging welfare scheme was designed to provide assistance to the many small businesses which relied upon workers' ever shrinking purchasing power. Rent relief was designed to allow landlords a steady flow of payments with which to service their mortgages and pay taxes, while doctors, druggists, and optometrists shared a reliance upon the state for survival during the Great Depression. The stated policy of keeping trade in its usual channels is an overt example of the relationship between the welfare state and the reproduction of the social and economic relations of capitalism.

The importance of state-sponsored welfare reached beyond its impact upon the City's poor and unemployed. Relief administration opened space for an unprecedented

intrusion into the internal dynamic of the working-class family, and highlighted concerns about juvenile delinquency. These topics are addressed in the following two chapters.

Chapter Two

Love, Law and Poverty: Toronto's Family Crisis, 1929-1940

Carol Smart, addressing broad questions about the family in the English context, has argued that the state began to regulate and supervise marriage as it assumed economic responsibility for society's poor through social welfare measures.¹ Toronto's municipal welfare state emerged at the same time that Toronto's Family Court was becoming established by reformers who desired a specialized institution closely tied to the burgeoning field of social work. Social workers and Court officials sought to use the intrusive and coercive power of this institution for "the moral-political regulation of the dependent and working poor," — a project which at one level strove to compel working-class families to comply with middle-class notions of proper family form and function (consistent with the well known "cult of domesticity").² Dorothy Chunn, drawing upon

1 Carol Smart, "Regulating Families or Legitimizing Patriarchy? Family Law in Britain," *International Journal of the Sociology of Law*, Vol. 10 (1982), 131. Smart locates this transformation in England during the post-W.W.II period and highlights a possible interpretation of the operation, if not the emergence, of Family Court in Toronto. Also see Eli Zaretsky, "Family in the Origins of the Welfare State," in Barrie Thorne and Marilyn Yalom, eds., *Rethinking the Family: Some Feminist Questions* (New York 1982), 188-224. Zaretsky works in broad strokes, but draws upon the role of organized labor in the process of constructing welfare programs.

2 Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario 1880-1940* (Toronto 1992), 20, 172-73. Chunn explains the Court's development as the culmination of ad hoc government arrangements influenced by certain key personalities. The role of maternal feminists, affiliated with three political parties, forms the basis of her analysis of the development of Family Courts in British Columbia. Dorothy Chunn, "'Just Plain Everyday Housekeeping on a Grand Scale': Feminists, Family Courts, and the Welfare State in British Columbia," in Louis A. Knafle and Susan W.S. Binnie ed., *Law, Society and the State: Essays in Modern Legal History* (Toronto 1995), 379-404.

the theoretical insights of Donzelot and Garland, and using official Family Court reports, has argued that family courts were developed to “rehabilitate” “marginal populations.”³

The Family Court’s attempt to ‘rescue’ or fortify the family, and discipline ‘marginal populations,’ was partially driven by middle-class fear of a break-down in social order during the 1930s. Judge R. S. Hoskins, active in Toronto’s Family Court, voiced the concerns of many social workers when he warned of the forces threatening the family and society:

These are days in which some people are seeking to undermine family life. Many new ideas are being advocated which would do away with married life. Such ideas as compassionate marriage, unfaithfulness to the marriage vow, easy divorces, [and] state control of children are being openly advocated. It is a hopeful sign that the government creates a new Court whose purpose and function is to preserve and safeguard family life. The creation of the new Court is a public and thorough-going answer to those critics of family life. Far from accepting these ill considered ideas many of which were advocated as long ago as the days of Plato the government through the Attorney General boldly asserts its faith in the value and usefulness of this unit of society which is as old as society itself. Through the years the family has ever proven itself as the most successful method of developing character and rearing children. We must preserve this group at all costs for in safeguarding it we safeguard the very heart and life of society.⁴

A ‘crisis of the family’ can probably be uncovered in most historical eras, so there is no reason to believe that family dysfunction (desertion, infidelity, physical abuse, and drunkenness) was more prevalent in the 1930s than during the 1920s or 1940s. The

3 Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario 1880-1940* (Toronto 1992), 20, 172-73. Chunn uses the terms ‘marginal populations’ with ‘working and dependent poor’ and ‘deviant and dependent’ interchangeably, and in a very circular manner. She defines marginal populations as “those strata of people in Western market societies who historically have been perceived as a potential threat to social order because they will not or cannot adhere to bourgeois norms and who are thus targeted for reform measures — criminal justice, mental health, welfare — aimed at coercing compliance.”(205) See Jacques Donzelot, *The Policing of Families* (New York 1979); D. Garland, “The Birth of the Welfare Sanction,” *British Journal of Law and Society* Vol. 8 (Summer 1981), 29-45.

Family Court initially felt that the Depression of the 1930s actually reduced desertion rates and signaled a ‘definite swing back to the accepted standards of morality and family life.’⁵ In her work on family violence in Boston between 1880 and 1960, Linda Gordon found “no evidence of over-all escalation of family violence” in the 1930s and noted significant continuities between this decade of depression and other periods. Poverty, which spread rapidly in the first four years of the Depression, did play a significant role in domestic abuse, but more important was the ‘discovery’ of certain types of dysfunctional behavior by social workers fixated on the relationship between unemployment, poverty and family crisis.⁶ This trajectory explains in part the emergence of significant national programs, such as unemployment insurance and family allowance during the Second World War, programs that Cynthia Comacchio terms the “most unequivocal entry by the Canadian state into the sphere of social reproduction.”⁷

The purpose here is to explore the material contours of the family in the Great Depression, not to revisit the interplay of therapeutic and punitive discourses in the making of the Family Court, already accomplished by Dorothy Chunn. While Chunn’s work is an admirable and important exploration of the development of a powerful structure, Cynthia Comacchio has critiqued Chunn, noting that her focus on the

4 Judge R. S. Hoskins, Deputy Judge, The Juvenile Court, Toronto Ontario, “The Family Court,” *Child and Family Welfare*, Vol. 8, No. 1 (May 1932), 27, 35.

5 Quoted in Dorothy Chunn, *From Punishment to Doing Good*, 179.

6 Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York 1988), 146.

7 Cynthia Comacchio, “Families Face the ‘Wall of Blank Negation’: The Great Depression,” ms. draft, ch. 4, *The Infinite Bonds: Canadian Families, 1867-1940* (Toronto: University of Toronto Press, forthcoming 1999), 176.

institutional, legal and intellectual side of the Court's history fails to address the ways in which people experienced and navigated family crisis and state intervention.⁸ In order to probe the unwritten history of the people who came into contact with the Family Court, this chapter is based on evidence from the occurrence files generated for each family that came before the Family Court. These records are numerous and rich in narrative detail. Roughly 20,000 case file numbers are listed for the 1929-1939 period.⁹ Each number represents the history of a family and contains documentation of one to dozens of incidents (sometimes stretching over three decades) in which the Court was called upon to intervene or mediate. From 1929-1934 there were approximately 10,000 new cases within the Court system, with an apparent increase in the number of cases in 1932-34, as single or deserted mothers with children were directed to the Family Court before they were granted relief. From 1935-1939 there were approximately 2,000 new cases within the Court system each year. Approximately 40% of the total number of cases from 1929-1939 were preserved.(See Appendix 2A) 1,257 of these cases were sampled in proportion to the yearly rate of occurrence in order to construct a case file data base for the purpose of identifying the ethnicity, nationality, age, socio-economic position, and the types of problems that brought these families to Court. Even this large volume of records does not indicate the extent of family crisis in the 1930s. According to Family Court Judge Mott,

8 Cynthia Comacchio, "Another Brick in the Wall: Towards a History of the Welfare State," *left history* Vol. 1, No. 1 (Spring/Summer 1993), 103-8.

9 The case file numbers have been coded in this study, and all of the names have been changed to protect privacy.

10,000 people came to the Court each year to “be interviewed and to receive help without any Court action.”¹⁰

The degree to which Court records reflect actual material conditions or the perspectives and priorities of Court officials and social workers has been raised by Linda Gordon in her work on domestic violence in Boston.¹¹ When social workers perceive certain types of problems to be associated with certain conditions, their concerns may direct questions, or result in more extensive documentation of particular problems. In the 1930s, social workers were pre-occupied with unemployment and poverty and often invoked economic explanations for dysfunction. The ability of probation officers to construct both deviance and normalcy undoubtedly had an affect upon the evidence. I have not attempted to make any broad claims about increases in family dysfunction during the 1930s (partly because the records are ‘tainted’ by social workers and probation officers), but one can not help but be struck by the magnitude of family crisis. Regardless of how distorted the perspective may have been, family problems were wide-spread and played a part in everything from welfare administration and labor organization, to the way unemployment and poverty (or employment and affluence) were experienced.

A larger problem, particularly for the purpose of extracting and analyzing data, are the inconsistencies in the entries by the Court probation officers who took the initial complaint, and later interviewed the family. Categories as simple as age, date of birth,

10 Judge H.S. Mott, “The Juvenile Court in Crime Prevention,” *Child and Family Welfare*, Vol. 9, No. 4 (Nov. 1933), 46.

11 Linda Gordon, *Heroes of their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960* (New York 1988), 146-9, 301-306.

nationality and religion, were sometimes inaccurately entered. This happened with all types of clients, but seemed to occur more frequently with non-British immigrants.¹²

Sometimes the listed occupation of the husband was inaccurate, imprecise, or contradictory, (changing although the employment had not).¹³ The occupation of 'housewife' was often listed for women even though subsequent documentation clearly indicated work for wages. Income data is equally imprecise in many cases.¹⁴

Not only are the records less than reliable as a source for the identity, occupation and income of those involved, the nature of the problems which caused family difficulties were often contradictory and unclear. A man who was abusive to his wife, short of physical assault, might be "trying to get her to leave home and then not support her" because if she left "voluntarily" her claim upon support would be greatly weakened.¹⁵ People could also be deceptive and manipulative in telling their stories to the Court. A man or a woman could accuse a spouse of seeing a lover as a cover for their own acts of

12 A man described as a Russian in 1930 was listed by another probation officer as Polish in 1931, or a Protestant later "became" Greek Orthodox. People who were listed as single at the time of marriage sometimes turned out to be widowed in subsequent records while widows and widowers occasionally turned out to be bigamists. Illegitimate children, or children of previous marriages, were not always entered, and adult children were inconsistently entered.

13 For example, the designation of chauffeur, truck driver, milk company or bread company employee, and salesman were alternately used to designate a delivery truck driver. Similarly, an operator could be a switchboard operator or someone who ran a machine in a factory.

14 This was not always the fault of the probation officer; husbands and wives would often report different occupations and earnings for each other, and sometimes they would be concealing income from each other and/or the Department of Welfare. (Many wives did not know what their husband earned, and some did not even know what their husband did for a living. When files contain additional entries (such as letters to the Court) these facts could be sorted out.)

15 AO, RG 22-5836, Ontario Provincial Court, Family Division (York), General Case files, 1931-1939, file 26,543.

infidelity.¹⁶ People were also fairly uncomfortable in disclosing the full extent of family problems during an initial interview. In cases in which the couple made repeated use of the Court, a pattern of increased disclosure is evident. An initial complaint of bad temper would become a complaint of physical abuse or assault, or a complaint of non-support would become a complaint of habitual drunkenness. This could be evidence of an escalation of conflict, or increasing confidence in the Court on the part of victims.

Despite the problems associated with the records of the Family Court, they provide insight into the history of poor and working-class families in Toronto in the 1930s, and offer an interesting supplement to a large and developed literature on the family that spans national contexts and academic disciplines.¹⁷ A broad impression of family crisis can be constructed from the records of the family Court, and an indication of trends, shaped by the concerns of the Court officers and the agency of the complainants, rather than a definitive representation of material conditions, emerges. The rich records of the Family Court could be used for various historical projects. My purpose here is to

16 Mr. L, for example, accused his wife of seeing another man during an interview with a probation officer. Mrs. L admitted to having a male friend but strenuously denied any sexual impropriety. With the wife cautioned, and her character formally brought into question, the matter appeared resolved, but a few months later the wife's 18 year old sister, who had been staying with them, began to show her pregnancy, and admitted that she and her sister's husband had planned to run away and live together. AO, Family Court, file 34,535.

17 For an overview of some of the literature on the family see Emily M. Nett, "Canadian Families in Socio-historical Perspective," in Bonnie Fox, *Family Bonds and Gender Divisions: Readings in the Sociology of the Family* (Toronto 1988), 125-154; Sheila Kieran, *The Family Matters: Two Centuries of Family Law in Ontario* (Toronto 1986); Bettina Bradbury, *Working Families: Age, Gender, and Daily Survival in Industrializing Montreal* (Toronto 1993). For a general historical overview of the American family and the state see Stephanie Coontz, *The Way We Never Were: American Families and the Nostalgia Trap* (New York 1992), esp. 122-148. For a very readable sociological investigation of white working class families in 1970s America see Lillian Breslow Rubin, *Worlds of Pain: Life in the Working-Class Family* (New York 1976). Also see Michele Barret and Mary McIntosh, *The Anti-Social Family* (London 1982).

chart the nature of family dysfunction and address the relationship between the family, work and welfare. The following chapter presents statistical data and qualitative evidence to demonstrate that the nationality, ethnicity, and religion of Toronto's families were not, for the most part, causally related to family crisis and dysfunction, although poverty and unemployment conditioned the way family crisis was experienced.

The emergence of a municipal welfare state, in particular, had a profound influence upon the operation of 'socialized justice' in Toronto, and conditioned both the meaning and effect of state intervention in the family. Almost all forms of family dysfunction, including wife assault, were 'managed' by the Court in an effort to keep the family together and to control escalating welfare costs associated with family breakdown.¹⁸ Men and women did not, however, submit passively to the Court's coercion; often they used the Court for their own purposes or removed themselves from its control. The Court did exert an influence upon many families during the 1930s, but it did not effectively punish deviants, prevent family break up, or secure adequate financial support for women and children. Consequently, 'family problems' continued to be 'social problems' that had an immense influence upon the texture of poverty, family survival strategies, and male and female participation in waged labor and union struggles.

18 Dorothy Chunn attributes the project of family reconstitution solely to the intense familialism of the Court rooted in middle-class notions of family cohesion. Dorothy Chunn, *From Punishment to Doing Good*, 175.

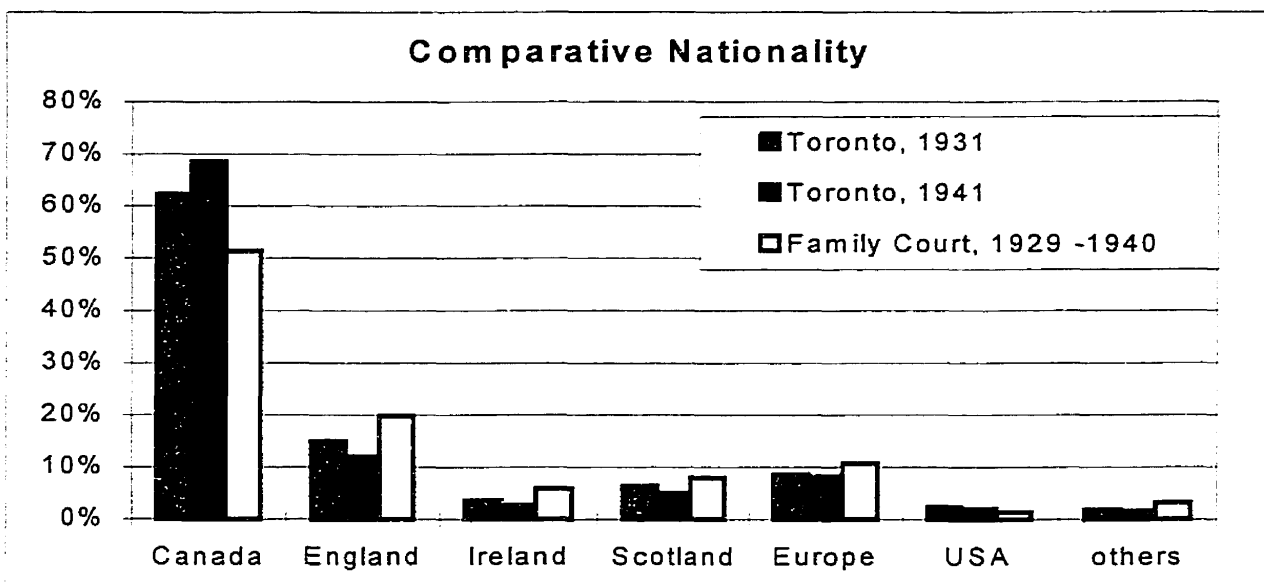
Nationality, Religion, and Age in the Construction of Family Dysfunction

The Court often seized upon “racial” or religious difference to explain marital disharmony. In summarizing the difficult marriage between a Bulgarian man and a Scottish woman, the probation officer noted, “it appears that owing to them being of different races that this has a decided effect on their home life.” While race was invoked for its explanatory value, there is little evidence in the case files to demonstrate how mixed ‘race’ marriages caused problems. In the previously cited case the officer failed to emphasize other factors, such as the couple’s pregnancy hastening marriage and the presence of two children from a previous union, factors that were probably more consequential to their difficulties.¹⁹

Race did play a role in the way the Court viewed clients, but its actions do not betray any overt consequences of this racism. No evidence suggests that ‘mixed race’ couples received different treatment from the Court, although a spouse could invoke racial stereotypes in an attempt to garner sympathy.²⁰ The Court’s attention to the issue of “mixed marriage” is curious in light of the fact that the nationality of those in Family Court was very similar to that of the population of Toronto, with a notable under-representation of native born Canadians, and a slightly disproportionate number of English, Irish, Scottish and European nationals.

19 AO, Family Court, file 38,972.

20 AO, Family Court, file 22,986. Mrs. W., an Irish Catholic who suffered terribly in a second marriage to a German Protestant, appealed to the Court’s sense of racial stereotypes: “in the German code the wife is just a door mat for the man to clean his feet on.” Her first marriage was also ‘mixed,’ but she lamented the death of her first husband, who was a “good decent Italian” from Venice.

Chart 2A: National Origin and the Family Court²¹

Although 12% of all couples in Family Court were of different faiths, religion only surfaced on a few occasions as the cause of marital strife.²² Religious tensions would sometimes emerge within the strained environment of couples who were forced (or obliged) to co-habitat with parents. The Court records contain several examples of parents attempting to drive their son or daughter's spouse from the house because they

21 Source: *Census of Canada*, 1931 Vol. 3, p. 756; 1941, Vol. 3, pp. 719, 721; Family Court data base compiled by author.

22 The case of Walter and Edith stands out as one of the few examples of religious beliefs dividing a family. 'Happily' married for many years, Walter and Edith split-up after she become involved with an evangelical group. Walter felt that her new found religious devotion was getting in the way of her domestic duties. Edith eventually moved in with her elderly parents, leaving the children with her husband, only to return after a few tumultuous weeks. The ensuing domestic power struggle centered around home responsibilities, proper child care, and charges that she deserted him and, while triggered by religious difference, turned on domestic inconvenience. Walter was the owner of a garage in 1929 but soon fell from petite bourgeois standing to driving a truck. Edith worked as a dress maker for \$6.00 a week. In another case of religious hostility, an unemployed Protestant laborer who fought endlessly with his wife to prevent their eleven children from going to her Catholic church,

were of a different faith. The parents of a 22-year-old Jewish sign painter refused to let his Protestant wife live with them because it was a “mixed marriage forced by pregnancy,” successfully splitting up the young couple. Similarly, a 22 year old Protestant woman had to run away from home because her parents threatened to kill her when they found out she was going to marry a Catholic.²³

Comparable in some ways to religious differences, incompatible politics were occasionally cited as a cause for marital stress. During one interview the probation officer noted that “Mr. W was at one time communistic but is now a Fascist. Mrs. W. however has not changed and this is cause for friction.”²⁴ Politics could also be invoked by spouses in an attempts to win the Court’s support. The wife of a steadily employed dress designer complained to the probation officer that “her husband has communistic ideas and this is all he talks about at home, [and] she is sick and tired of it.”²⁵ Another husband, employed as a unionized fur worker, had to defend both himself and his union from his wife’s charges of communism.²⁶

The left-wing political affiliations of victims could also be invoked as a defense against charges of abuse. Mr. C, a Polish Catholic working as a dish washer at the Royal York Hotel, countered his wife’s complaint of assault with an assertion that “most of the

repeatedly told them that “Priests of the Church are whore masters.” AO, Family Court, files 27,557, 27,790.

23 AO, Family Court, file 28,611.

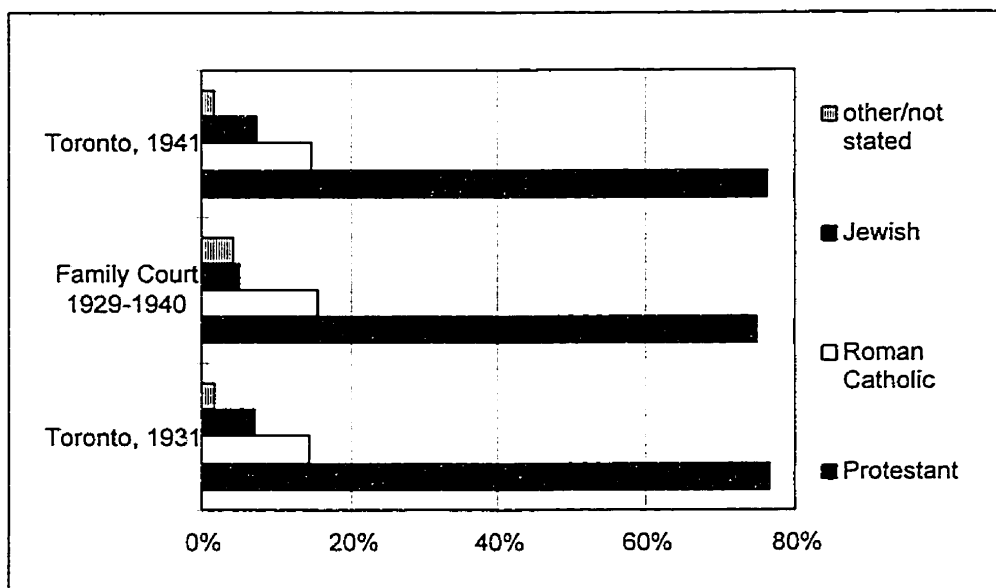
24 AO, Family Court, file 27,444.

25 AO, Family Court, file 26,829.

26 AO, Family Court, file 38,964. He acknowledged belonging to a union but denied it was ‘communistic.’ He claimed as evidence the fact that he lived in his bosses house as a roomer at a discounted rate.

trouble arose out of wife attending communistic meetings, leaving him to attend to the children when he should be sleeping.” Mr. P refused to pay support payments unless his wife stopped using ‘his’ money to “buy gasoline for Bolsheviks.”²⁷

Chart 2B: Comparison of Religious Affiliation as a Percentage of Population²⁸



Age was the most important demographic factor directly associated with familial instability. When dealing with young couples it was not uncommon for probation officers to comment that “they have absolutely no conception of what married life means.”²⁹ The following chart shows that both men and women in Family Court were significantly younger than the general married population of Toronto. Incidents of all types of discord were more common among younger couples. This can be partially attributed to the fact

27 AO, Family Court, file 36,843, 28,759, letter to wife, 16 Jan. 1934.

28 Source: *Census of Canada*, 1931, Vol. 3, p. 140-141; Family Court data base compiled by author.

29 AO, Family Court, file 34,483, Mrs. Mayhew, 10 Feb. 1936.

that younger couples tended to earn significantly less than older couples, and were the first to be affected by economic decline, but also evident was a sense that young nuptials were missing out on something.³⁰ One 21 year old stonecutter with three children told his probation officer that “he married too young and wants to see other women and live a little.” This feeling, not limited only to men and not always based on a desire for sexual adventure, could rapidly become an ugly resentment of married life, as it was with the stonecutter, who returned to his wife after being named as a co-defendant in a divorce case, only to make the family’s life a general misery by periodically smashing up the home while passing through a string of lovers.³¹

Women could also feel a longing for adventure when they married too young. The following letter from a young sailor portrays poignantly how physical separation prompted his wife’s youthful adventure and ended their marriage.

In 1932, I being a sailor at that time had a very poor season on the boats and consequently my wife and I were on relief the following winter in Victoria Harbour, along with my mother and Dad. The following Spring I got a job on the boat and my wife and I resolved not to be on relief the following winter. Therefore I sent a small sum of \$15 every two weeks to my wife and the balance of my pay to my mother to put in the bank for me. I soon learned that my wife was spending money in another town with other young people and living off my parents relief voucher. Then she would write and berate me for not sending her enough. I reproached her considerably and tried to explain things to her but it was of no use. She finally threatened to leave me and go to Toronto with her sister who had left her husband and children some time previous. I became really exasperated and wrote telling her to get out and do better some place else. She stayed however and accepted my money until 2 months later

30 For a discussion of the relationship between family age and income in America see Stephanie Coontz, *The Way We Never Were: American Families and the Nostalgia Trap* (New York 1992), 261-2.

31 AO, Family Court, file 26,349. For an interesting study of the emergence of dating, with unfortunately underdeveloped notions of class-based sexuality, see John Modell, “Dating Becomes the Way of American Youth,” in David Levine *et al.*, eds., *Essays on the Family and Historical Change* (Arlington, Texas 1983), 91-126.

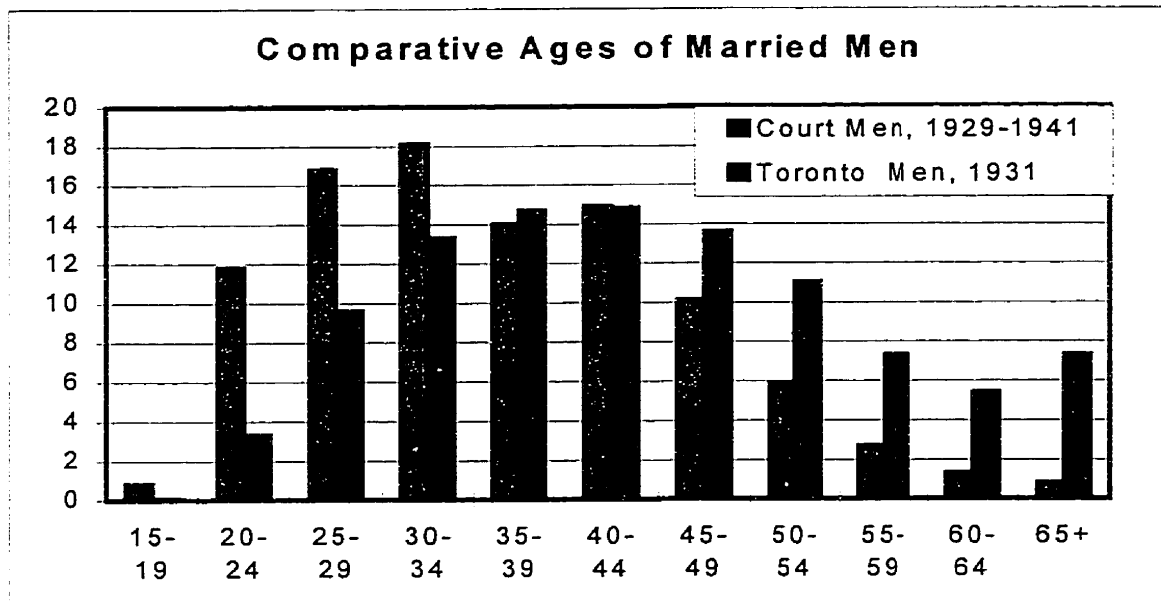
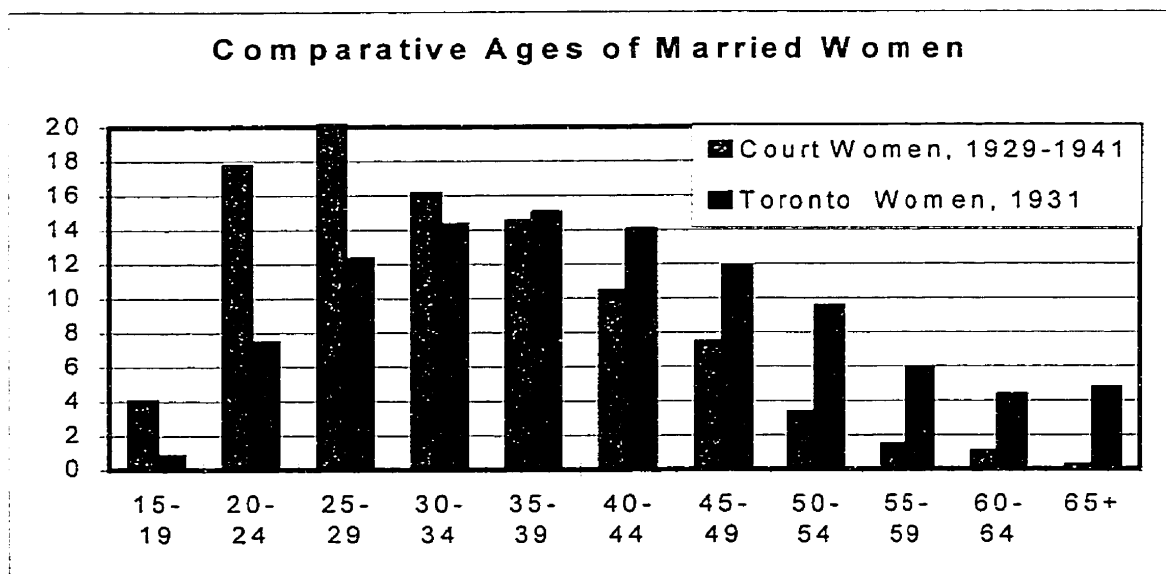
when my ship was almost due to lay up and then she left my home and went to Toronto with her sister and two men in a car.³²

Young couples also appear more likely to have married due to an unplanned pregnancy, the outcome of which was often desertion and non-support or abuse. Sixteen year old mother and wife Emma was deserted by her 19 year old husband eight weeks after the birth of her child. For 19 year old Helen, pregnancy and marriage translated into living with her parents after only two weeks with her 19 year old husband. Young women could procure abortions, as did Mary G., but she still married and was then abandoned by her 'delinquent' husband.³³ Many young couples did stay together (or re-united after periods of separation), proving that the social, economic and legal bonds of marriage, could stretch across decades of abandonment, abuse and cruelty. An unplanned pregnancy drove 19 year-old Irene to marry 24 year old Ted in 1930, and marked the beginning of her 25 year history of physical abuse.³⁴

32 AO, Family Court, file 30,549.

33 For a history of birth control see Angus McLaren and Arlene Tigar McLaren, *The Bedroom and the State: The Changing Practices and Politics of Contraception and Abortion in Canada, 1880-1980* (Toronto 1986).

34 AO, Family Court, files 28,444, 28,469, 28,977, 28,116.

Chart 2C: Ages of Married Men as % of Total Married Male Population³⁵Chart 2D: Ages of Married Women as % of Total Married Female Population³⁶

35 Source: *Census of Canada*, 1931 Vol. 3, p. 140-141; Family Court data base compiled by author.

36 Source: *Census of Canada*, 1931 Vol. 3, p. 140-141; Family Court data base compiled by author.

The Conflation of Family Income and Family Crisis

You know how the love of a clean and honest man for a virtuous woman has been jeopardized through the failure to solve our pressing economic problems.³⁷

Most social workers focused upon poverty and unemployment as a cause of family crisis. Joan Keagey, of the Toronto Neighborhood Workers' Association, conducted a survey of low wage families seeking assistance in 1937 and concluded that "continual friction is almost inevitable when people have to live under such a strain; nerves will not stand the pressure and adults become irritable and unreasonable."³⁸ Unemployment, as an issue separate from poverty, was viewed as equally devastating to marital bliss. Marjorie Moore, a probation officer in Toronto Family Court, argued that the psychological toll of unemployment was a tremendous burden, particularly for women:

The wife feels she is bearing the major part of the burden and does not understand why her husband cannot secure a job — she is sure he is not trying very hard. He can not understand her lack of sympathy and his morale has weakened. It is the man or women who has not adjusted himself or herself to the new state of things that is apt to deviate from normal conduct.³⁹

37 AO, Family Court, file 28,759, to Mrs. Mayhew, 18 Jan. 1934.

38 Joan Keagey, "Low Wages and Family Relief, What Responsibility Should the Private Agency Assume for our Low Wage Families," *Child and Family Welfare*, Vol. 8, No. 1 (May 1937), 20.

39 Marjorie Moore, "Treatment Without Operating," *Child and Family Welfare*, Vol. 9, No. 6 (Mar. 1934), 45.

According to a study commissioned by the Canadian Youth Commission, a father's "position at the head of the family," was "a position always threatened and sometimes lost during the years in which he went without work," and led to family strife.⁴⁰

Despite the caution historians need to exercise in using the observations of social workers, many marriages did appear to simply fall apart under the psychological and financial strain of male unemployment. Mr. B, a laborer, was "happily married" until 1930 when he lost his job and his wife became 'dissatisfied' with him. A Jewish salesman deserted his family in 1937 for 3 months because he had become "increasingly irritable and despondent [over his] continual unemployment."⁴¹ A Court probation officer noted in reference to an unemployed furrier and his wife, that "there is no domestic trouble between them, but owing to economic conditions they have been forced to separate."⁴² In reference to another couple, the probation officer noted that "the real cause of the trouble between he and his wife is the unemployment situation. Man says that he would work if he could get work but he has been unable to get work."⁴³ Yet another couple on relief quarreled endlessly over unemployment until the husband packed up his work tools and went looking for a job, pledging/threatening not to return until he found one. He never came back.⁴⁴

40 The Canadian Youth Commission, *Youth, Marriage and the Family* (Toronto [1948]), 37.

41 AO, Family Court, file 23,058, M. Mayhew, Toronto Family Court Adult Division, 17 June 1940.

42 AO, Family Court, file 26,446, Netterfield notes, 11 Jan. 1933.

43 AO, Family Court, file 26, 242, M. Mayhew notes, 29 Oct. 1930, "woman admitted that he did not drink and he lived a quiet life."

44 AO, Family Court, file 41,054, 25,661. The Court was very sympathetic to unemployed men, but on occasion they saw unemployment as a personal failing. A probation officer told one unemployed

Often couples were compelled to move in with one of their parents (sometimes in order to contribute to their support) when work was scarce. Sharing space with in-laws could precipitate conflicts that culminated in separation. One wife simply refused to follow her husband to his family's home because "she can not get along with his mother."⁴⁵ Another young couple, married in 1928, moved in with his mother when he lost his job as a laborer in 1929, but conflict between the mother and daughter-in-law (compounded by his unemployment) drove her to leave. In yet another case, the wife of a truck driver refused to leave the home of her mother where they lived (possibly because they were helping to support her), and the husband simply left on his own. If the marriage was already rife with antagonisms, sharing a house with in-laws could make life unbearable. Mrs. M was not given adequate food for herself and her two children because her husband wanted to "starve her out" of his mother's house. "His mother and grandmother were urging him on."⁴⁶ Toronto's policy of providing rent only every second month (prior to 1934) forced families out of their own homes and into shared accommodation with relatives, a trend reflected in Toronto's rising vacancy rate in the early 1930s.

The Court connected poverty, low wages and unemployment with familial distress manifest in incidents of abuse, drunkenness, neglect, non-support, desertion and

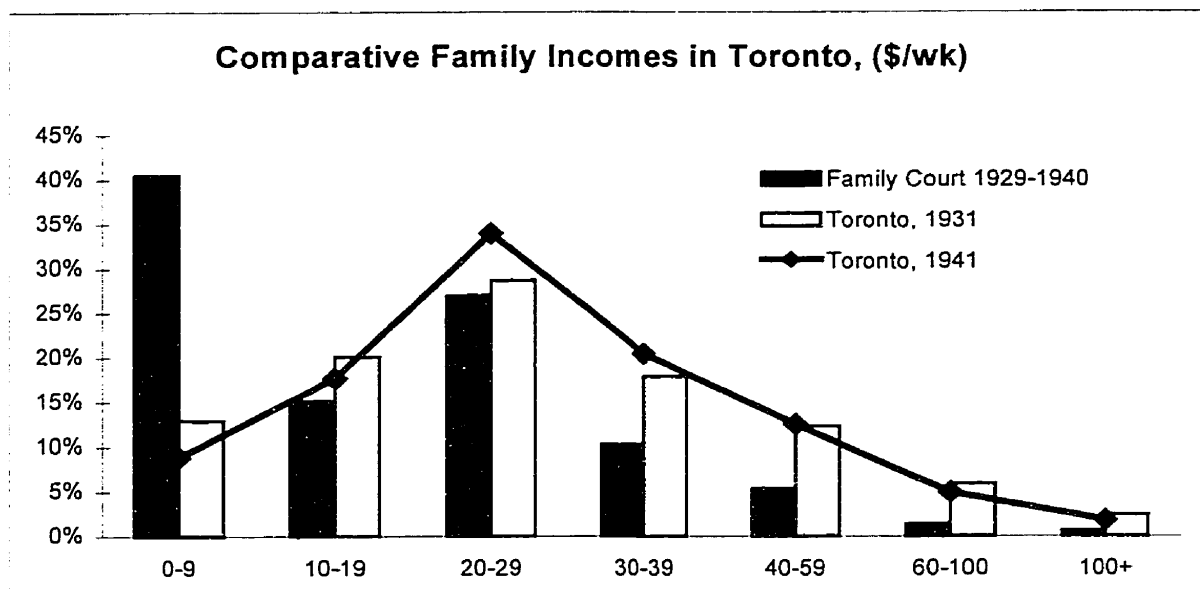
truck driver to "get out early instead of loafing around in the house and street," so that "he would find work of some kind."

45 AO, Family Court, files 34,659.

46 AO, Family Court, files 25,839; 25,043; 30,787. For a feminist analysis of the strained relations between mothers and their daughters in-law, see Pamela Cotterill, *Friendly Relations?: Mothers and their Daughters-in-Law* (London 1994).

separation. The following chart compares the income of Toronto's population in 1931 and 1941 with the income of families that were involved with the Court from 1929 to 1940. The figures indicate that poor and working-class families took, or were compelled to take, their problems to Family Court more frequently than non-working class families.⁴⁷

Chart 2E: Distribution of Family Income in Toronto as % of Total Population (\$/week)⁴⁸



The poor were over-represented in Court because the wives of poor and unemployed men were *required* to lodge a formal complaint with the Court as a pre-condition for receiving relief in place of the male family head. If a woman was deserted

47 These families were not “invariably from the lower social strata,” as the Family Court officials seemed to indicate in the reports relied upon by Dorothy Chunn in *From Punishment to Doing Good*, 20, 172-73.

48 Source: *Census of Canada*, 1931, Vol. 5, 722-724; 1941, Vol. 5, 604; Family Court data base compiled by author.

by her husband, or he was drinking and could not be bothered to go to the House of Industry for supplies, she would have to explain why she was applying for relief and assuming his paternal role. A letter from the Family Court became a necessary route to relief provisions for these women. At the same time that poor women were economically compelled to bring their family problems before the Court, middle-class and wealthy families had recourse to lawyers, private separation agreements, divorce courts and extended family resources that shielded them from 'socialized justice.'⁴⁹ These factors skewed the demographics of the Family Court toward the poor and re-inforced the Court's impression that economically marginal families experienced dysfunction.

The Family Court also faced formidable obstacles in regulating 'respectable' families because the legal and social construction of family support had such a low threshold. A man was required to provide food, shelter, and clothing, but he could not be forced to provide these according to his financial ability. More than one wife put a knife through the tires of her husband's cherished automobile on an empty stomach, including the author of the following letter.

Could you please take time to give me some information in regards to bringing up my children. 1st can a man have three cars in succession in about four years time and pay \$48.00 and \$40.00 a month according to agreement when his wife and family have no clothes. 2) can he spend all his money he makes on himself and go to ball games and not provide car fare or recreation money for his wife? 3) Does a woman have to carry water from the kitchen to the cellar to wash five people because the gas meter is taken out and strain herself and ruin her health while a man can sit in a car and pay 20.00 for gas, 10.00 for repairing and 5.00 for another item out of 45.00 and keep his children from church from want of clothes? 4) Does a woman have to cook food on a coal stove in May and wait for him to bring it home because it is cheaper to do that. If he forgets

49 Many working class families did make use of divorce legislation after 1930, but the numbers continued to be small because of the expense. For a history of divorce legislation in Canada see James G. Snell, *In the Shadow of the Law: Divorce in Canada, 1900-1939* (Toronto 1991).

to come home the children do not eat. 5) does a woman have to work all the time and never get out for air and be expected to do with \$20.00 for clothes in 1 year.⁵⁰

The technical (indeed legal) limits on male prerogatives were few. In some instances the probation officers drew up a budget or negotiated for the husband to pay his wife a set amount through Family Court, but they couldn't make him pay the gas bill or the rent, and they couldn't stop him from driving his car. Selfish men could be found in all income brackets, and abuse, drunkenness, and infidelity were not solely the prerogatives of the poor, yet the consequences and texture of family crisis were shaped by a family's socio-economic position. The internal dynamics of families, however, was contradictory, both diminishing and increasing the material consequences of class difference.

Uncovering Dysfunction: Types of Family Crisis

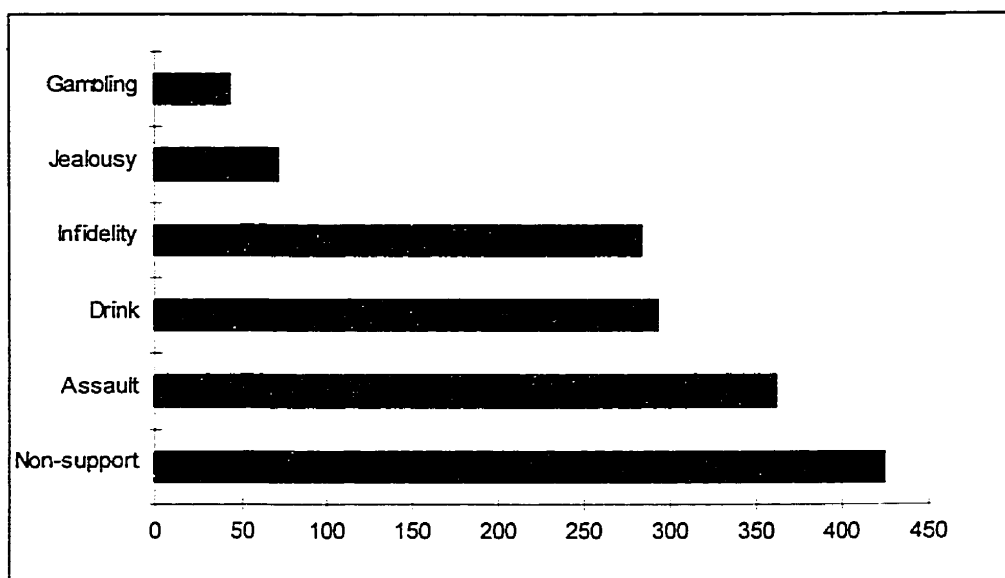
All happy families resemble each other, each unhappy family is unhappy in its own way. (Leo Tolstoy, *Anna Karenina*)

Families fell apart for a wide variety of reasons, but the major problems that emerged in the Family Court records were wife assault, drinking, infidelity, jealousy, gambling and non-support. These categories of dysfunction were used extensively by the Court's probation officers in their efforts to map and manage family break-down, yet their

50 AO, Family Court, file 25,854, 26,044.

findings need to be approached with caution. Linda Gordon has argued convincingly that social workers' perceptions change in response to each era's particular concerns, and any statistical evidence drawn from their reports would reflect their sensibilities as much as the actual material conditions of their clients. However, Gordon still finds that trends and connections can be extracted from court records. The social workers' construction of poverty and unemployment as the cause of domestic violence, neglect, and drinking in the 1930s exposes lived material conditions, and points to the complex relationship between different types of family dysfunction.⁵¹

51 Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York 1988), 149. There are numerous American studies of the effects of poverty and unemployment on families and children undertaken during the Great Depression. Robert Cooley Angell, *The Family Encounters the Depression* (Glouster Mass. 1965 [1936]), examines/constructs different family 'types' (ranging from "highly integrated, highly adaptable" to "unintegrated, unadaptable"), and was a highly influential study in the 1930s and 1940s. A much better study which surveys the literature, and critically appraises various methodologies and sources (including Court records) as well as presenting findings is Samuel A Stouffer and Paul F. Lazarsfeld, *Research Memorandum on the Family in the Depression* (New York 1937). Ruth Shonle Cavan and Katherine Howland Ranck, *The Family and the Depression: A Study of One Hundred Chicago Families* (Freeport, N.Y. 1969 [1938]) is based on interviews of 100 families in 1934-5 who were known to Illinois Institute for Juvenile Research in 1929. The study borrows heavily on Angell's perspective (organized and unorganized, adaptable, unadaptable etc.). They conclude, as does Angell, that the family as a unit adapted to the depression in direct relation to its structure and internal dynamics. This seems to contradict those, such as Linda Gordon, who argue that social workers focused exclusively upon economic causes for family dysfunction in the 1930s.

Chart 2F: Causes of Family Court Occurrence Reports: Toronto 1929-1940⁵²

The Court's focus upon the 'symptoms' of poverty and unemployment provides an entree into particular family dynamics in the 1930s, and the court records present a chronicle of the events which wives and husbands brought to the Court's attention. The chart above provides an indication of the relative frequency of different problems in Toronto's families, but it should be stressed that only rarely did any one problem occur in isolation from others. Almost half of the assault complaints, for example, also involved a history of excessive alcohol consumption. The categories used by probation officers on

52 These figures are extracted from my data base of 1,257 case files. Each file can contain reference to more than one difficulty, and most often wives (and less frequently husbands) had multiple complaints. Of those formally charged in Court, non-support ranks behind 'contributing to the delinquency of a minor' with assault a distant third. Charges, however, bear no relation to the occurrence rate of different problems. See Dorothy Chunn, *From Punishment to Doing Good*, 178. Chunn also uses the method adopted (and figures provided) by the Family Court itself, to present the occurrence of different problems based upon the amount of complaints received each year (not related to actual charges). The categories used in the official reports, however, are unclear and conflict with the intake sheets used by probation officers, and include juvenile assault cases in the assault totals, rendering the figures of dubious value.

their printed forms also reflected the Court's concern with actions that destabilized the family unit and made it economically vulnerable. The following two sub-sections sketch out the character of the different categories of dysfunction that the Court focused upon, and examines the issue of non-support and the ineffectual remedies that the Court offered to economically vulnerable spouses.

Domestic Violence, Alcoholism, Gambling, and Infidelity

On April 9th about 9:30 a.m. Walter Eley, age 50 years, shot and killed Ada La Brash, age 40 years, in a room at 65 1/2 Sydenham Street, where they had been living, then turned the weapon on himself, with fatal consequences. It appears that they had been living as man and wife, and he had been out of work. The woman was found in bed, shot through the back with a 12-gauge double barreled shot-gun. Eley, after shooting the woman, sat on the floor and, placing the gun against his chest, used a piece of a fishing-rod by pressing it against the trigger in order to discharge the second barrel. The motive for the shooting was that the woman had threatened to leave.⁵³

Few women were actually murdered by their spouses in Toronto during the 1930s, but many were threatened, intimidated, and beaten. Assault was part of 381 of the 1,257 Family Court occurrence files surveyed for this study.⁵⁴ Although women occasionally

53 Annual Police Commissioner's Report (1930), p.4, in Police Archives, City of Toronto.

54 This figure is probably a gross understatement of the extent of wife abuse. For studies of wife assault see Annalee E. Gölz, "'If a Man's Wife Does Not Obey Him, What Can He Do?': Marital Breakdown and Wife Abuse in Late Nineteenth-Century and Early Twentieth-Century Ontario," in Louis A. Knafla and Susan W.S. Binnie, *Law, Society and the State: Essays in Modern Legal History* (Toronto 1995), 323-350; Kathryn Harvey, "'To Love Honour and Obey': Wife Battering in Working-Class Montreal, 1869-1879," *Urban History Review*, 19, 2 (1990), 128-40; Terry L. Chapman, "'Til Death Do Us Part': Wife Beating in Alberta, 1905-1920," 36, 4 *Alberta History* (1988), 13-22; Judith Fingard, "The Prevention of Cruelty, Marriage Breakdown and the Rights of Wives in Nova Scotia, 1880-1900," Vol. 22, No. 2 *Acadiensis* (1993), 84-101; Anna Clark, "Humanity of Justice? Wife Beating and the Law in the Eighteenth and Nineteenth Centuries," in Carol Smart, ed., *Regulating Womanhood: Historical Essays on Marriage, Motherhood and Sexuality* (London 1992), 187-206; Elizabeth Pleck, "The Whipping Post for Wife Beaters, 1876-1906," in David Levine *et al*, eds., *Essays in the Family and Historical Change* (Arlington, Texas 1983), 127-150; Maeve E. Doggett, *Marriage, Wife-beating and the Law in Victorian England* (London 1992). For a contemporary

used overt physical force against their mates, the overwhelming majority of cases involved violence by men against women.⁵⁵ Physical violence by men against their wives rarely resulted in formal charges or a hearing before a judge. Perhaps, as was asserted by probation officers, it was hoped that the complaint process itself would end physical abuse. The wife of a self employed barber told the Court that her husband became abusive and sometimes assaulted her when they argued about money for food or clothing, but whenever she lodged a complaint with the Family Court he would be more accommodating and refrain from striking her for a while after. At other times, however, a husband would respond to a wife's visit to the Court by boldly telling the probation officer that "he should give his wife another beating for complaining."⁵⁶

Unchecked male violence physically endangered women, but probation officers were more concerned that abuse would jeopardize the continued integrity of the family unit. As one adolescent child explained in a submission to the Court, "It is impossible for me to say or write about all the terrible trouble my mother went through with my father but the general idea is that he threatened her life and even cut her hand at one time. He

consideration of domestic violence see Mariana Valverde, Linda MacLeod, Kirsten Johnson, eds., *Wife Assault and the Canadian Criminal Justice System: Issues and Policies* (Toronto 1995); Rebecca Dobash and Russell Dobash, "The Violent Event," in Bonnie Fox, *Family Bonds and Gender Divisions: Readings in the Sociology of the Family* (Toronto 1988), 499-515.

55 Mrs. T, for example, gave her husband "two black eyes because she claimed that when he looked up and down the street to see if it was clear for traveling, that he was looking for another woman." Other women eventually turned to violence after years of abuse, such as Karen, who finally fought back with a bread knife and a pot of boiling water after enduring physical abuse for eight year at the hands of her unemployed alcoholic husband. Both of these women were part of a very small minority of wives (1.3%) who were reported to have assaulted their husbands. AO, Family Court, file 34,483, 25,209.

56 AO, Family Court, file 25,650, 27, 334.

beat her so many times that she's afraid to live with him any more."⁵⁷ Rather than reforming, punishing, or separating male abusers from their spouses, the Court attempted to bring couples back together, usually turning to the wife to accept some of the blame for prompting his abuse (nagging etc.), and looking to external factors that had prompted the violence.

Alcohol has long been associated with marital difficulties, including spouse abuse, child abuse, job loss, and poverty, and was a natural co-defendant in many domestic confrontations. The popular image of a 'raging drunk' assaulting his wife may have occurred often enough to justify the connection between alcohol and brutality, but alcohol also related to family violence in less direct (and more class specific) ways. Linda Gordon has identified a relationship between domestic abuse and alcohol springing from family struggles over the allocation of scarce economic resources.⁵⁸ The financial cost of alcohol consumption would have put a tremendous strain upon a limited working-class budget (beer cost 90 cents for 6 pints, and \$1.50 for 6 quarts, when sales were legalized in 1934).⁵⁹ Sometimes the link between alcohol, money and abuse was painfully obvious.

57 AO, Family Court, file 36653, Son to the Court, n.d. [1937].

58 Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York 1988), 264-7. Ellen Ross makes a similar argument in *Love and Toil: Motherhood in Outcast London, 1870-1918* (New York 1993), 42-44. For a contemporary consideration of the role of alcohol that conflicts with the arguments of Gordon, see Stuart D. Johnson, Lorne Gibson and Rick Linden, "Alcohol as a Contributing Factor in Forcible Rape," in Robert A. Silverman and James J. Teevan Jr., *Crime in Canadian Society* (Toronto 1980), 290-7. For an analysis of the various perceptions and constructions of the causal relationship between alcohol, job loss, wife abuse, poverty, slums, vagrancy, degradation and family dysfunction, see Mariana Valverde, *The Age of Light Soap and Water: Moral Reform in English Canada, 1885-1925* (Toronto 1991), esp. 133.

59 Alcohol was a highly restricted substance in Ontario until 1927 when the government ended prohibition and began a system of state-controlled liquor distribution. Liquor sales and outlets grew at a rapid pace until 1931, when rising unemployment caused sales to drop by \$6,000,000. Some of this decline may have been voluntary restraint, but a large part of the decrease was the result of

Mary told the Court that she was beaten every time she reproached her husband for drinking the food money.⁶⁰ Another woman, the wife of a tinsmith who worked for a neon sign company, at \$6 a week, and supplemented his income by working as an usher at night in a theater for \$6 more a week, repeatedly lodged complaints in Family Court because her husband spent his usher income on drink and the family had to go to the House of Industry for food and supplies.⁶¹

Despite the threat that alcoholism posed to the financial well-being of the family and the physical safety of women, the Court rarely acted. The wife of an abusive alcoholic teamster (working for Eatons) sought a separation, and support for the children, but was persuaded to stay with her husband, and drop her formal charges by Court probation officers. Women themselves were often reluctant to press formal charges, and turned to the Court to warn their husbands rather than punish them. Janice was concerned that her husband's drinking would jeopardize his job, but worried that he would be fired

government regulations requiring relief recipients to surrender their liquor permits. The decline likely overstates the temperance of the poor, for determined individuals could frequent speakeasies, gambling dens where liquor was served (the *Toronto Star* alleged that 500 speakeasies, selling untaxed liquor, were operating in downtown Toronto in 1932) or purchase liquor from taxi drivers (who were probably desperate to make a few extra dollars given their low wages). The Annual Report from the Police Chief of Toronto (1931), p. 18. The rate of forfeits increased by 50% in 1931, as 18,000 people lost the right to buy alcohol. The following year, Police Chief Draper observed that liquor offenses had declined dramatically because "many persons are unable to purchase liquor permits." The Annual Report from the Police Chief of Toronto (1932), p.21. Ian Drummond, *Progress Without Planning: The Economic History of Ontario from Confederation to the Second World War* (Toronto 1987), 297. Prior to the legalization of liquor consumption, speakeasies apparently flourished in Toronto. See Randall White, *Too Good to Be True: Toronto in the 1920s* (Toronto 1993), 162-3. Despite the availability of alcohol, many poor drunks resorted to other alcoholic substances. In 1929 the state suspected that over 59% of the rubbing alcohol (65% 'over proof') sold was consumed by poor alcoholics. Ministry of the Attorney General, AO, AG, RG 4-32, 1929 - 1117, Liquor Control Board to W.H. Price, Attorney General, 6 Feb. 1929. AO, OPP Records, RG 23, series E-97, file 1.26; *Toronto Star*, 27 Feb. 1932; AO, AG, RG 4-32, 1934 - 814.

60 AO, Family Court, file 26,044. Although he was eventually formally charged and imprisoned, his wife had strenuously objected to the charges for fear that he would lose his job at the *Toronto Star*.

if he was formally charged. Two years later, when he was dismissed (and responded by drinking more frequently), she complained to the Court but absolutely refused to cooperate in the laying of charges because “his aged mother in Scotland would never forgive her if she were the means of him getting a jail sentence,” and “the children would feel very keenly the fact that their father might go to jail.”⁶²

If employment (and family ties) shielded men from charges of wife assault and drunkenness, unemployment provided an excuse that social workers could readily focus upon.

Mr. H is a blacksmith by trade and has kept a shop ... Like all crafts that was a factor in the horse and wagon transportation some years ago, all obsolete today, and mechanics such as wagon makers, horse shoers are unable to secure employment in their vocation, the result is too much time on their hands which usually leads to drink, which I think has been the cause of their trouble ... Mrs. H says he is kind to her when he isn't drinking, but when under the influence of liquor, he beats her and takes what money he gets his hands on to buy liquor. I told him he must go out every day and look for work and stop drinking.

The lesson, one which would not have been missed by wives, was that unemployed working-class men with too much time on their hands drank and beat their wives, and the solution lay in finding employment.

Gambling also posed a social and financial threat to the family unit and was also related to domestic violence. A steadily employed husband who turned to gambling and drinking after the birth of his third child provided little support for his family, and responded to his wife's pleading with physical assault.⁶³ Unlike alcohol consumption,

61 AO, Family Court, file 22,982.

62 AO, Family Court, file 23,144, 26,104.

63 AO, Family Court, file 23, 238.

gambling remained an illegal activity in Ontario for the duration of the 1930s and beyond. Perhaps its popularity increased among workers who were demoralized by their lack of opportunity and turned to gambling in hope of “a lucky break.”⁶⁴

Evidence from various sources points to the existence of a vibrant gambling industry thriving in conjunction with speakeasies and organized crime in Toronto. The City’s oldest gaming houses were located in Toronto’s small but cohesive Chinatown, ran six days a week, 18 hours a day, employed 54 operators, and were “patronized 50% by Canadian men and women, 35% by Chinese people and 15% by Negroes and other of a miscellaneous character.”⁶⁵ A host of large scale casino-like gambling establishments were located on Toronto’s western border, along the Humber River.⁶⁶

The National Sporting Club, located near the Humber, was

very often crowded by young men, some of them not out of their teens, made up of bank clerks, office boys and from stores, in fact all walks in life, working on a weekly salary, where they often lose their week’s wages. They come in the next week and the same thing happens again, being already in the hole and hoping to get out of it they borrow money and come back again, gamble and loose what they borrow.⁶⁷

The neighboring Brown Derby was well equipped with card tables, off-track betting, telephone banks and a radio system. In response to growing police pre-occupation with

64 There is no evidence to suggest that gambling grew during the 1930s, however, Thorsten Sellin, *Research Memorandum on Crime in the Great Depression* (New York 1937), 115, argued many believed that gambling became more popular.

65 AO, AG, RG 4-32 - 1331. Apparently the operator earned several thousand dollars each week. “These places act as the centers of the narcotic drug trade and as distributing headquarters and also as places harboring the most degraded of criminals.”

66 “Gambling Houses,” *Thunderer*, 31 Oct. 1931, p. 9, copy in AO, AG, RG 4-32, 1929 - 512 - prosecution of the editor of the *Thunderer*.

67 AO, AG, RG 4-32, 1933 - 1253, National Sports Club as gambling den, R.C. to G.S. Henry, Premier of Ontario; 25 Apr. 1933.

gambling and consequent raids, large gambling establishments turned into fortresses, protected by numerous doors “controlled by a man in a lookout cage, which was of steel construction and bullet-proof.”⁶⁸ The doors delayed the police long enough for patrons to escape through a tunnel that exited behind a high fence to the rear of the property.⁶⁹

Despite police interest in suppressing illegal betting, gambling rooms probably sprouted up throughout Toronto. One Italian gangster ran games from his speakeasy at the Chicory Inn (complete with a live band) and intimidated cab drivers into steering customers his way.⁷⁰ Adults might also chance across a game of craps being played on the sidewalks and parks of working-class neighborhoods by children:

An insurance man, carrying a heavy leaguer, came along. He was young and well dressed. Soon he was on his knee shooting craps with the boys and arguing just like one of them. He stayed fifteen minutes and lost about a dollar to a fourteen-year-old lad, then he left.⁷¹

While children might occasionally make a few dollars on a ‘floating’ game of craps, the fortunes of working-class families afflicted with a gambling father saw their fortunes rise and fall on the roll of the dice, or the run of a horse. While men were sometimes charged if they were found in a raided gambling establishment, the Courts did very little to

68 AO, AG, RG 4-32, 1938 - 303, I.A. Humphries, Deputy Attorney General to the Attorney General, 2 Sep. 1938.

69 Those employed in gambling ventures seemed little different from the working-class as a whole. A defense lawyer argued that “today that there are many men so desperate to get a job, that they will take a position anywhere where they will be paid for it. Remember all these men have families, and you cannot really blame them ... I know that if I was out of work, and somebody offered me a position in a betting house, I would be the first one to snatch at it.” One employee was an Ex-RCMP officer who had ten medals from the war, but took the job because “he was starving.” AO, AG, RG 4-32, 1938 - 303 gaming house Rex V. L_ et al, ‘Evidence,’ p.237.

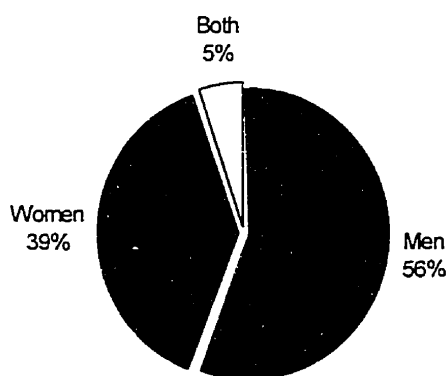
70 AO, OPP, RG 23, series A-2, file 1.10, Memorandum, 1 Aug. 1930.

71 Kenneth H. Rogers, *Street Gangs in Toronto: A Study of the Forgotten Boy* (Toronto 1945), 6-11.

censure gambling fathers. On occasion they might contact an employer and arrange to have earnings paid directly to the wife, but this could only be done with his consent.

While gambling, drinking, and assault were perceived to be predominantly economically driven threats to the stability of the family, infidelity struck at the core of marital vows of monogamy. Infidelity emerged as an issue for 23% of couples before the Family Court, and presented a very serious challenge to the Court's efforts at maintaining the family unit. Like all of the problems which plagued married couples, infidelity could be simple or complex, occur as the sole reason for discord, or play into a larger pattern of dysfunction as both cause and effect. Unlike gambling, drinking, and assault, men and women broke their marital vows of fidelity in close parity, as shown in Chart 2G below.

Chart 2G: Occurrence of Infidelity in Family Court, by Gender: Toronto, 1929-1940⁷²



Sometimes women would find another man when their husband was physically or verbally abusive. It was not uncommon for a woman to admit that she had become 'friendly' with another man, "but only after her husband had treated her so cruelly."⁷³ Other women offered no excuses,

proclaiming their infidelity to be a matter of the heart that neither they, their husbands, or

72 Source: Data compiled from 1,257 occurrence files.

73 AO, Family Court, file 38,874.

the Court could prevent. Mrs. T was materially well provided for but fell in love with a younger man after being married to her husband for nine years. The Court warned her that “she could never expect to marry this man and that after the infatuation wore off, which in all probability would be soon, he would then tell her that he did not wish to be bothered with her,” but she was unwavering in her devotion to her new lover.

Consequently, Judge Mott appealed to the young man, telling him “how foolish he was,” and warning that “the firm he was employed with would not want to have him in their organization if they knew he was responsible for breaking up a home.”⁷⁴ No force of argument, however, could compel a spouse to stay in a loveless marriage.

Although it appears that Mrs. T enjoyed a long, and perhaps romantic, relationship with her lover, other women ran the risk of destitution and abandonment if their extra-marital affairs went awry. Mrs. K stayed with her husband after she was discovered with her lover at a cottage in northern Ontario, but he left her when he discovered that their last child was not his own, and received the Court’s permission to take the children and pay her no support. She continued her relationship with her lover, bearing three more children only to have him marry another woman, leaving her destitute and desperate.⁷⁵ More often, men would simply disappear with their new found ‘wives,’ leaving their spouse and children to survive on relief.⁷⁶

74 AO, Family Court, file 38,965.

75 AO, Family Court, file 27,960.

76 AO, OPP, RG 23, series E-97, file 1.34. Romance could also end in deadly tragedy. Harold, a married accountant with two children, defrauded a government department of \$1,450 between 1932 and 1934 to pay for his sizzling office romance with a female co-worker. The suspicion of his employer and his wife led investigators to his Eaton’s account, which recorded numerous incriminating purchases (silk

The discovery of infidelity often occurred in the context of family fights (when men would confess/brag of their extra-marital relations), or neighbors might tell wives or husbands what they had seen or heard. In all of the court records examined for this study, only one piece of evidence indicated that probation officers investigated any charges of infidelity.⁷⁷ Husbands and wives had to rely upon informal networks in order to determine if their spouse was having (or continuing to have) an affair. In one instance, a jealous husband (whose wife had admitted to a previous affair) “promised the children nickels if they will follow and find out where she goes.”⁷⁸

The Family Court attached particular penalties to unfaithful husbands and wives. If women were unfaithful their husbands would not have to pay support (but would have to support their children), and in extreme cases they could lose custody of their children. If a man was unfaithful he would be required to pay support almost indefinitely. In most cases, infidelity did not result in the termination of a relationship, but when men or women wanted to run away and be with their lovers, there was really very little that the Court could do. Probation officers cast moral aspersions upon unfaithful wives and husbands, and occasionally sought out their lovers and attempted to shame them. Probation officer Ruben Levy interviewed the 18-year-old mistress of a middle aged

lingerie, pajamas, fine men’s clothes and a ring). Rather than face public humiliation, he committed suicide, confessing his crimes in a note.

77 AO, Family Court, file 26,735. In this one instance, probation officer Levy took it upon himself to determine whether or not a non-supporting husband had a new love: “On above date the undersigned saw the above names at Woolsworths Store, Younge & Queen about 1:30 in company with a woman not his wife. They were purchasing some kitchen needs, also some baked goods together. They each ate a hot dog which he purchased. This couple were interested in each other & _____ was very attentive to her. The woman wore a seal coat and was middle aged and inclined to be stout and good looking.”

married man and demanded that she “give him up.” When she steadfastly refused he “told her she was a bold miss, and she looked the part,” but could do little more.⁷⁹

The Court even found it more practical to maintain a bigamous marriage than to impose any sort of legal sanction. When a highly paid employee of a large stock food company separated from his wife and three children in England he agreed to pay support, but his rapidly growing Canadian family (built around an illegal marriage) strained his ability to regularly meet his obligations to his legal wife and family in England. Rather than punish this man for his bigamous relationship, the Court successfully intervened to convince his first wife that disclosure of his first marriage to his boss and co-workers would jeopardize his job and thus her (albeit reduced) support.⁸⁰

Supporting the Family: The Economic Crisis of Reproduction

When I mentioned that I would simply have to go to the domestic Relations Court [Family Court], he said that I would be on relief. I said ‘well, if I was on relief then he wouldn’t be able to run a car until all hours of the morning, and buy hand-tailored suits and entertain women.’ ‘Oh, I have my money tucked away. Not in a bank, either. Some place where no one can touch it; but it will be there for my use. I can always buy another car, in another name and no one can prove that I own a car. I would starve before I would give you anything, but I won’t starve of course.’⁸¹

As an arm of the burgeoning welfare state, and at the leading edge of progressive social work, the Family Court had a particular interest in the economic welfare of the family

78 AO, Family Court, file 29,056.

79 AO, Family Court, file 23,007, Ruben Levy, report for Juvenile Court, 6 Oct. 1929.

80 AO, Family Court, file 27,434.

unit. If the family could not be kept together, the Court's powers of persuasion and coercion focused upon securing adequate financial support from husbands separated from their wives and children. Support was both a legal and social construct that defined the responsibility of a man to his dependents in largely financial terms. Obligation was derived from both biological paternity and legal marital union. The former was quite difficult to establish because the biological father could evade his responsibilities by convincing a friend to claim that he too had had sexual relations with the woman, resulting in neither man being obliged to support the child. This loop-hole in the law was probably one of the reasons that 75% of all single mothers received no support from their child's biological father.⁸²

It was much easier to establish a claim of support if people were legally married, even if biological paternity was in dispute. A Swedish CNR worker discovered this when he married a promiscuous and (unbeknownst to him) pregnant waitress who left him several times during their short marriage for extra-marital affairs. When the relationship finally ended, the Court ignored the substantial evidence marshaled to demonstrate that he was not the biological father of her child, unequivocally holding that he was responsible for support:

This woman may have committed adultery previous to her marriage and she may have committed adultery since her marriage but Mr. C married her and by so doing made himself legally liable for the maintenance of his child ... Mrs. C is not asking for maintenance for herself and if she did, he would not be legally liable if he can prove adultery since she left him. Mrs. C says she will not return to her husband and is

81 AO, Family Court, file 25,306.

82 *The Report of the Royal Commission on Public Welfare*, P.D. Ross, D.M. Wright, J.M. McCutcheon (Toronto 1931) p.56.

maintaining herself. The child is now under the supervision of the CAS and they are anxious that a settlement should be made as soon as possible in regards to this matter. I trust that Mr. C will therefore send money at once and thereby avoid further action.⁸³

Financial obligation rarely extended to female breadwinners, although many women worked during the Great Depression. A few earned more than their husbands while others worked while their spouse was unemployed. Unlike men, breadwinning women were not responsible for maintaining their husbands in the event of a marital break up. Mrs. S had supported her husband and son for three years on her \$14 weekly income as a housekeeper. When she found out that her husband had been having an affair with another woman she brought him to Court where the probation officer pointed out “that there was no law compelling her to maintain her husband. That after her having kept him for a number of years and he did not appreciate it, we were of the opinion that she should be well advised to discontinue supporting him.”⁸⁴ Support was therefore an entirely male responsibility.

83 AO, Family Court, file 34,666, Miss M. MacDonald, Probation Officer to Mr. J.T. Shillington, Sioux Lookout, 27 Jan. 1936.

84 AO, Family Court, file 40,992. For a discussion of the double burden placed upon working women and the sexual division of labor see Meg Luxton, *More Than a Labour of Love: Three Generations of Women's Work in the Home* (Toronto 1980) and Meg Luxton, “Two Hands for the Clock: Changing Patterns in the Gendered Division of Labour in the Home,” in Bonnie Fox, *Family Bonds and Gender Divisions: Readings in the Sociology of the Family* (Toronto 1988), 403-29. The Court actively encouraged unemployed husbands to assume domestic responsibilities when their wives were working. The unemployed husband of a waitress stayed at home, looked after the children, and kept house while she worked. When he complained of her late nights and occasional excessive drinking, the Court chastised her, noting with approval that she should be more considerate because he was looking after the house. In at least one instance, the wife's breadwinner status not only precipitated her husband's assumption of household duties (laundry, cooking, cleaning, and looking after the child), but came with the same sort of financial supervision that many men exercised over their wives. AO, Family Court, file 26,087, and file 28,954. Also see Eli Zaretsky, “Family in the Origins of the Welfare State,” 217 who argues that social workers in Massachusetts in the 1880s were horrified to find men assuming domestic responsibilities (cooking, cleaning etc.) while their wives were at work and they were not, as an indication of gender role fluidity in the working-class family.

Some working husbands willingly paid support, in which case the Court acted as an intermediary, negotiating an adequate allowance and drafting a support agreement. If the husband was willing to pay support, but unable due to unemployment, the Court monitored him to ensure that he lived up to his agreement once he found work. The following letter from a cooperative unemployed man is indicative of the simple administrative function of the Court.

I have been out of employment for one year which is a long time for a labouring man. I have been used to working in the building line which is at a stand still at the present time. It means that I have to look in other fields of industry. Every other line of business has been affected to such an extent that men have been laid off or on part time. There is no extra help needed whatever. I am victim of these circumstances. If I was not living with my father I would starve to death. He is carrying me along until I can get something to do. He is only a working man like myself and can't afford to do it but we are struggling along together as best we can. If I can get anything to do I will gladly send my wife half of what I make. It is not my wish by any means that she should want for any money for the support of the children. I therefore promise that as soon as I can get something to do I will send her some money. Hoping you will give my case your thoughtful consideration.⁸⁵

Until a husband was able to support his dependents the Court acted as a vital resource for women. Court Probation Officers wrote letters to the employers of separated working women asking for special consideration and more hours of labor, attempted to persuade landlords to reduced rent, contacted both private and state relief agencies to organize the provision of food, fuel and clothing (relief was normally only provided to families through the father/husband), and made arrangements with Big Brothers and Big Sisters, and other social agencies, for the children to go to summer camps or summer farm placements.

85 AO, Family Court, file 25,866, to Mr. Netterfield, 8 Nov. 1932.

More often, however, husbands who came before the Court were unwilling to support their families and actively attempted to evade their responsibilities. A stenographer earning \$23 a week actually quit his job rather than pay support to his family. The wife sought the assistance of the Court who advised that if she could prove that her husband quit his job rather than support her, then strong action could be taken: "There is a term that can be given under the Mural System, whereby a man is sent to work in the clay fields and receive something like \$12.00 a week, part of which is paid over to wife and family, but it is in extreme cases that such punishment is meted out."⁸⁶ In fact, the existence of a Mural System in Toronto was not evident, and as the husband noted, "Canadian laws may send me to jail, but they cannot force me to work in support of you."⁸⁷

When faced by determined non-compliance, and overt evasion, the Court most often retreated to rhetorical challenges to the defaulting husband's 'manliness':

I accuse you of abominable cowardice in writing the letter ... It looks as if you are trumping up something that does not exist and never did exist because you have found somebody else on whom you would prefer to spend your money rather than your wife and children ... I am not threatening anything. Society will take care of the situation if you do not meet your obligations. I suggest that you think it over again. You can reply to this letter as you please but the manly thing to do is to pay up each month as you promised, in order to keep these three persons whose lives were entrusted to you, safe from harm and for whom before God and man you are responsible.⁸⁸

86 AO, Family Court, file 25,090, Mrs. M. Mayhew, Probation Officer, to __, 13 Sep. 1933. The separation came after he stuck his wife and their one year old baby, and is one of the few cases when the Court over-rode the wishes of the wife (who only wanted him warned) and aggressively pushed for separation. This was an unusual occurrence, and was probably driven by concerns for the child's safety, compounded by the frank disclosure that the father did not like children.

87 AO, Family Court, file 25,090.

88 AO, Family Court, file 25,090.

The Court was not willing, or equipped, to force uncooperative men to pay support. One woman who was finally assisted in her quest for a separation from her husband (after three years of physical abuse), was left utterly destitute because the Court could/would not make her employed husband pay support. During one desperate weekend she repeatedly sent her son to the home of the probation officer to borrow money, and was eventually arrested in her attempt to steal enough funds to get through the weekend.⁸⁹

Although the legality of Family Court support orders was challenged (and affirmed) in 1937, the Court never really exerted itself in tracking down ‘deadbeat dads’ or enforcing payment.⁹⁰ It was very easy for men to evade their financial responsibilities, because the state demonstrated little will to enforce payment beyond writing letters. Few investigations were undertaken, the police were seldom used, and the Courts left the difficult and expensive task of tracking down husbands at their new home or place of work in the hands of destitute wives. This may have saved administrative costs, but it was not economical because state-funded relief agencies had to support deserted wives. It was also infuriating for the impoverished women and children and resentment often turned towards the Court and its officers. One deserted wife who was receiving no assistance in tracking down her employed husband lashed out at the probation officer handling her

89 AO, Family Court, file 25,337, J.A. Netterfield, Deputy Chief Probation Officer, to Magistrate Patterson, Women’s Police Court, 2 Jan. 1930. The probation officer wrote a letter to the Woman’s Court in order to help her. The Family Court’s poor performance in collecting support for women is discussed by Dorothy Chunn, “Regulating the Poor in Ontario: From Police Courts to Family Courts,” *Canadian Journal of Family Law*, Vol. 6 (1987), 92-5.

90 *Clubine v. Clubine* receives extensive commentary in Dorothy Chunn, *From Punishment to Doing Good*, 121-3, 131-4, 138-9, 155-8. For the original case file records see AO, AG, 1937 - 264. Ultimately the ability of the Family Court to order support was upheld in a reference to the Supreme Court of Canada in 1938.

case: “anyone could go to an address. Your job is finding the address ... Do you think any woman who is asking support for her boy is in any position to go around looking for him.”⁹¹

If women did manage to locate husbands, the city would not pay to have them brought back to Toronto to stand trial for desertion and non-support. Mrs. J tenaciously tracked her husband for five years (from logging camps and farms to mines and road crews) after he quit his job with Toronto’s Parks Department and ran off with his young mistress. After five years of scraping by on relief, and renting rooms to people on welfare, she finally wrote an angry letter to the Mayor of Toronto threatening to expose the Family Court in the papers because they were willing to give her welfare, but they were not willing to bring her husband to Toronto and make him pay support or stand trial. When she threatened to go to northern Ontario and kill her husband and his “prostitute” if the City did not pay to have him brought to Toronto, the Family Court broke with its policy and provided funds for his extradition to the municipality.⁹²

The officers of the Court were also challenged by women who felt that they were ‘soft’ on their husbands, and too accepting of feeble excuses. One enraged wife

shouted so she could be heard in the adjoining offices and gave me a long tirade that Magistrate Patterson was no good ... and she told me that Mrs. Mayhew and Miss Phillips were too lenient with her husband and finally gave me a piece of her mind. I tried to quiet the woman as she was quite excited but with no effect ... she became very indignant and told me that I was not fit for my job.⁹³

91 AO, Family Court, file 30,757, Mrs. E to Family Court, 18 Jul. 1935.

92 AO, Family Court, file 26,245.

93 AO, Family Court, file 23,248.

As a result of the Court's inability and indifference, women often worked together, going beyond merely assisting the Court in its feeble attempt to secure adequate support to establishing aid and information networks. The following letter was sent to a deserted wife by a woman she did not personally know:

I am dropping you a line to let you know a few things that is going on. Your husband is going with another woman down here and she is married and has a child he is forever talking about you and your misdeeds but does not think of his own. That is to get the pity of the woman. We do not know her name but she must live around our street for they are always together and we have met them at different times going from church. He takes her to his rooming house. I would not put up with what he is doing for the world. Why don't you make him pay you a living amount by getting a separation with alimony. He says you left him and abused him and went with men what on earth is he doing. He makes a big pay at the same shop as our friend the Standard Upholstering co. 12 Dickens Ave and spends it on good times ... Now don't let him know you got a letter but make him come to time. The Court will not hear you but a good firm lawyer will do more if you let him know you were told he will lie and have a hard luck story and I will say this woman's husband will give him a setting up that he deserves but it is up to you to work quietly and find out for your self. I suppose you have some one, a brother or such that can help now. I am asking you to keep this letter under cover and you will hear more and for mercy sake make him go to Waterloo or some place out of Toronto. A well wisher. You can get as much as ten a week if you make your claim clear. I know I have been through it myself.⁹⁴

Women could also turn to civil remedies outside of the Family Court system if they felt that their claims were not properly represented by the probation officers. The brutally beaten wife of a TTC employee hired a lawyer who argued that "it is quite plain that this man pulls the wool over your eyes and it is quite plain that it is useless for her to take the ordinary course ... When she comes into Court her charges are treated lightly and she is turned aside."⁹⁵ The wife of a fire department mechanic, earning \$160 per month,

94 AO, Family Court, file 30,757, letter to Mrs. D, not signed, but with a telephone number.

95 AO, Family Court, file 27, 208. Dorothy Chunn, *From Punishment to Doing Good*, 180, cites H.A. Allard, "Family Courts in Canada," in D. Mendes da Costa, ed., *Studies in Canadian Family Law*, Vol. 1, (Toronto 1972), 1-43, to note that those in Family Court "almost never had counsel."

initially went to the Court because her husband was only providing her with a meager \$20 per month with which to run their house. The Court was reluctant to intervene because he was providing the bare essentials for a respectable working-class family, so she retained a lawyer, sued for separation, and succeeded in securing \$70 per month in support.⁹⁶ But lawyers were not necessary to secure a separation. By 1936 women turned to drafting their own separation agreements:

I Mary _____, do hereby declare to having no use in any way for my husband (John _____). I will not be a wife to him, or live in the same house, as I want him to get out and pay Ten Dollars (\$10.00) a week to ward maintenance of me and our two children. His furniture I will use and return it when he has further use of it." Signed Mary____, Witness Agatha____⁹⁷

Most likely these women would have faced serious difficulties if their husbands refused to support them, even after signing documents. Some women did appeal to the Family Court when husbands reneged, but usually as a step towards receiving relief, rather than an earnest attempt to secure support from a separated husband.

The financial difficulties that many women undoubtedly faced as a result of their husband's actions, and the Court's inaction, compounded experiences of poverty and deprivation. Family life would have been tremendously difficult for both the children and their mother, but sometimes (fatherless) families provided tremendous emotional and financial support. Children could work and contribute to the household income and, more importantly, they could provide for their mother in her old age. A letter from one young air force cadet (upon hearing that his mother had been denied a military dependent's

96 AO, Family Court, file 25,376.

allowance) conveys both the difficulties of single mothers, and the potential cohesion and strength of 'non-conventional' families:

I imagine by this time mum has been down to see you and told you how the Dependents Allowance Board has rejected our application for the allowance. Well I was really astonished when I heard the news because I never dreamt for a moment that we could be refused. I know I shouldn't ask it of you, but I wondered if you could say or do something that would straighten out this mess, for mum's sake. You yourself realize the rotten deal mum got as regards to my father and how he has not contributed anything to help us out. Poor mum has worked so hard for the past 20 years to give me the best she can along with a good home and decent upbringing (I know she has had a man sized job in doing it). Surely now when she is only a few years from sixty and not well at all, she deserves some reward and compensation. No woman of her age should be working anyway, let alone the state of her health. When I joined the air force I pledged my allegiance to my king and country and if need be give my life, for which in return my dependents would be taken care of. But while I am giving my life blood for my country they forget my own mother and allow her to struggle and drive herself to her own death in an effort to live. Surely this is not democracy. I know now when I start talking like that it is a serious subject, but what else can I think? Mum cannot possibly carry on alone without eventually ruining herself because she is not able to stand it. She is the kind who go on and on until she drops and I do not intend to see that happen. I have never had a bad mark against my character but if need be I will have to quit the air force even if it means desertion and a Court Marshall to get my discharge, so I can go back to work and help her out.⁹⁸

97 AO, Family Court, file 34,508. She had in fact fallen in love with "red" and her husband protested that she could not have "red," the house, and his money. She chose the house and the money.

98 AO, Family Court, file 30,803, to Miss Mayhew, 17 Sep. 1942.

Fortifying the Family: Home Economics and the Cult of Domesticity

The Family Court exists to preserve and maintain the family as a unit of society. The view of the new Court should be not to break down or separate but to build up and strengthen the family.⁹⁹

The official reports of Toronto's Family Court repeatedly described its mission as maintaining the family as the "cement" of society. These sentiments were frequently voiced by Judge Mott, social workers, and other individuals involved in the running (and the justification) of Family Court. In their quest for familial stability, however, the Court officers had to navigate and accommodate gross violations of middle-class morality. Wife beating, rape, adultery, and infidelity were "corrected" with a promise not to repeat the act, and sometimes entirely ignored.

Most complaints were handled through the probation system, which ostensibly encouraged 'compromise' but actually reflected the Court's prerogative to keep the family together. Probation officers used written agreements of conduct to limit beer consumption, specify family budgets, assign a portion of a man's pay to his wife, or in drastic circumstances (such as when a man went on a drinking binge every pay day or gave his wife "V.D." from his extra-marital relations) intervened and convinced the husband and his employer to give the entire pay check to the wife. In fact almost anything was open to negotiation in the probation offices of the Family Court. When a wife

99 Judge R. S. Hoskins, Deputy Judge, The Juvenile Court, Toronto Ontario, "The Family Court," *Child and Family Welfare*, Vol. 8, No. 1 (May 1932), 27, 35.

brought a complaint of rape and undesired sexual practices to the attention of the Court, the probation officer convinced the husband to sign an agreement binding him to refrain from such practices in return for her consent to have sex with him twice a week.¹⁰⁰

While agreements may have had some effect on family relations, the Court consistently attempted to coerce women into staying with abusive, neglectful, husbands. A woman with two blackened eyes and a severely broken nose brought her husband into the Family Court, but the probation officer seemed less interested in her obvious injuries than her husband's counter claim that his wife was having sex with other men. Rather than challenge the husband, the probation officer questioned the woman about her morality (which was above reproach), and undoubtedly destabilized her enough to get her to agree to continue to live with him (as in many cases the idea of formal charges before a judge were not even entertained). When the wife of a Russian restaurant worker complained of being beaten and forced into prostitution by her husband, she received no support from the Court and the husband was only made to promise to "behave better in the future."¹⁰¹ In a more extreme case of misplaced optimism, the Court convinced another severely beaten woman to stay with her husband, a high flying salesman earning \$100 a week, "for the sake of their children" only to have her and their two children driven to Rochester and abandoned on the side of the road. A nearly identical argument was used to persuade poor women to stay with their husbands: "She claimed he had

100 AO, Family Court, file 26,387, 28,188, 26, 285. For a history of the state and sexually transmitted disease in Canada see Jay Cassel, *The Secret Plague: Venereal Disease in Canada, 1839-1939* (Toronto 1987), esp. Ch. 8-9. Cassel argues that 'V.D.' became more associated with promiscuous behavior, rather than prostitution, in the 1920s and 1930s (187-8).

101 AO, Family Court, file 36,709, 38,894.

assaulted her at different times ... They were advised that owing to their being on relief and having five children that they try and settle their difficulties as their children would suffer if they did not do this.”¹⁰²

The Court fed upon women’s fear of destitution and used its apparent relationship with the welfare state to coerce women into staying with their husbands. A 23 year old French Canadian demanded that the Court grant her a separation from her husband, a semi-employed concrete worker, and facilitate access to city relief for her and her four children after he assaulted her with a knife and acid (prompted by her objections to his extra-marital affairs). The probation officer not only refused, but managed to convince her that she would get no support or municipal relief if she left on her own (a complete falsehood), condemning her to an additional fifteen years of vicious assault.¹⁰³ One severely abused woman who was repeatedly coerced into staying with or returning to her husband, eventually lashed out at the Court officers. Her words are stark testimony to the power of the Court, even as she attempted to break from its control:

Now all I want is a separation from this dirty beast for I won’t live with him any longer. If the law wont grant me this I will take it myself. I will go out and work for myself ... The law had it that I deserted him last winter without a cause. Oh what a crime to desert such a Poor Prince Charming, better to let him butcher me up. I suppose if you were in a burning building you wouldn’t save yourself and escape because it would be deserting a fire.¹⁰⁴

The economic pressure that kept women in abusive relationships was best summed up by one woman who had endured years of physical assault and failed in her attempts to

102 AO, Family Court, file 27,627, 32,654.

103 AO, Family Court, file 28,037.

104 AO, Family Court, file 22,986, to Mrs. M. Mayhew, Probation Officer, 29 Mar. 1931.

escape: "I was separated for a year and a half 12 years ago, went back because I couldn't get enough money for my children and myself. [Then] I ran away with Children for eight months, went back, needed money."¹⁰⁵

Attempts to control women's sexuality after they were separated from their husband also had significant economic repercussions. Welfare entitlement was premised upon the family unit and when a family dissolved the state had to support the wife, the children, and the husband (often in a hostel), as well as running the risk (and expense) of paying for the supervision of the children through the CAS. Because the break-up of families cost the City more money, it demanded that women who separated from their husbands not have sexual relations with men (including the husband) or they would lose their benefits. The Family Court extended this prohibition on post-separation sex to both men and women, but women tended to be particularly regulated. Four years after 26 year-old Nellie took her two children and separated from her physically abusive husband, the Court was informed by Nellie's mother that she was "running around" with a man. A probation officer called her into the Court and threatened to cut-off her relief supplement if she did not stop seeing this man and return home every night by 11:00.¹⁰⁶

The Court's control over women's sexuality was not, however, very well fortified, and relied more on intimidation and threats rather than action (particularly because of the growing reluctance to turn more children over to the costly CAS). Determined women could easily defeat the Court if they felt strongly about their life decisions. One woman,

105 AO, Family Court, file 26,812.

106 AO, Family Court, file 27,593. The man was sent to a hostel and then placed in one of the government's northern road camps.

upon being questioned about her new relationship with a man responded, “[w]hat do you think I was going to do when my husband was living with another woman?”¹⁰⁷ This sort of attitude did not endanger her chances for financial support from her husband because the state was loath to deny relief to a mother regardless of who she slept with, unless her conduct at home posed a grave and obvious danger to the children, or they became delinquent.

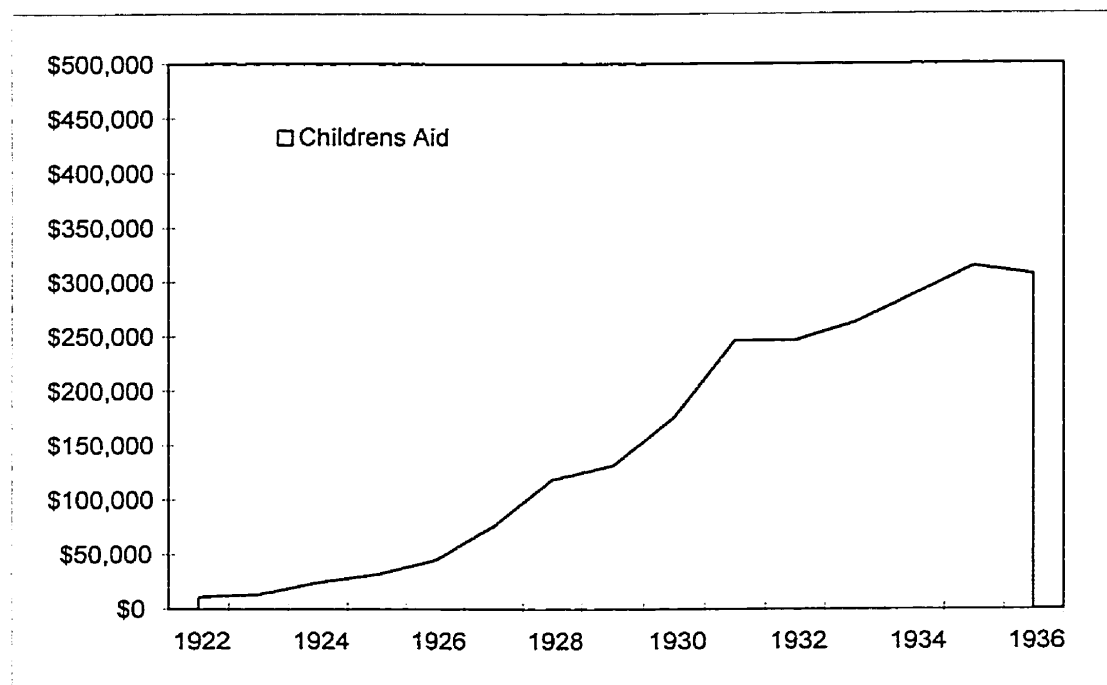
Women did not necessarily lose custody of their children if they committed adultery. Many working-class fathers either did not want to care for their children as single parents, or could not afford housekeepers and nannies.¹⁰⁸ The state’s only alternative to leaving these children with their mother, was to turn them over to the CAS. The Children’s Aid Society only became involved if women could not cope with the burden of being a poor single/separated parent, if gross immorality existed in their home, or if their children became ‘delinquent.’ The state had a financial interest in ensuring that the CAS only removed children from their mother’s care in extreme circumstances. When the CAS became the legal guardian of a child, it charged the state 75 cents a day for maintenance, and could choose (entirely at its own discretion) to leave the child with its

107 AO, Family Court, file 41,011. Dorothy Chunn, *From Punishment to Doing Good*, 177 argues that children would be taken away from parents in a common law union, but absolutely no cases of this sort appeared in the occurrence files. In fact, the Court treated married and un-married couples in a similar fashion. Mrs. M, an office clerk lived with her ‘boyfriend’ and their two children, yet her status did not prevent the Court from working hard to keep their family together when her mate lost his job, and other problems developed between them. AO, Family Court, file 38,900.

108 This contrasts sharply with Carol Smart’s observation that legal sanction against adulterous women were severe (although her main point about the unequal application of law to male and female infidelity is well made). Carol Smart, “Regulating Families or Legitimizing Patriarchy? Family Law in Britain,” *International Journal of the Sociology of Law*, Vol. 10 (1982), 132-4.

mother, provided the CAS supervised its care.¹⁰⁹ The following chart provides an indication of the rapid escalation of expenditure by the City of Toronto for the maintenance of children under the care of the CAS in the early years of the depression.

Chart 2H: Toronto's Expenditure on Children's Aid, 1922-1936¹¹⁰



In response to the rising cost associated with CAS intervention, the Municipal Department of Public Welfare began to aggressively prevent the break-up of families.

109 AO, AG, RG 4-32, 1933 - 2400, I.A. Humphries, to M.A Sorsoleil, Deputy minister of Public Welfare, 27 May 1932. The Municipal Department of Public Welfare had already assumed full responsibility for mothers under the supervision of Children's Aid but "on account of the heavy financial liability in the event of ward action, desired that the break-up of a home should be effected only after a period of intensive social care by this Department definitely proved it to be improper for the children and the parents socially incapable of guardianship." MA, Welfare, Box 128, File 53.1, Vol. 1. "Private Agencies, Family Services Association," Dec./31 - Mar./43, Inter-Office Correspondence, 25 Sep. 1934.

110 Source: MA, Welfare, Box 77, file 8.

The department, through its case workers, exerted pressure upon long standing dysfunctional families to work “towards normalcy in their social environment.”¹¹¹ In 1937, A.W. Laver, Toronto’s Welfare Commissioner, joined forces with Judge Mott, head of Toronto’s Family Court, in an effort to reduce the removal of children from their families.¹¹² The cost of maintaining broken families and caring for children supervised by the CAS, was one of the major reasons that the Court was reluctant to intervene too aggressively, and focused instead on intimidation aimed at fortifying the family structure (no matter how dysfunctional).¹¹³

Agency and the Construction of Alternatives

The Family Court placed itself at the center of family conflict, but both men and women turned to it only after their own forms of crisis management and resistance failed to resolve their problems. It was not uncommon, for example, for men or women to give each other ‘the silent treatment,’ and sometimes women went on domestic strike and refused to cook, clean, mend clothes, or have sex with their husbands. The Court may have assisted many spouses with their problems, and limited the frequency and intensity of crisis, but the Court’s interest in keeping families together limited their effectiveness in

111 MA, Welfare, Box 153, file 73, Vol. 1, “Juvenile Delinquency and Youth Programs,” Mar./37 - Jun./44, Robena Morris, Director of Family Welfare to A.W. Laver, 12 Mar. 1937.

112 *Ibid.*, Judge H.S. Mott to A.W. Laver, 24 Mar. 1937.

113 AO, AG, RG 4-32, 1931 - 534; MA, Welfare, Box 105, file 46.24.2, Vol. 1, “Work for Relief,” Oct./31 - Dec./63, Horton, Director, Unemployment Relief, [Prov.] to A.W. Laver, 11 Oct. 1940. Deserted mothers were a charge upon municipal relief funds for at least three years (after which they before eligible for mothers allowance). Broken homes cost the city a significant amount of money. By 1940 60% of all female-headed families on relief were the result of separation or male desertion.

dealing with many problems. Women, as the primary victims of domestic crisis, had the most to lose by the Court's inaction.

It is not surprising that women who initially relied on their own resources to resolve conflict would not view the Court as the final arbiter of their destiny. Many were not easily coerced by the probation officers, or swayed by their own sentimental attachment to the institution of marriage. Although deserted or abused by their husbands, and often unsupported by the Court, women did not always retreat into the 'prison' of domesticity, but sought help from their community.¹¹⁴ The airing of 'dirty laundry' was part of the texture of all communities in Toronto.¹¹⁵ The wife of a very well-paid, steadily employed construction foreman, took her domestic problems (her husband's adulterous desertion) to a professor in Hamilton, and their discussion was broadcast over the radio (including their real names) resulting in his immediate dismissal.¹¹⁶ Working-class women more often revealed their family problems over the back yard fence, from the front porch for all to hear, or indirectly appealed to neighbors by bringing their domestic battles into the street. One stationary engineer complained to the Court that when he and his wife argued "she goes out into the backyard and yells to get the sympathy of the neighbors."¹¹⁷ In poor working class neighborhoods, with multiple families crowded into each house,

114 The home as a prison for women guarded by privacy is suggested in Michele Barret and Mary McIntosh, *The Anti-Social Family*, 56-9.

115 For a fictional account of a female street-side gossip in working-class Cabbagetown see Hugh Garner, *Cabbage Town* (Toronto 1968), 24-5.

116 AO, Family Court, file 25,532.

117 AO, Family Court, file 25,037.

and poorly constructed walls allowing sound to travel, neighbors sometimes proved to be essential allies for abused women and their children:

Dear Sir, Just about time some of your men made a call at ____ Ave. The man Mr. ____, just abuses his whole family terrible. The screams of the children when he beats them is awful and it would not do to mention here what he threatens to do. This man practically is driving the girls to the street. A good strong investigation on your part would verify my statement. He does not appear to be safe at large with the girls. I am asking you not to divulge this to them been a close neighbor for if he found out it would be just too bad. My husband says he should get lashes so you can figure the character he is [lashes were for sex offenders and wife beaters]. He has chased one child away through his badness. Hoping to see action soon. I am a neighbor.¹¹⁸

Women could be very strategic in their use of publicity to extract retribution or pressure deserting husbands to properly maintain their children. A forty-year-old woman who left her husband because of his abuse and suspected infidelity, visited his landlady and threatened to have the house raided because it harbored an immoral man. Women could also use their children to pressure and embarrass adulterous husbands.¹¹⁹ The abused wife of an alcoholic and adulterous mechanic kept her husband under surveillance, having friends, neighbors and her children alternately spy on him and his mistress. She wrote letters to his mistress's employer so that she would lose her job, and sent her 16 year old son over to her house to raise a commotion (causing enough alarm to force the mistress to move to another neighborhood), and then harassed her with threatening letters:

118 AO, Family Court, file 28,680.

119 AO, Family Court, file 27,770, 25,532. One wife encouraged (or directed) her eight-year-old daughter to write a letter asking her father to come home, closing with "That ~~brought~~ brute of a woman can kiss my ass because I want you xxxxxxxx love and kisses B__."

I just wanted you to know that I know you went to dinner with my husband ... your kind can only get something belonging to some one else — a decent fellow would not have you — you will suffer soon ... I will soon be in a position to put you where you belong — out of work and in want the way I have been ... this time it will be you the one to suffer.¹²⁰

Women were thus not always passive victims of male abuse, abandonment, and neglect and rarely submitted to the coercion and indifference of Family Court officers. Women could reach beyond the often weak enforcement mechanisms of the Family Court and craft their own strategies of domestic justice. It was not uncommon for wives to bring their family battles into their husband's place of work. Jena, a 26 year old Polish immigrant, enforced the terms of support from her Ukrainian husband by going to his barber shop when he fell behind on his support payments and smashing it up in the presence of his customers.¹²¹ One wife frequently confronted her husband at his small coal delivery business in an effort to humiliate him in front of his coal yard workers. When this tactic did not elicit the desired response, she "told the story of her version of the domestic trouble recently to a man who was formerly employed by me, and he is now canvassing every customer for a competitor."¹²² Another husband recounted a similar story: "Her actions in contacting every person with whom I did business, after having contacted my former employers, as an 'abused wife,' caused them to sympathize with her and lose confidence in me, so that my business and earning powers suffered."¹²³

120 AO, Family Court, file 25,257.

121 AO, Family Court, file 27,775.

122 AO, Family Court, file 32,771.

123 AO, Family Court, file 27,768.

These sort of tales were told by men trying to excuse their failure to pay support, but others paid only when their livelihood was threatened by their wife's disclosures. A 29 year old horse jockey, earning \$125 a week, finally agree to pay his wife \$25 a week on condition that she stop writing to his employer. The separated wife of a Toronto police officer reported every late or missed payment to his Inspector, until she finally drove him off the force.¹²⁴ The ability of women to occasionally enforce the payment of support was driven by the Court's inability, and left the vast majority of deserted mothers dependent upon welfare assistance.

Conclusion

Everyone believes that a happy marriage and a wholesome family life is the very cement of society. Too many broken homes and unhappy marriages are a menace and if they become too great in proportion to the successful marriages our society is in grave danger of crumbling.¹²⁵

The emergence of socialized justice and the increased state supervision of the family was a concerted and self-conscious attempt to maintain a structure which often failed to

124 AO, Family Court, file 27,974, 27,382. The file is Marked "Not To Leave This Office." The movement of the public into the private opened space for the involvement of employers and supervisors in the management of family problems. Foremen were sometimes called into Court to testify on behalf of their employees. A metal worker had his foreman testify to his worthiness in defending himself against charges of threatening to kill his wife and drunkenness. Another man, employed as a spray painter at a carriage works was supported by his foreman in Court who pledged that he had "never lost an hour through liquor since he worked for men." When it became time to unionize these sorts of favors would have to be repaid. AO, Family Court, file 38,966, file 32,080.

provide the comfort and support that middle-class domestic ideology assigned it. While the Family Court marked a significant transformation in state intervention, the degree to which it exerted its newly claimed powers left much room for individual agency. In fact, the state's options were very limited: it was not willing to throw men in jail or force them to work in camps to support their families, nor was it willing to deny relief to a mother and child (and thus have them starve in public) because it disapproved of her harmless affair with another man after she was separated from her husband. The ever-present threat of separating children from mothers was limited by the prospect of public outcry, and the certainty of an immense (and ongoing) financial burden upon the state.

The limits of state power over the family were very similar to the practical constraints on state power in restricting welfare eligibility. Harry Cassidy observed that relief officials were often loath to follow their own rules and deny relief to single transients for fear of public disorder, and were even more hesitant to deny relief to a married man who refused to work for the dole because it would cause “the sins of the father to be visited upon the innocent members of his family.”¹²⁶ The same principles also moderated state action directed against the family. The experience of the Depression was thus structured by particular family dynamics that contextualized the meaning of work, welfare, dependency and resistance. It is impossible to situate family breakdown within any chain of causation, but domestic strife undoubtedly had an impact on waged labor,

125 Toronto Family Court Annual Report (1937), 17 quoted in Dorothy Chunn, *From Punishment to Doing Good*, 174-5.

126 H.M. Cassidy, “Relief and Other Social Services for Transients,” in L. Richter, ed., *Canada's Unemployment Problem* (Toronto 1939), 201; H.M. Cassidy, *Unemployment and Relief in Ontario, 1929-1932* (Toronto [1932]), 179.

union militancy and political struggles. The relationship between welfare, family and union activities is most evident in demands for a “living wage” or a “family wage,” put forward by both social workers and trade unionists.¹²⁷ The failure of the Court to materially accommodate deserted and vulnerable women structured female agency and connects the history of family crisis with the history of female participation in waged labor and union militancy, setting the struggle for a “family wage” in its proper context while allowing for a critical appraisal of male breadwinner ideology.¹²⁸ Increased wages, won through unionization and strikes, however, may have been driven by a desire to re-establish male power within the household.¹²⁹

The link that Carol Smart establishes between the rise of social welfare measures and increased state supervision of marriage explains the sequential coupling of an analysis of the Family Court with an analysis of welfare programs in the preceding chapter. Similarly, the themes of welfare, unemployment, poverty and family crisis run through the following exploration of Toronto’s youth as perceived by social workers and court officers, who saw in youth gangs in particular a menacing manifestation of the

127 Eli Zaretsky, “Family in the Origins of the Welfare State,” 214-8. Zaretsky critiques the theoretical underpinning of Heidi Hartman’s work on the collusion between male capital and male labor to exclude women from employment. Heidi Hartman “Capitalism, Patriarchy and Job Segregation by Sex,” in Zillah Eisenstein, ed., *Capitalist Patriarchy and the Case for Socialist Feminism* (New York 1980).

128 Carol Smart, “Regulating Families or Legitimizing Patriarchy? Family Law in Britain,” *International Journal of the Sociology of Law*, Vol. 10 (1982), 131.

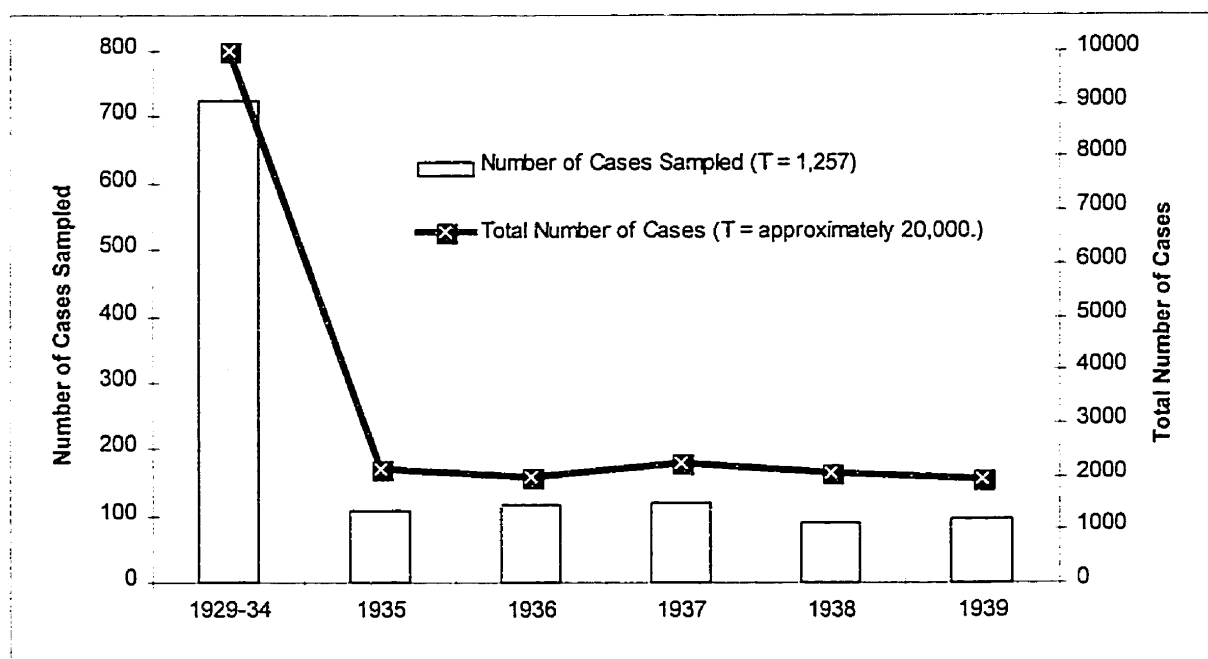
129 Samuel A. Stouffer and Paul F. Lazarsfeld, *Research Memorandum on the Family in the Depression* (New York 1972 [1937]), 62-6, argue that male family heads were probably reluctant to join and lead strikes, although the evidence is far from conclusive. Perhaps one reason that militant unions acquired such strength as the depression wore on was because they were an outlet for the seething conflict at home (a thesis which requires nothing less than a psychological history of the working-class family).

breakdown in social order that appeared to be inextricably linked to the economic depression.

Appendix 2A

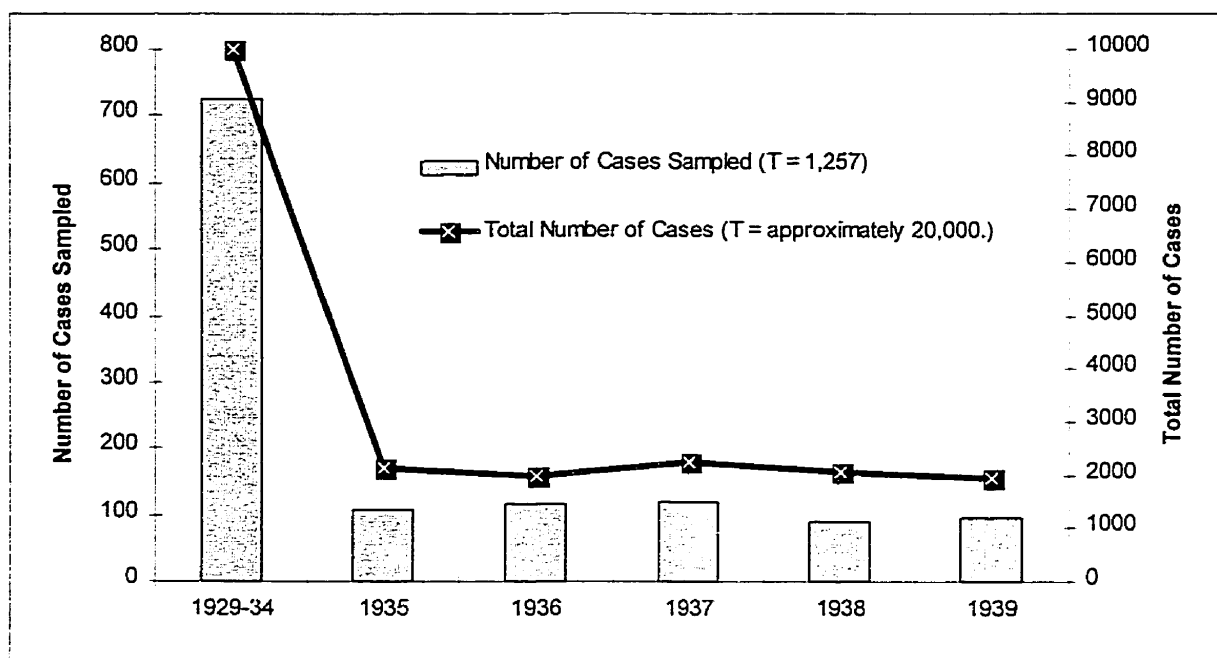
The first time a family went to the Family Court a file would be opened and a report taken, including some indication of what, if any, action had ensued. A report form, or a note, would be filed in the family's file by a probation officer for every subsequent contact with the Court. Some files contained only one or two entries, while other files contained dozens of entries spanning up to fifteen years.

Distribution of Sampled Cases by Year



The case files of Toronto's Family Court are not sorted or indexed. Within the period from 1929-1934, case file numbers were not strictly chronological and it is consequently impossible to determine the annual distribution of cases within this time period. However, all case file numbers for the first five years of the Great Depression, totaling approximately 10,000, fall within a set range and can be distinguished from case files from the second half of the 1930s. Starting in 1935, case file numbers were chronological, and with the limitation that missing files in the sequence made the determination of annual boundaries somewhat uncertain, the selection of cases roughly matched the annual distribution of cases, as depicted in the following chart. In addition, the selection of cases from the 1929-34 period roughly matches the distribution of cases within this period.

Sampling Frequency of Family Court Case Files



I was unable to discern any rationale to explain the basis upon which case files were retained in any given year. A greater percentage of the case files from 1935-1939 were preserved, but random sampling was done in accordance with the number of case file numbers (not surviving case files) within any given year. In order to compensate for variations in the number of preserved case files per year, I assembled the complete run of files for a particular year and then sampled at set intervals (e.g. every third to every tenth case file) in proportion to the annual total in order to attain a consistent annual sample ratio for each year. There is a possibility that families were entered twice (thus double counting), particularly if the names were incorrectly spelled by probation officers. However, I found several instances where probation officers had managed to correct

errors of this sort and amalgamate the records in one file. The extent of undetected double entries is probably small.

Chapter Three

'A Twin Sister of Hard Times': Youth Delinquency in the Great Depression

And the Rulers turned away
But the child cried to them: "Stay;
Wait, I will pay;
For the foulness where I live
Filth in return I give,
For the greed that withholds my right
Greed that shall shake your might,
For the sins I live and learn
Plentiful sin I return,
For lack in home and school,
Ignorance comes to rule,
From where I sicken and die
Disease in your home shall lie,
My all uncounted death
Shall choke your children's breath—
Degenerate—crippled—base—
I degrade the human race;
And the people you have made—
They shall make you afraid
(Charlotte Perkins Gilman)¹

On 20 March 1930, four boys, between the ages of 17 and 19, cut through the bars of their cell in the Toronto Jail and slid down 40 feet of drain pipe to make their escape. One of the boys was caught at his girlfriend's house, another fled to Montreal, while the other

1 Charlotte Perkins Gilman, "To the Wise — A Bargain," in *Public* (Chicago 1908), quoted in Kenneth H. Rogers, *Street Gangs in Toronto: A Study of the Forgotten Boy* (Toronto 1945), 113-4.

two surrendered to police the following morning. They had been assisted by at least 16 youths, including three girls, 8 of whom were sentenced to over a year each in the Ontario Reformatory.² Their daring Hollywood-style escape probably confirmed Toronto Police Chief Draper's belief that

[a]s a breeder and promoter of criminal instincts in young minds, the gun toting characters portrayed in our daily press and in some radio programs or moving pictures cannot be too strongly condemned. The press and moving pictures occupy a strategic position for the promotion of crime prevention work in every direction, and a more careful scrutiny of matter of a type which is to-day adding to the difficulties of the training and guidance of our younger generation, would go far in aiding the cause of crime prevention.³

Indeed, the discovery of disorderly and criminal youth between the wars was driven in part by middle-class anxiety stemming from the socially and generationally subversive possibilities of mass culture.⁴ Augustine Brannigan, in her analysis of the moral panic elicited by the supposedly corrupting influence of crime comics, notes that the popular literature of the 1930s (by Raymond Chandler, James M. Cain, Dashell Hammett, and others writing in the style of vernacular realism), transposed onto the movie screen, was replete with "hardboiled heroes and tough guy detectives," that "reflected the alienation of the urban working-class experience."⁵ The gangsters of the 1920s and 1930s, reported

2 Annual Report of the Chief Constable of the City of Toronto, 1930, 9. Copy at Police Headquarters, Toronto (College and Bay St.).

3 Annual Report of the Chief Constable of the City of Toronto, 1935, 22.

4 See James M. Skinner, "Clean And Decent Movies: Selected Cases And Responses of the Manitoba Film Censor Board, 1930 to 1950," *Manitoba History*, Vol. 14 (1987), 2-9. Lizabeth Cohen discusses the concern ethnic parents had with the corrupting influences of mass culture in this period. Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge 1990), 144-5. For a political attack on the medium of commercialized film see C. Day Lewis, "Newsreel," in Robin Skelton, ed., *Poetry of the Thirties* (London: Penguin, 1964), 69-70.

5 Augustine Brannigan, "Mystification of the Innocents: Crime Comics and Delinquency in Canada, 1931-1949," *Criminal Justice History*, No. 7 (1986), 111-144. Also see Geoffry O'Brien, *Hardboiled*

extensively in newspapers, were in many respects the folk heroes of the early twentieth century, engendering admiration as poor men (and sometimes women) who, in the words of Eric Hobsbawm, were 'social bandits' "unwilling to bear the traditional burdens of the common man in a class society."⁶ Woody Guthrie's musical eulogy to notorious outlaw Pretty Boy Floyd ("You won't never see an Outlaw drive a family from their home") resonated with the working class because it "catalyzed a familiar association of justice and power for the weak and poor with the audacity of the folk bandit, and the vicarious satisfaction to be had in his victories."⁷ As Hobsbawm notes, "unnumbered boys from slums and suburbs, who possess nothing but the common but nevertheless precious gift of strength and courage, can identify themselves" with the bandit.⁸

Concern with the emergence and popularization of raw narratives (both fiction and non-fiction) depicting crime, violence, defiance of authority and highly sexualized women coalesced with alarm over aspects of "modern youth culture," such as dance styles, modern dress, dance halls, pool rooms and all manner of unsupervised and unstructured leisure that opened space for the misadventures of "flaming youth." Renewed concerns between the wars with juvenile recreation, labor, schooling, "social hygiene," and criminality, Cynthia Comacchio has recently argued, were intertwined with

America: The Lurid Years of Paperbacks (New York 1981); John Orr, *Tragic Realism and Modern Society: Studies in the Sociology of the Modern Novel* (London 1977).

6 Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York 1959), 13.

7 L. Glen Seretan, "The 'New' Working Class and Social Banditry in Depression America," *Mid-America*, Vol. 63, No. 2 (1981), 113.

8 Eric Hobsbawm, *Bandits* (New York 1969), 114-5.

larger issues “of citizenship, national welfare and the nature of modernity.”⁹ Juvenile criminality, as both a symbol and a symptom of a crisis of social reproduction, struck at the core of increasingly insecure middle-class notions of childhood, adolescence, and leisure.¹⁰

The dimensions of youth crime in Toronto in the 1930s provided cause for concern. The four boys who escaped from the Toronto Jail were among thousands of young men and women who ended up before the Juvenile Division of Toronto’s Family Court in the 1930s.¹¹ Most boys were charged with crimes against property, such as theft, shoplifting, shopbreaking, trespassing, malicious damage, and breaking and entering. Female delinquency was more often associated with sexual conduct (prosecuted under the largely gender-specific charge of “incurability”), although theft also figured prominently. Concerns with female delinquents focused on their suspect sexual morality and willingness to informally exchange sex for social and pecuniary rewards.¹² Even the specter of drug use by the young took on a particularly sexualized and racialized tone.

9 Cynthia Comacchio, “Dancing to Perdition: Adolescence and Leisure in Inter-war English Canada,” *Journal of Canadian Studies*, Vol. 32, No. 3 (Fall 1997), 6. Also see Rebecca Coulter, “‘Not to Punish but to Reform’: Juvenile Delinquency and the Children’s Protection Act, 1909-1929,” in Raymond B. Blake and Jeff Keshen, eds., *Social Welfare Policy in Canada* (Toronto: Copp Clark, 1995), 137-152.

10 See Joseph Gusfield, *Symbolic Crusade* (Urbana 1963); Ian Taylor, “Moral Enterprise, Moral Panic and Law-and-Order Campaigns,” in M. M. Rosenberg, R.A. Stebbins, and A. Turkowitz, eds., *The Sociology of Deviance*, (New York 1982), 123-49; Geoffrey Pearson, *Hooliganism: A History of Respectable Fears* (London 1983).

11 Most of the offenders had their charges dismissed or received suspended sentences (usually in conjunction with an order of probation under the supervision of Toronto’s Big Brothers Movement, or the Big Sisters Movement), and a small minority were sent to institutions or were made wards of the court.

12 Kathy Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* (Philadelphia 1986).

Upon learning that marijuana was being sold in poor parts of Toronto, John Miller, Chief Investigator of the OPP's Criminal Investigations Branch, warned that

this marijuana drug is a great menace to our younger generation. I know of one girl in the north end of Toronto, age 21, who has become a victim of this drug ... When under the influence of this drug ... a girl in particular will acquiesce to any suggestion along sexual matters, even with a Chinaman.¹³

The social construction of female youth crime/vice was rooted in the gender and class ideologies of Toronto reformers fixated upon the sexual conduct of working-class girls and young women.¹⁴ The moral and sexual regulation of young women, according to Joan Sangster's recent study of the discursive and material context of the enforcement of status crimes created by the Female Refuges Act, operated through the coercive power of the state and various regulatory agencies as ruling ideas about family, gender and sexuality that were at some point internalized as "normal" by working people.¹⁵ Because the process of regulation tends to be incomplete and contradictory, and is resisted or reshaped as its content is appropriated by subaltern classes, the sexual nonconformity of

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- 13 AO, Ministry of the Attorney General (AG), RG 4-32, 1938 - 933, John Miller, Chief Investigator, Criminal Investigations Branch, O.P.P., confidential memorandum to the Honourable Attorney General [G.D. Conant], March 17, 1938.
- 14 Carolyn Strange, 'From Modern Babylon to a City Upon a Hill: The Toronto Social Survey Commission of 1915 and the Search for Sexual Order in the City,' in Roger Hall, William Westerfall, and Laurel Sefton MacDowell, eds., *Patterns of the Past: Interpreting Ontario's History* (Toronto 1988), 255-77. Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930* (Toronto 1995), esp. Ch. 5.
- 15 Joan Sangster, "Incarcerating 'Bad Girls': The Regulation of Sexuality through the Female Refuges Act in Ontario, 1920-1945," *Journal of the History of Sexuality*, Vol. 7, No. 2 (1996), 239-75. For a discussion of gender and the incarceration of female delinquents see Iliana Arapis, "Sugar and Spice and Everything Nice": The Idealization of Girlhood at the Alexandria School for Girls, 1891-1936," (M.A. Thesis, Queen's University, 1994). For further discussion of moral regulation see Mariana Valverde and Lorna Weir, "The Struggle of the Immoral: Preliminary Remarks on Moral Regulation," *Resources for Feminist Research* 18 (1988), 31-4.

young women and girls presented an on-going challenge to moral order that was relatively autonomous from shifting material contexts. As Sangster has pointed out, joblessness and poverty in the 1930s prompted fears that young women's morality was endangered, while female participation in employment in the 1940s also engendered anxieties about women's sexuality.¹⁶

While concerns with the conduct of girls were part of a largely sexualized moral panic (driven in part by middle-class fear of urbanization and modernization), male youth-crime evoked anxiety because it was perceived to be rooted in poverty and directed against property. The proliferation of poverty and unemployment in the 1930s triggered fears of the eruption of disorder and crime and focused attention on the relationship between male unemployment and youth delinquency. Judge H. S. Mott, of Toronto's Family Court, warned that

The emotional disturbances of many homes, the financial difficulties and the gradual depletion of moral reserve, due to long periods of being on relief and kindred difficulties created an added problem for the modern child. The consequences of which are that many older boys are now presenting a real difficult problem which, if they were living in normal times, would not be the case.¹⁷

Police Chief Draper echoed Mott's comments, writing in his 1935 Annual Report that

the problem of crime has been greatly aggravated by the conditions of unemployment and discontent. Under these trying conditions many individuals have been discouraged and tempted. ... Many of our youth who have completed their education and who have been unsuccessful in securing necessary employment ... have become the unfortunate

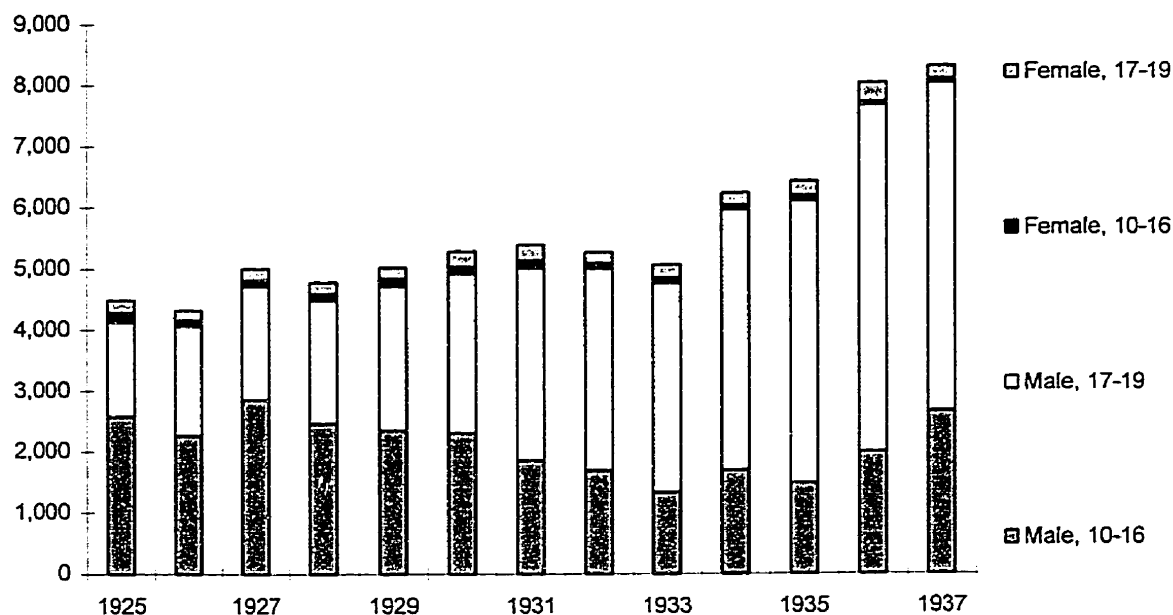
16 Joan Sangster, "Incarcerating 'Bad Girls,' 247-8.

17 H.S. Mott, *Report of the Toronto Family Court* (Toronto 1931), 9.

victims, first becoming involved in minor crimes from which point, following the path of least resistance, they gradually drift into crime of a more serious nature.¹⁸

Offenses against property (perpetrated by youths and juveniles) did in fact increase in the 1930s but, as James Huzel has found in his study of crime in Vancouver, overall crime rates did not rise in direct proportion to economic decline.¹⁹ In addition, the actual number of juvenile offenders per year in Toronto actually decreased in the 1930s.²⁰ However, as the following chart indicates, incidences of juvenile crime rose dramatically, leading to both a general panic over juvenile recidivism, and the recognition and construction of youth gangs as the most menacing manifestation of working-class male youth criminality.

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- 18 Annual Report of the Chief Constable of the City of Toronto, 1935, 21. Draper also called for a "social work approach" to youth punishment, noting that there was "ample evidence of youths entering the gates of penal institutions as amateurs and emerging, after serving their term ... in close association with all types of criminals, as individuals skilled in all phases of Crime." (23)
- 19 James P. Huzel, "The Incidence of Crime in Vancouver During the Great Depression," *BC Studies* 69-70 (1986), 211-248. Also see Thorstein Sellin, *Research Memorandum on Crime in the Depression* (New York 1937); A.M. Carr-Sanders, "Crime and Unemployment," *Political Quarterly*, Vol. 5 (July-Sep. 1934), 359-99; G.B. Vold, *Theoretical Criminology* (New York 1958), 181-2. But see R.W. Gillespie, *Economic Factors in Crime and Delinquency: A Critical Review of the Empirical Evidence* (Washington 1975); Ronald C. Chester, "Perceived Relative Deprivation as a Cause of Property Crime," *Crime and Delinquency*, Vol. 22, No. 1 (1976), 17-30; J.M. Beattie, "The Pattern of Crime in England, 1660-1800," *Past and Present*, Vol. 62, No. 9 (Feb. 1974), 47-95.
- 20 Bill McCarthy and John Hagan, "Gender, Delinquency, and the Great Depression: A Test of Power-Control Theory," *Canadian Review of Sociology and Anthropology*, Vol. 24, No. 2 (1987), 153-177. McCarthy and Hagan have used this evidence to support their argument that unemployment resulted in increased paternal presence in the home and greater supervision of children, particularly males. Their application of "power control theory," to explain this "trend" is problematic for it fails to account for the increased frequency of delinquent acts (recidivism), and the effects of shifting policing strategies on detection rates. See D. Owen Carrigan, *Crime and Punishment in Canada* (Toronto 1991), 219.

Chart 3A: Juvenile Offenses in Toronto, 1925-1937²¹

Social concern regarding delinquency and youth gangs in Toronto did not first emerge in the 1930s, but dates back to at least the 1880s.²² Public attention to the problem ebbed and flowed in subsequent decades in relation to various middle-class reform campaigns directed at eliminating juvenile delinquency.²³ Scholarly attention to

21 Data Source: Annual Report of the Chief Constable of the City of Toronto, 1925-1937. The 1938 volume is missing, and tabulation changed in 1939. The figures refer to the occurrence of juvenile offenses, while the actual number of juvenile offenders hovered around 1,000 for the duration of the depression. "Boys Who Get into Difficulty: Survey of Juvenile Delinquency in the City of Toronto for the Year 1938," 5-6, copy in the Records of the Big Brothers Movement (hereinafter Big Brothers), held at 1320 Young Street.

22 See Susan E. Houston, "The 'Waifs and Strays' of a Late Victorian City," 129-142; C.S. Clark, *Of Toronto the Good* (Montreal 1898).

23 See Neil Sutherland, *Children in English-Canadian Society: Framing the Twentieth Century Consensus* (Toronto 1976) for a Whigish interpretation of the development of a "consensus" on the nature of childhood. Also see Andrew Jones and Leonard Rutman, *In the Children's Aid: J.J. Kelso and Child Welfare in Ontario* (Toronto 1981); Paul W Bennett, "Turning 'Bad Boys' into 'Good Citizens': The Reforming Impulse of Toronto's Industrial Schools Movement, 1883 to the 1920s,"

youth gangs and other youth sub-cultural formations has focused primarily on the period during and after the Second World War.²⁴ Mariana Valverde's analysis of the moral and social panic elicited by Toronto youth gang activities in the late 1940s (emblemized by the appearance of the 'zoot suit'), for example, ascribes public knowledge of gangs to "wartime concerns about parental absence or neglect and the consequent emergence of 'latchkey' kids," culminating in a drive to construct 'anti-delinquent communities' free from unwholesome environmental influences.²⁵

The authors of wartime delinquency studies that Valverde cites, however, drew upon or were themselves involved in gang rehabilitation work in the 1930s. Owen Carrigan, in his history of juvenile delinquency in Canada, identifies the 1930s as the point at which youth gangs "emerged" in certain cities.²⁶ The work of several sociologists at the University of Chicago on the 'phenomenon' of working-class youth gangs in the 1920s and 1930s, Mike Brake points out, introduced the notion of social pathology (social disorganization) to explain the correlation between delinquency and specific

Ontario History, Vol. 78, No. 3 (1986), 209-232; Patricia T. Rooke and R.L. Schnell, "Child Welfare in English Canada, 1920-1948," *Social Service Review*, Vol. 55, No. 3 (1981), 484-506.

24 See for example Stuart Hall and Tony Jefferson, eds., *Resistance Through Rituals: Youth Subcultures in Post-War Britain* (London 1976); Geoff Mungham and Geoff Pearson, eds., *Working Class Youth Culture* (London 1976); Paul E. Willis, *Learning to Labor: How Working Class Kids Get Working Class Jobs* (London 1978); Dave Robins and Philip Cohen, *Knuckle Sandwich: Growing Up in the Working-Class City* (Harmondsworth 1978); Paul Corrigan, *Schooling the Smash Street Kids* (London 1979). But also see Suzanne Wasserman, "Cafes, Clubs, Corners and Candy Stores: Youth Leisure-Culture in New York City's Lower East Side During the 1930s," *Journal of American Culture*, Vol. 14, No. 4 (1991), 43-48.

25 Mariana Valverde, "Building Anti-Delinquent Communities: Morality, Gender, and Generation in the City," in Joy Parr, ed., *A Diversity of Women: Ontario, 1945-1980* (Toronto 1995), 25-31.

26 D. Owen Carrigan, *Crime and Punishment in Canada*, 219.

geographic areas (slums, ghettos, and working-class neighbourhoods).²⁷ Frederic Thrasher, C.R. Shaw and H. McKay, explored the symbolic and material significance of working-class streets, neighbourhoods, and families in their ethnographic studies and turned the attention of social workers to both the gang and the immediate social culture that 'bred' delinquency, while introducing a new lexicon of causation and therapeutic 'treatment.'²⁸ The work of the Chicago School introduced and popularized the notion of familial and cultural disorganization at the same time that the Depression ushered in a discourse of economic, social, and political disorder that turned attention to the most pronounced and menacing example of cultural disorder, the working-class youth gang.

While gangs existed in previous decades, the repeated identification of the youth gang as a significant social menace in the 1930s by the police, the courts, and social workers, paralleled increased knowledge of, and renewed campaigns against, adult criminal "gangs." At the same time that the myriad network of illegal gambling establishments in Toronto, run by crime syndicates, were coming under police attack (after many years of tolerance) as the leading edge of social decay and as "a breeding place for crime and a haven for racketeers and gangsters," Police Chief Draper launched a campaign against "slot, crane, pin and ball machines" and other devices because they popularized gambling with children.²⁹ The link between adult gambling and adult gangs

27 Mike Brake, *The Sociology of Youth Subcultures: Sex and Drugs and Rock 'n' Roll* (London 1980), 29-31.

28 Frederic M. Thrasher, *The Gang: A Study of 1,313 Gangs in Chicago* (Chicago 1926); C.R. Shaw and H. McKay, *Juvenile Delinquency and Urban Areas* (Chicago 1927).

29 Annual Report of the Chief Constable of the City of Toronto, 1936, 9, 33. There is no evidence to suggest that gambling grew during the 1930s, however, Thorsten Sellin, *Research Memorandum on Crime*, 115, points out that many believed gambling had become more popular.

was thus transposed to create a causal flow from youth gambling to youth gang formation, which reflected concerns with the transmission of deviant and criminal modes of life to juveniles through popular literature, radio and film.

The attention given to youth gangs and youth crime during the 1930s, albeit through the lens of social workers concerned with the reproduction of the family, provides an entrée into a working-class youth subculture (which has been the subject of extensive study in other national and historical contexts)³⁰ and exposes dominant notions of youth, crime, danger, race, community, poverty, sexuality, the family, labor, leisure, and citizenship. Policies and institutions designed to control juveniles, John Sutton argues, have frequently served as prototypes for broader changes in the way society responds to criminality, the insane, and the poor, and serve to remind us that delinquency itself is a historically constructed category, created, according to Howard Becker, by the social group that makes the “rules whose infraction constitutes deviance.”³¹

The following chapter focuses primarily upon male criminality and gang activity and contextualizes the ascendance of economic explanations for delinquency in the profound economic crisis of the 1930s. This study is also suggestive of the ways in which the economic discourse and the material reality of the Depression held the potential to

30 See for example Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (London 1987); S. Krim, ed., *The Beats* (Greenwich Conn. 1960); S. Buff, “Greasers, Dupies and Hippies: Three Responses to the Adult World,” in L.K. Howe, ed., *The White Majority: Between Poverty and Affluence* (New York 1970).

31 John R. Sutton, “Children in the Therapeutic State: Lessons for the Sociology of Deviance and Control,” in George S. Bridges and Martha A. Myers, *Inequality and Social Control* (Boulder 1993), 227-48. Howard Becker, *Outsider: Studies in the Sociology of Deviance* (New York 1963), 152-7.

both radicalize youth and radicalize the social workers who were attempting to colonize gangs and convert them into “schools” of middle-class values.

Causation and the Social Construction of Juvenile Delinquency

The dramatic increase in juvenile offenses after 1933 prompted widespread concern and renewed interest in the causes of delinquency, yet consensus on what drove children to commit crimes was elusive. The Director of St. Patrick’s Home in Halifax, writing for a national audience, noted wryly:

Many investigations have been carried out with the view of reaching a solution for this problem. By some, poverty has been offered as the sole cause. By others, hereditary deterioration is made to bear the blame. At other times, feeble-mindedness, emotional conflicts, political interference in police and court activities, inadequacy of school character building programs, parental neglect, glandular deficiency, intestinal intoxication, or flat-feet, among a host of other specific factors has been set up by self-assured advocates as the sole underlying condition.³²

Most social workers and court officials who worked with juvenile offenders focused upon a limited number of interrelated causes, and structured their work in accordance with their perceptions.

Some social workers gestured towards race and intelligence as an explanation for youth crime. O.L. Austin and K.H. Rogers noted, in a summary of Big Brothers activities in 1935, that “chronic delinquents usually show poor social, racial, physical and mental

32 Brother Aileran, “Juvenile Delinquency,” *Child and Family Welfare*, Vol. 14, No. 6 (March 1939), 23.

background,” thus conflating race with intelligence, class position and physical health.³³

The question of intelligence is particularly interesting in light of the Court’s extensive use of psychiatrists and IQ tests in the 1930s.³⁴ While some groups of delinquents tended to be of below normal intelligence, the Family Court concluded in 1930 that intelligence was not the determining factor among repeat offenders.³⁵ This conclusion stands in contrast to *The Report of the Royal Commission on Public Welfare*, in which it was argued that 60-65% of delinquent and neglected children had “defective” parents. The Commission drew a direct link between child IQ and delinquency, and called for a forced sterilization campaign to control crime.³⁶ The opinions of the Commission, however, were not acted on and although the medicalization of delinquency continued through the involvement of doctors and psychiatrists, the search for individual pathology (poor breeding, low IQ) was eclipsed by the search for a social pathology rooted in non-conforming cultures.

Leslie Smith, a Big Brothers caseworker in Parkdale, saw the large “foreign” population with its different “moral, religious, and political ethics” as one cause for youth

33 O.L. Austin and K.H. Rogers “The Voluntary Case Work Agency and Juvenile Rehabilitation,” *Child and Family Welfare*, Vol. 9, No. 2 (July 1935), 39.

34 See the Report of the Toronto Family Court, 1938: “it is essential that the Court should have as its handmaidens the advantage of the Medical Practitioner, the Psychologist, the Psychiatrist, the Sociologist and the Educationist.”

35 See “Report of the Toronto Family Court for the Year 1930,” *Child and Family Welfare*, Vol. 7, No. 2 (July 1931), 31. See “Report of the Toronto Family Court for the Year 1930,” *Child and Family Welfare*, Vol. 7, No. 2 (Jul. 1931), 31.

36 “Defective Children,” under 50 IQ (poor parents) “need to be placed in an institution and live all their lives in it,” 50-70 IQ, “they can be trained,” 70-80 IQ “can be trained to earn a decent living.” P.D. Ross, D.M. Wright, J.M. McCutcheon, *The Report of the Royal Commission on Public Welfare* (Toronto 1931).

crime. Smith used as an example, one boy thief whose “foreign” mother encouraged and praised his criminal actions to illustrate his point: “to all appearances it seemed that the sibling who brought home the greatest and most valuable number of stolen goods was considered the ‘white haired’ child of the family.”³⁷ While race or ethnicity were occasionally invoked, the fact that most delinquents were native born Canadians had already been established by G.W. Anderson’s 1932 study of Toronto boys committed to industrial schools between 1919 and 1932. The overwhelming majority of children were Canadian born, and Anderson thus stressed that “we cannot say that they could not understand our different laws and social order for they have known no other.”³⁸ By 1939, the Big Brothers Movement, and its director, Kenneth Rogers, in particular, had moved away from an earlier analysis that invoked race or ethnicity to explain delinquency, reaffirming Anderson’s conclusions with new studies that showed only 5% of Toronto delinquents were foreign born.³⁹

Social workers, court officials, and the police more frequently connected familial instability and immorality with juvenile delinquency. The “owners” of social welfare issues in Ontario, Dorothy Chunn points out, began to emphasize deviations from middle-class notions of the family as the “chief incubator of social problems” between the wars, including juvenile delinquency.⁴⁰ A study of 43 boys from Toronto committed to

37 Leslie Smith, “Annual Report, Parkdale District,” (Dec. 31, 1938), 3, copy in Big Brothers.

38 G.W. Anderson (B.A., M.B., Psychiatrist Juvenile Court, Toronto), “Survey of Industrial School Commitments from the City of Toronto, 1919-1932, inclusive,” (1933), 2, copy in Big Brothers.

39 [Kenneth H. Rogers], “Bent Twigs: Survey of Juvenile Delinquency in the City of Toronto for the Year 1939,” 3, copy in Big Brothers.

40 Dorothy Chunn, *From Punishment to Doing Good*, 36-7.

industrial schools between 1926 and 1931, undertaken by Joseph MacDermott of the Social Sciences Department of the University of Toronto in 1932, found that “in many cases, a home and family background of marked instability” was evident. Fathers were absent from over half of the families studied, mothers were absent from 7 of the 43 families, and the legality of the marriage of 6 couples was suspect.⁴¹ A Toronto study of juvenile car thieves in 1936 found that 21% came from “broken homes,” while another study found that juvenile female sex ‘offenders’ often came from “broken homes.”⁴² Consequently, case workers were attentive to unusual family arrangements, noting in one case that the main problem facing the child was a “gross absence of home standards of decency, morality, family cohesion, religion and social feeling. The pseudo-foster-mother was a common law wife alleged to be the proprietor of a bawdy house.”⁴³

Despite their greatest efforts, social workers felt that boys from broken or immoral families were predisposed to offend, a view supported by statistical evidence on the family status of juvenile delinquents.⁴⁴ The following letter from a man who was

41 [Joseph MacDermott], “Whither Bound,” *Child and Family Welfare*, Vol. 7, No. 6 (March 1932), 37-8. Of the 23 absent fathers, 10 were dead, 6 had deserted, 3 were permanently separated, 1 was divorced. 7 had been replaced by step-fathers (often a situation rife with conflict). Of the mothers, 4 were dead and three had ‘run away with other men.’ Three had been replaced by step mothers.

42 G.W. Anderson and K.H. Rogers, “A Group of Auto Theft Cases,” *Child and Family Welfare*, Vol. 12, No. 3 (Sep. 1936), 41; “News Notes, The Toronto Family Court,” *Child and Family Welfare*, Vol. 8, No. 5 (June 1933), 51. This was one of the only references to female delinquents in this journal in the 1930s. For a consideration of the relationship between female delinquency, broken homes and incest see Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960* (New York 1988), 227-9.

43 O.L. Austin and K.H. Rogers, “The Voluntary Case Work Agency and Juvenile Rehabilitation,” *Child and Family Welfare*, Vol. 9, No. 2 (July 1935), 39.

44 Marjorie Moore, “Treatment Without Operating,” *Child and Family Welfare*, Vol. 9, No. 6 (Mar 1934), 43.

separated from his parents when the family fell apart in the 1930s would have reinforced the belief that familial instability and break-up led to youth crime.

I am writing you a letter letting you know that I am back in jail again, the term I have to serve is two years less one day at Burwash ... I don't know what made me do it this time just another crazy idea got into my head, and I don't think of the consequences, well nothing matters now. I know you never want anything further to do with me, and I don't blame you, I'm no good and never will be any good to anyone, not even myself. I guess I'll be in jail all of the time ... Since I was eight years old I have been in custody of some institution, that's 13 years and you wonder why I'm always in trouble. If I had been brought up at home I'd have been a model son.⁴⁵

One young offender, who participated in a study of boys in reform schools in Canada in 1939, bluntly stated that no boy would run away or get into trouble "if he has a good home unless he is crazy."⁴⁶

While family relations were viewed as the immediate environment breeding juvenile delinquency (and the basis for caseworkers' observations about the role played by alcohol, morality, religion, and discipline) the evident overlap of poverty and youth crime was inescapable. In 1931, caseworkers routinely noted that many of the boys committed to industrial schools from Toronto came from "homes where want has stripped from life those healthy forms of activity by which children enrich their education." The observations of social workers were reinforced by statistical compilation and analysis conducted by Toronto's Family Court that concluded that 60% of their

45 AO, Ontario Provincial Court, Family Division (York), General Case Files, 1931-1939, RG 22-5836 (Family Court), file 25,428.

46 Harry T. Atkinson, "What Several Hundred Delinquents Think of the Police," *Child and Family Welfare*, Vol. 15, No. 2 (July 1939), 51.

juvenile cases involved children whose families were on relief.⁴⁷ A rather eloquently phrased introduction to the Annual Report of the York County Juvenile and Domestic Relations Court in 1933, stressed the relationship between poverty and delinquency:

Crime is a twin sister of Hard Times, and the two go hand in hand. ... In these lean times boys and girls, naturally energetic and ambitious, have been forced to lead idle lives. In many cases the parents, through no fault of their own, can set no better example for their children. The unfortunate result is that the youth of the country, with little to occupy their minds, tend to violate the laws of the state.⁴⁸

Youth unemployment received particular attention for its role in creating unsupervised leisure, as well as youth poverty. Toronto's Police Chief, commenting upon the relationship between youth unemployment and youth crime in 1938, noted that

youth trained, or untrained, is willing and anxious to work but can find nothing to do ... Scarcity of work and pressure to save jobs for adults ... has proven disastrous for the young people of today. These young people are not bad at heart but the unfortunate conditions confronting them ... encourages Juvenile Delinquency and Crime."⁴⁹

Projecting fears of an impending social disaster, H.A. Weir, a Nova Scotia School

Inspector writing on Canadian youth unemployment, predicted not only increased youth

47 Frank T. Sharpe, "The Challenge of the Delinquent" (June 1931), copy in Big Brothers. It should be remembered that the state-run Industrial School was originally perceived as "the boarding school for the poor." See Susan E. Houston, "The 'Waifs and Strays' of a Late Victorian City," 135.

48 AO, Ministry of the Attorney General (AG), RG 4-32, 1934 - 344, "Annual Report of the York County Juvenile and Domestic Relations Court," 1933. For the relationship between unemployment and delinquency see Ira N. Gerry, "A Business Man Voices Some Plain Truths About Youth and Unemployment," *Child and Family Welfare*, Vol. 7, No. 4 (November 1936), 57-60. Also see AO, RG 4-32, 1937 - 53, "Annual Report of the York County Juvenile & Family Court," (1937).

49 Annual Report of the Chief Constable of the City of Toronto, 1938, 38. For a report on the 1934 inquiry into the effect of unemployment on youth in 14 countries conducted by the International Save the Children Fund and presented to the League of Nations, see "The Effect of Unemployment on Children and Young People," *Child and Family Welfare*, Vol. 10, No. 3 (Sep. 1934), 22-32.

crime, but public disorder, political upheaval, and escalating pre-marital sexual relations culminating in a plethora of 'illegitimate' births.⁵⁰

The Economic, Social and Spatial Colonization of the 'gang'

The perceived causes of juvenile delinquency thus varied greatly; different voices of authority contributed to the construction of a complex and shifting matrix of causal factors, ranging from race, ethnicity, poverty, unemployment, intelligence, social class, neighborhood location, housing, education, and familial breakdown. As the Depression proceeded, and concern with adult criminal gangs rose, perceptions of delinquency turned to the emergence of youth gangs as a particularly menacing manifestation of adolescent degeneration. In the early 1930s, gang membership was noted as a *contributing* factor in over half of the commitments of Toronto boys to industrial schools.⁵¹ By the mid-1930s, youth gangs were increasingly viewed as the *organization* of juvenile crime, much as criminal syndicates were viewed as the organization of adult crime.

The 1933 report of the Toronto Family Court (which also comprised the Juvenile Court) detailed evidence of a bicycle theft ring, linking youth gangs with unscrupulous adult businessmen, and hinting at the rise of "illicit capital" as the future "representational

50 H.A. Weir, "Unemployed Youth," in L. Richter, ed., *Canada's Unemployment Problem* (Toronto 1939), 139-41.

51 [Joseph MacDermott], "Whither Bound," *Child and Family Welfare*, Vol. 7, No. 6 (March 1932), 39.

figures of capitalism's last decades of the twentieth century."⁵² Noting that organized bicycle theft was a new development, the Court described how "gangs working together, steal bicycles and then proceed to remove all possible clues of identification by removing the serial numbers, changing the parts and repainting the frames," in what was described as "big business."⁵³ A 1936 study of auto theft in Toronto revealed that over half of the youths involved were affiliated with gangs.⁵⁴ A 1939 study of the life course of 161 Toronto juvenile delinquents noted that 70% of those who became "failures" in later life (defined as becoming an adult criminal or a listless n'er-do-well), had been "running with gangs."⁵⁵ Police Chief Draper lamented the "never ending drift of youth into crime" and expressed alarm over the emergence of a 1937 youth gang crime wave manifest in "considerable purse-snatching by persons riding bicycles or using motor cars for a quick get away" and "spasmodic outbreaks of robberies where Drug Store delivery boys were held up."⁵⁶

By 1936, attention was turned to working-class poverty and slum conditions as the cause of collective delinquency. Although heavily influenced by their own experiences and investigations, Toronto social workers drew liberally upon numerous

52 Bryan D. Palmer, "Nights of Accumulation: Banditry, Mafias and the Contemporary Spirit of Capitalism," Chapter 19 of a forthcoming monograph entitled *Dark Cultures*.

53 H.S. Mott, *Report of the Toronto Family Court* (Toronto 1933), 21-2. Bicycle theft was also lucrative. A dealer would buy a bicycle for \$2 and sell it for \$20.

54 G.W. Anderson and K.H. Rogers, "A Group of Auto Theft Cases," *Child and Family Welfare*, Vol. 12, No. 3 (Sep. 1936), 41.

55 V. Lorne Stewart and Kenneth H. Rogers, "What Happens to Juvenile Delinquents? A Follow-up Study of 161 Boys Referred to the Big Brothers Movement by the Toronto Juvenile Court," (Toronto 1939), copy in Big Brothers.

56 Annual Report of the Chief Constable of the City of Toronto, 1937, 24.

American studies conducted in the 1920s and 1930s that pointed to the general economic and psychological demoralization of working-class families as the primary cause of delinquent youth gang formation.⁵⁷ The association constructed in the Depression between working-class family structure, poverty, slums, youth crime, and gangs was integral to the formulation of youth gang concerns, and perpetuated the perception of youth gangs as a working-class adolescent male social problem in the 1940s, when juvenile delinquency rates peaked.⁵⁸

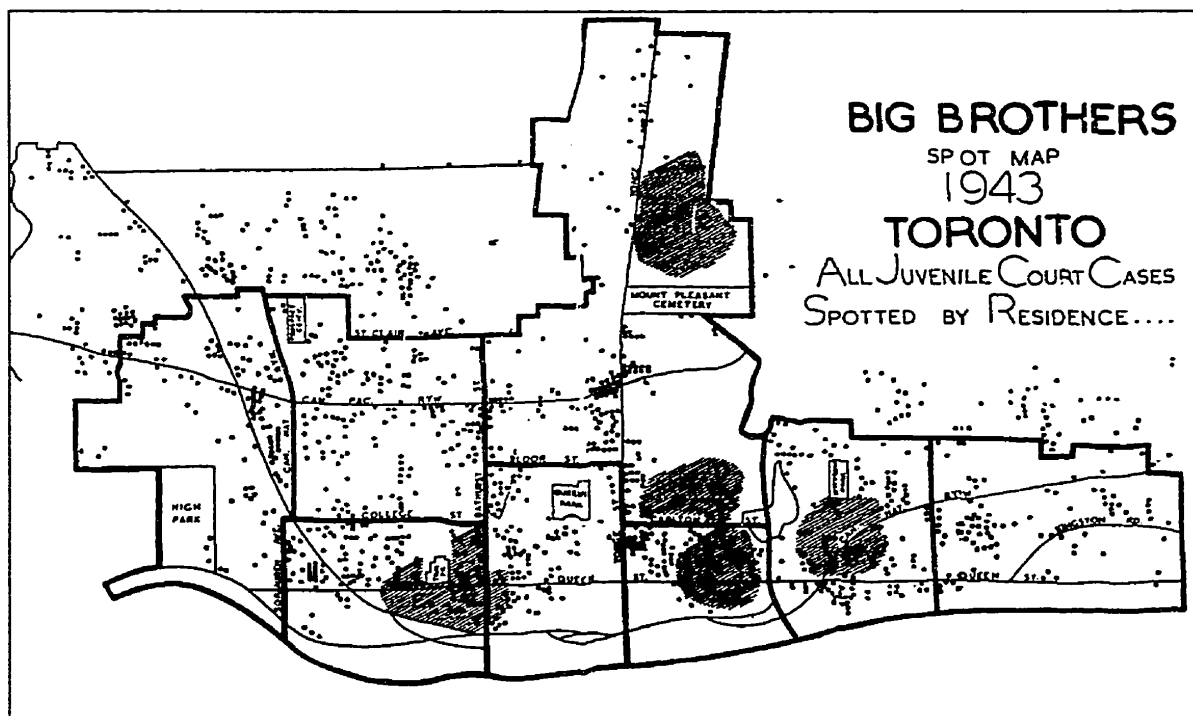
The Big Brothers movement of Toronto, which was actively involved in the supervision of 25% of Toronto's juvenile delinquents, and on the leading edge of youth gang rehabilitation, drafted detailed maps correlating the geographic location of relief recipients with juvenile delinquents as a prelude to their own corrective work among Toronto's youth.⁵⁹ Low wages and unemployment were often cited as the cause of family stress and juvenile delinquency, and linked to slum conditions that 'bred' delinquency.⁶⁰ While detailed annual studies exposed a certain fluidity in the geographical occurrence of delinquency, Big Brothers consistently found concentrations of delinquents along certain

57 For example see William Foote Whyte, *Street Corner Society: The Social Structure of an Italian Slum* (Chicago 1943); Frederic M. Thrasher, *The Gang*. For a 'life history' style account see Clifford R. Shaw, *The Jack-Roller: A Delinquent Boy's Own Story* (Chicago 1930). For a more recent consideration which also surveys the literature see Albert K. Cohen, *Delinquent Boys: The Culture of the Gang* (Glencoe, Ill. 1955), esp. 36-44; Daniel Glasen, "Social Disorganization and Delinquent Subcultures," in Herbert C. Quay, ed., *Juvenile Delinquency: Research and Theory* (Princeton, N.J. 1965); For broader considerations of the relationship between poverty and crime see Rufus Schatzberg, *Black Organized Crime in Harlem: 1920-1930* (London 1993); Conwell Chic, *The Professional Thief, by a Professional Thief* (Chicago 1963). For an attempt to probe non-working-class delinquency, which also acknowledges the conflation of working class youth with gang delinquency, see Edmund W. Vaz, "Delinquency and the Youth Culture: Upper and Middle-Class Boys," in W. Mann, ed., *Social Deviance in Canada* (Toronto 1971), 74-97.

58 For an overview of statistical trends see D. Owen Carrigan, *Crime and Punishment in Canada*, 201-229. Also see Augustine Brannigan, "Mystification of the Innocents, 111-144.

streets: “Just as we have ‘recidivist boys’ and ‘recidivist homes’ so we appear to have ‘recidivist streets.’”⁶¹ Riverdale, Cabbagetown, and the district around Bathurst Street and Queen Street, were the focus of on-going interest and intervention. The dots on the map below indicate the residence of a boy delinquent, while the gray areas (including the three districts listed above) denote particularly high concentrations of juvenile delinquents.

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- 59 For the relationship between mapping, management and control see Michel Foucault, “Questions on Geography,” in Colin Gordon, ed., *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York 1980), 63-77.
- 60 Sandford Bates of the Boys Clubs of America was often quoted by Big Brothers: “We need not worry about preventing crime by the underprivileged boy if we stop breeding him in underprivileged areas.” “Boys Who Get into Difficulty: Survey of Juvenile Delinquency in the City of Toronto for the Year 1938,” 7, copy in Big Brothers. For a more recent look at the relationship between a neighbourhood’s social and cultural milieu and deviant youth subcultures see Irving Spergel, *Racketville, Slum Town, Haulburg: An Exploratory Study of Delinquent Subcultures* (Chicago 1964).
- 61 [Kenneth H, Rogers], “Bent Twigs: Survey of Juvenile Delinquency in the City of Toronto for the year 1939,” 3, copy in Big Brothers. Similar maps exist for many years in the 1930s. For an interesting look at space and moral regulation in the 1940s see Mary Louise Adams, “Almost Anything Can Happen: A Search for Sexual Discourse in the Urban Spaces of 1940s Toronto,” in Mariana Valverde, ed., *Studies in Moral Regulation* (Toronto 1994), 219-32.

Image 3A: Big Brothers Spot Map of Juvenile Court Cases⁶²

Commentary on slums and housing conditions to explain delinquency was further refined in the analysis of gang development, occasionally drawing upon the rhetoric and symbolism of earlier moral reformers in describing the urban landscape.⁶³

The Western half of this area contains many imposing residences of another day which at the present time have been transformed into hotels purveying beer and, into boarding houses ... In the little side-streets leading into such well known thoroughfares as Church, Jarvis and Sherbourne are more boarding houses or just houses giving shelter to as many families as it is possible to crowd within the walls. There are many

62 "A Survey of Juvenile Delinquency in the City of Toronto for the year 1943," 3, copy in Big Brothers.

63 For an analysis of the construction of slums see Mariana Valverde, *The Age of Light Soap and Water: Moral Reform in English Canada, 1885-1925* (Toronto 1991), Ch. 6. Social workers delighted in the boys' apparent enthusiasm for hygiene: "The showers of warm water and the presence of soap thrilled them," and noted its transformative powers: "By the time they were washed and in the pool they seemed to be a different group." Kenneth H. Rogers, *Street Gangs in Toronto*, 68.

connecting lanes running at the back of these side streets and parallel to them. These lanes are excellent warrens of refuge for activities which shun the light of day.⁶⁴

Along the dark alleys which defied the light of salvation, and harbored the “people of the shadows,” walked men, women and children, many of them “decent and clean, others physically dirty and morally corrupt.”⁶⁵

Gangs existed not only in the physical space of working-class slums (flourishing in the secluded back alleys), but in the imaginary space of gangland, complete with its own values, conventions and rhythms. In Toronto’s “gangland” of the 1930s and early 1940s, we find a distinct youth social formation that, like Chicago’s gangland of the 1920s, occasionally “cut through all the conventional social and racial discriminations.”⁶⁶ In the same decade as the Christie Pits race riot, Blacks, Jews, European immigrants and English Canadians saw their children move past the barriers of ethno-social division and conflict to join multi-racial youth gangs, built on mischief, crime and neighborhood.⁶⁷

Adolescent gang members engaged in rough play, street warfare, shooting craps (rolling

64 Sam Campbell, “A Final Report on the Survey For the Big Brothers of Area number 11 in the City of Toronto To Discover (a) If Gangs of Boys Exist in the Area (b) If These Gangs Would Respond to Adult Leadership,” (August 1944), 1, copy in Big Brothers. For a good collection of images of slum dwelling children see Gregory Kealey and Linda Kealey, “Poverty and the Working Class in Toronto, 1880-1914,” *Canada’s Visual History*, No. 33 [slides] (Ottawa 1974). Also see Michael Piva, *The Condition of the Working Class in Toronto, 1900-1921* (Ottawa 1979), 113-142.

65 Sam Campbell, “A Final Report on the Survey For the Big Brothers of Area number 11,” 1.

66 Frederic M. Thrasher, *The Gang*, 3. D. Owen Carrigan, *Crime and Punishment in Canada*, 220. The finding of the Big Brothers contradict Carrigan’s assertion that gangs were ethnically/racially homogeneous and grew from racial/ethnic isolation and self-defense in Toronto and Montreal in the 1930s.

67 See Cyril Levitt and William Shaffir, “The Christie Pits Riot: A Case Study in the Dynamics of Ethnic Violence - Toronto, August 16, 1933,” *Canadian Jewish Historical Society Journal*, Vol. 9, No. 1 (1985), 2-30; Cyril Levitt and William Shaffir, *The Riot at Christie Pits* (Toronto 1987). For the involvement of youth gangs in the Christie Pits riot see Lita-Rose Betcherman, *The Swastika and the Maple Leaf: Fascist Movements in Canada in the Thirties* (Toronto 1975), 48-50.

dice), organized theft, drinking, smoking, and occasionally violent crime, perhaps (as was feared by social workers and the police) hoping to graduate to the adult social and imaginary space of “gangsterland,” as was the case of the Volpe brothers who apprenticed in youth gangs before become “key figures in organized crime in Toronto.”⁶⁸

Little is known about gangs in Toronto in the early 1930s; the Big Brothers Movement did not begin to research local gangs until 1938. Although the reports reflect the organization’s mission to alter youth behavior patterns, they also provide a compelling account of this form of working-class adolescent social organization. A study of Toronto’s Parkdale district detailed the activities of five gangs operating within a 300 yard radius of Argyle St. and Dovercourt Road (while claiming that the phenomenon existed throughout the city). The Purple Gang was modeled after a prominent Chicago gang of the same name, and was composed of teenagers and young men between the ages of 16 and 22 years. They were led by a 19-year-old boy with a crippled foot who had been unemployed since he left school at the age of 16. Described as intelligent, he was eventually offered work at the Neighbourhood Workers Association’s (NWA) Parkdale office doing chores. The Dovercourt Gang, with 20 members between the ages of 14 and 19, shared the heart of Parkdale’s gangland with the Purple Gang. The Argyle Gang also numbered about 20 youths, from 14 to 17 years-old. “Knifer,” so named because he was reputed to have cut 20 people with his knife, led the gang in its various activities, foremost of which was organized stealing:

68 D. Owen Carrigan, *Crime and Punishment in Canada*, 220.

One of their methods is for one of their members to jump upon a truck when it is in full flight. He then proceeds to unload some of the goods from the truck on to the bicycle carriers of one of the boys following the truck. When this boys carrier is full he rides away. It is claimed that from one to five bicyclists follow the truck.⁶⁹

Another group was known as the Junior Argyle Gang, composed of boys between the ages of 11 and 14, who “hope some day to graduate to the Argyle Gang.”⁷⁰

A subsequent study of gangs around Bathurst and Queen Street conducted in 1944 found that there were no less than 12 easily identifiable gangs; more were evident but unreachable through casual investigation, and it was thought that the area was “infested with gangs of boys.” Big Brothers case worker Clifford W. Pugh roamed the streets, overcame suspicions that he was a policeman, a journalist or a homosexual, and befriended some of the gangs as they hung out, played craps, or shot at each other with pellet guns.

The younger Argyle gang was still in existence, although it was half foreign born children. The Older Argyle gang was elusive, although rumored to have 10 members, three of whom are Negroes, remaining after several key members had found jobs. The Grace Street Gang is a mixture of Polish and Jewish boys, who are “close-knit as a group but are anti-social.” The Givens Street Gang is a group of older boys. They are “gamblers deluxe” and are leaders for the younger boys. The Falcons, like the Grace Street gang are Polish boys of little evil intent. The Strachan gang played craps at the Trinity K-club.⁷¹

While the conditions of wartime differed significantly from the Depression years (primarily because of increased male employment), the observations offered by the investigators are relevant to the conditions of the earlier period; the gangland city slum as

69 Leslie Smith, “Annual Report, Parkdale District,” (31 Dec. 1938). The Ossington Gang was based primarily on athletics although they “have been known to steal.” 4

70 *Ibid.*, 5.

71 C.W. Pugh, “Experiment in Social Science,” 31 Aug. 1944, copy in Big Brothers.

a physical and symbolic presence changed little during the war years. A study of the Angels Gang (operating in and around Mount Pleasant cemetery in 1944) provides one of the few detailed descriptions of young gang members. Although many of their parents were employed, the boys' situation was severe; the following description gives some indication of the deprived material and psychological context in which youth gangs were perceived to have flourished during the Depression.

Bucko F., aged ten, has been down to juvenile court for stealing bikes, taking them to pieces and selling the parts. As a sideline he lets horses out of neighbouring riding stables ... There are 14 members in his family; one of the parents works at DeHaviland. Carl and Warner, ages 8 and 12. Carl steals his father's cigars, pipes and beer. He and Bucko got soused in the park one evening. Warner has a summer job. Bob and Porky are brothers aged 11 and 8. Bright but quarrelsome. Bob has to repeat his year at school. Doug is 14 cross eyed and mentally below par. [He] is beaten up by his father regularly. Jimmy and George, ages 11 and 8, are Jewish boys. Jimmy is hunch backed. George gets breakfast for Jim and some younger sisters while his mother sleeps in every day. Bob is a heavy smoker but a good lad. Charlie and Freddy have summer jobs. These boys all smoke, tell filthy stories, and swear like merry old Hell.⁷²

The Big Brothers movement chronicled a wide diversity of youth gang formations, noting that some were "harmless" and others presented a real problem to society. The mission, as seen by social workers, was to substitute healthful challenges and activities for harmful but temporarily rewarding pursuits. Although a systematic campaign to cultivate socially positive gangs in Toronto did not develop until the late 1930s, the approach and techniques then developed continued through the 1940s and centered on constructing alternatives, rather than punishing deviance.

72 Ivan H. Cleaver, "Final Report Regarding Unattached Gangs of Boys in the City of Toronto, Special Summer Survey, 1944," 7, copy in Big Brothers. The case workers noted that most mothers were out working.

Despite the public menace associated with groups of criminal (and potentially criminal) children, social workers saw youth gangs as a ‘natural’ and powerful form of youth organization rather than as an inherently anti-social phenomenon. William Green, the Superintendent of a school for wayward boys in Mimico, recognized the important opportunities gangs offered to those who had little success elsewhere. In commenting on one of his less accomplished inmates, Green noted that the boy “did find it possible to be a leader in a downtown gang who sold newspapers, gambled, and raided stores. Thus the lad tasted the fruits of popularity and success, and his illegal acts became a necessity to him.”⁷³ Accepting the inevitable tendency of young boys (and sometimes girls) to congregate and act in packs, some social workers extolled the constructive potential of youth gangs. Frank Sharpe, of Toronto’s Big Brothers movement, eloquently described the profound role gangs played in the development of Toronto’s male working-class youth:

The boy without a gang is like a dog without a bone — he has been robbed of his heritage. Gang life is where a boy learns to be a man. It is his school of democracy. His first lessons in fair play and sacrifice are brought to him, there, and that in itself is no small consideration. The gang is the grindstone that polishes precious stones or ruins them completely. The gang is the most potent influence in the life of the growing boy for good or for bad. It is his school of morals and language and behaviour.⁷⁴

The goal of social workers working with youth was to channel the ‘natural’ energies of young hoodlums into constructive activities. Cleveland’s successful campaign to recruit

73 William Green, “Boys Will Be Boys,” *Child and Family Welfare*, Vol. 10, No. 4 (Nov. 1934), 22.

74 Frank T. Sharpe, “Stopping Before Starting,” *Child and Family Welfare*, Vol. 7, No. 3 (Sept. 1936), 42. Also see Frederic M. Thrasher, *The Gang*, 23-35.

65 gang leaders, give them autonomy over constructive group activities and place them in employment, resulted in a drastic decline in crime, and indicated what was possible.⁷⁵

Social workers feared that failure to transform gangs into a positive social force would reproduce the family dynamics and poverty which initially contributed to the emergence of juvenile delinquency and youth gang activities. Frederic Thrasher observed that gangs were an adolescent phenomena occupying “a period in the life of a boy between childhood, when he is usually incorporated into a family structure, and marriage, when he is reincorporated into a family and other orderly relations of work, religion and pleasure.”⁷⁶ Social workers believed that ‘misspent’ (ie. sexually active) adolescent years would influence the orderliness of young families, and may have noted with alarm the disproportionate number of young couples who ended up before the Family Court in the 1930s. American studies of youth gangs paid significant attention to the sexual practices of gang members. Frederic Thrasher’s influential study of Chicago gangs expressed concern with male sexual development. Youth sexual promiscuity and an interest in prostitutes was seen as resulting from the close physical proximity of vice and slums. Thrasher’s survey of gang culture pointed to an early awareness of sexuality (via older gang members and pornography), and sexual relations with neighbourhood girls, that on one occasion took the form “of a sort of polyandry carried on with a girl in their hangout.”⁷⁷ Thrasher also ‘uncovered’ evidence of ‘orgiastic type’ gangs in which mixed

75 “Cleveland Rounds Up Young Gangsters,” *The Canadian Welfare Summary*, Vol. 14, No. 3 (Sep. 1938), 61.

76 Frederic M. Thrasher, *The Gang*, 32.

77 *Ibid.*, 158.

groups of children (generally 13 to 16 years old) would congregate in vacant lots, parks or abandoned buildings and engage in “petting, necking, and mugging.” Older boys staged “stag parties,” that according to the report of the Juvenile Protection Association, featured the raffling off of young women and girls for sexual relations, strip shows, and a sexual orgy on stage.⁷⁸

While gangs in Chicago could include female members who entered through victorious combat with a male gang member (usually younger gangs) or by extending sexual ‘favors’ (usually older gangs), there is no evidence to suggest that young women were members of Toronto gangs in the 1930s, or that social workers were particularly concerned with the sexual practices of young male gang members.⁷⁹ Hugh Garner’s fictional account of life in Cabbagetown in the 1930s contains an innocent yet mischievous account of courtship in the gang milieu:

During the warm weather some of them mounted their own or borrowed bicycles and rode in a group through downtown to the Ward to try and pick up the little Italian and Jewish girls to take for rides on the bars of their bikes. When the gangs of young fellows in the Ward proved too tough they rode down to Cherry Beach or Simcoe Beach, along the East-End lakefront, to flirt with and pick up the girls. Many of the girls willingly went for bike rides down behind the gas works or along the deserted factory streets, and when the gang remustered later they would brag and lie about their largely imaginary conquests. Nothing much happened on these nocturnal forays except a little kissing and what was to become known as petting but the adventure of the game and its possibilities drew them almost every night.⁸⁰

78 *Ibid.*, 164-5.

79 Only Montreal’s Alert gang had both male and female gang members, and an overtly sexual reputation. D. Owen Carrigan, *Crime and Punishment in Canada* (Toronto 1991), 220. Social workers were concerned with juvenile sexuality, but those concerns were not heightened by the discovery of gangs. For a discussion of the sexualization of youth culture see Cynthia Comacchio, “Dancing to Perdition,” 5-35. For a fictional account of a co-ed youth party and the associated sexual antics see Hugh Garner, *Cabbage Town* (Toronto 1968), 15-17.

80 Hugh Garner, *Cabbage Town*, 71-2.

Explicit concerns with male gang member sexuality in Toronto were only obliquely articulated through a particular construction of working class masculinity that glossed over detailed examination of male juvenile sexual relations and focused on the inability of youth to successfully progress from sexual relations to family life and labor.⁸¹

If gangs were indeed the grindstones that polished precious stones or ruined them completely, evidence of a poor finish emerged in some of Toronto's young families marked by a wild youth that jeopardized their ability and inclination to emulate middle-class notions of proper gender roles, family forms, and sexual behavior.⁸² A young shipper left his teen wife after a marriage forced by pregnancy, because she was drinking, smoking, and running with a bad crowd.⁸³ Nineteen-year-old Billy H married his girlfriend when she became pregnant, but never looked for work and continued to 'hang' with his Riverdale Gang; he was eventually compelled to leave his wife by the Neighbourhood Workers Association because he was abusive and they were "a bad couple."⁸⁴ Jacque, a nineteen-year-old year old truck driver who lost numerous jobs for fighting with his employers, accused his seventeen-year-old wife of continuing sexual

81 For two contradictory views of youth courtship in this period see John Modell, "Dating Becomes the Way of American Youth," in David Levine *et. al.*, *Essays on the Family and Historical Change* (Arlington, Texas 1983), 91-126 and Veronica Strong-Boag, *The New Day Recalled: Lives of Girls and Women in English Canada, 1919-1939* (Toronto 1988), Ch. 3. Also see Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago 1993). The subject of gangs and masculinity has not received extensive commentary here because the sources led in a different direction, yet the assertion of masculinity is one of the characteristics of distinctive youth subcultures. For a summary of the literature see Mike Brake, *The Sociology of Youth Subcultures*, 82-3, 137-48

82 See Mariana Valverde, 'Building Anti-Delinquent Communities,' 27. For a discussion of 'improper' sexual behavior in this period in Ontario see Joan Sangster, "Incarcerating 'Bad Girls,' 255.

83 AO, Family Court, file 28,225.

84 *Ibid.*, file 27,994. In 1938 he died in a Sudbury mine explosion.

relations with former lovers, and dealt with his brooding jealousy by drinking in the back alleys of Riverdale with his old Silverstone Gang.⁸⁵ Attempts to reshape and mold youth ultimately aimed to inculcate middle-class social values in working-class families such as these.

The Counter Hegemonic Possibilities of Working-Class Youth Culture

If gangs and delinquency promised ruin for some young couples, the lessons learned of social cohesion based on age, neighborhood and class offered potential for collective action that reached beyond petty theft, gambling, intoxicants and sexual adventure. Frank Sharpe's observation that gangs were a school for democracy, morals, language and behavior is worth noting. Although gangs did not cultivate the middle-class values that Sharpe hoped they would, they did build a rudimentary sense of solidarity, sharing, and justice.⁸⁶ Ivan Cleaver, investigating gangs in Toronto's north and east ends, uncovered a natural, if rough, gang solidarity: "[t]hey are unruly, quarrelsome, profane but present a united front to any outsider."⁸⁷ The boys' 'profane culture' was expressed in vulgar songs which they sang to dismayed streetcar passengers as a sign of their vitality and cohesion, and all displayed a love of public cursing that made middle-class parents

85 *Ibid.*, file 27,684.

86 Frank T. Sharpe, "Stopping Before Starting," *Child and Family Welfare*, Vol. 7, No. 3 (Sept. 1936), 42. For a more detailed discussion of the gang instinct and the social conditions which shape its form and meaning see Frederic M. Thrasher, *The Gang*, 23-35.

87 Ivan H. Cleaver, "Final Report Regarding Unattached Gangs of Boys in the City of Toronto, Special Summer Survey, 1944," 4, copy in Big Brothers.

with children recoil in horror.⁸⁸ They played games that were particular to their milieu, such as “Escaped Convicts” (probably equivalent to ‘hide and seek’), universally adopted skinny-dipping, and derisively referring to swimming while *wearing* a bathing suit as “dude” swimming.⁸⁹ They bought each other treats, shared “boosted” booty, and (when on excursions with an undercover caseworker) generously divided their food so that none would be without.⁹⁰

The class bound lessons of the gang (including an appreciation of solidarity and fair play) were sometimes complemented by children’s comprehension of general economic conditions and realities in the 1930s. While youth unemployment was extremely high, some children did manage to find poorly paying jobs. In 1936 the Child Welfare Council of Toronto complained to David Croll that there were a number of boys working as bicycle messengers, 13 hours a day for \$3 a week, to help support their families on relief.⁹¹ A young delivery boy, complaining of the long hours and low pay, portrayed a precocious class awareness in pointing out that “all over the city boys are

88 This brings to mind Paul Willis’s observation that swearing “held an ability to fill their verbal range with a force of meaning and muscularity of style for a distinctive and incontrovertible expression of feeling impossible to other, more polite, modes of discourse.” Paul E. Willis, *Profane Culture* (London 1978), 42-3.

89 Here we have nakedness as a distinctive style of ‘dress.’ See D. Hebdige, *Sub-culture: The Meaning of Style* (London 1979).

90 Kenneth H. Rogers, *Street Gangs in Toronto*, 54-55, 58, 63. This book is an edited (and altered) compilation of individual neighborhood assessments and needs to be approached critically. The validity of the observations may be challenged, but the trends and characters found in Toronto conforms to other studies (previously cited) that probe gangs and gang culture in the early 20th century. For a consideration of the relationship between gang culture and political activity see Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (London 1990), 293-300. For comments on the ‘street corner gangs’ in the texture of a shared working-class culture see William Kornblum, *Blue Collar Community* (Chicago 1974), 71.

91 AO, Labour, RG 7-1-0-133, Margaret Gould, Executive Secretary, The Child Welfare Council of Toronto, to David Croll, 9 Apr. 1936.

being exploited in the grab for more profit by these unscrupulous people.”⁹² This dimension of the experience of working children has largely escaped the attention of historians of youth and childhood in Canada.⁹³

Children were aware of unions and labor struggles, as reported in the press and witnessed on the streets. Sometimes voyeurism gave rise to active participation. Juveniles in Guelph joined striking workers in a violent assault upon a picketed factory in 1934.⁹⁴ That same year, the children of 70 striking Toronto junk trade workers joined their parents on the picket line and brought over 100 neighborhood kids with them to defy both police and hired thugs.⁹⁵ During a strike by the Food Workers Industrial Union against the Parkdale Bakery in January 1935, about 100 children on the picketline (some of whom were wearing signs reading “Down With Bosses Terror”) watched as the police beat Lilly Himelfarb for urging them to shout “down with the police.”⁹⁶ Children frequently appeared

92 AO, Labour, RG 7-1-0-133, T. Banks, Toronto to David Croll, 16 Sep. 1935. The letter also betrayed a latent racism; the author blamed Italians and Chinese shopkeepers, in particular. Social workers noted that delivery boys were often residents of working-class slums. Kenneth H. Rogers, *Street Gangs in Toronto*, 7-8. Delivery boys may have occupied youth social and economic space equivalent to the adult space of cab drives and truckers.

93 Neil Sutherland’s otherwise comprehensive study of youth and childhood makes no attempt to draw out conceptions of class antagonism from narratives of the numerous individuals he interviewed, despite his exploration of children’s sense of class place (albeit derived from consumption patterns rather than proletarianization processes). Neil Sutherland, *Growing Up: Childhood in English Canada From the Great War to the Age of Television* (Toronto 1997), 63-4, 111-141.

94 “Strike Outbreaks End Temporarily at Guelph Plants,” *Toronto Telegram*, 25 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 263 (165) (T-2974) copy in NAC, Labour, RG 27, Vol. 263 (165) (T-2974)

95 “Pickets and Workers Join in Street Fight Five Go to Hospital,” *Toronto Star*, 19 Jul. 1934, “Score of Workers Injured Employer Charges Sabotage,” *Toronto Globe and Empire*, 24 Aug. 1934, “Strikers Families Join Picket Lines,” *Toronto Worker*, 28 Jul. 1934, copies in NAC, Labour, RG 27, Vol. 363 (148) Rag & Junk Dealers, Jun. 1934.

96 “Strike Supporters Dispersed by Police,” *Toronto Star*, 22 Jan. 1935, copy in NAC, Labour Records, RG 27, Vol. 367 (13) Bakery Workers, Jan 1935 (MNF T-2977). Magistrate O’Connell dismissed the

in political marches carrying signs demanding improved welfare provision. On 26 April 1935, for example, 40 children from Welland marched on Queen's Park shouting 'We want bread,' after Hepburn begrudgingly offered to provide 20,000 new mattresses to relief recipients.⁹⁷

Image 3B: Youth Participants of May Day March, 1933⁹⁸



Although most juvenile participation in strikes and political demonstrations was orchestrated by the Workers Unity League (often through the Communist-run Young

charges after Lily's testimony that she had been punched, and the children had been beaten over the head, by the police.

97 Richard Wilbur, *H.H. Stevens, 1878-1973* (Toronto 1973), 164. He ordered their parents to take them home or be charged under truancy regulations.

98 Photo: City of Toronto Archives, Globe and Mail Collection, image 33192 (1933).

Pioneers, shown above in a 1933 May Day march), youth did independently organize and lead a few strikes in Toronto that may have drawn upon gang cohesion and culture in resistance to exploitation. On 16 June 1934, 50 boys, unattached to any union, struck the York Downs Gold Club for a 20% raise, apparently winning the increase.⁹⁹ On 1 July 1937, 500 caddies went on strike against the Royal Golf Club for eleven days to secure increased wages, playing privileges, and the right to buy their lunches in the club cafe, eventually giving up their demands for the wage increase in exchange for free golf and lunch privileges. A concurrent (but not necessarily connected) four day strike by 100 caddies at the Rosedale Golf Club also resulted in a negotiated compromise.

The idea that boys (with an average age of 16) would go on strike prompted ridicule from the Royal Club golf professional who called the boys' militancy 'a joke.' One golfer, drawing upon the age-based paternal relations of player and caddie, quipped: "we like to see the boys get a good deal but hang it all, If you once let boys of this age get what they want there'll be no holding them from now on."¹⁰⁰ But youth cohesion, perhaps

99 *Labour Gazette*, July 1934, 625; NAC, Labour, RG 27, Vol. 362 (138), Caddies, June 1934 (MNF T-2973). The caddies were paid 50 cents per 18 holes, and wanted that raised to 60 cents. The manager ended the strike by advising the caddies that their demands would be considered in the future. While no follow up was done, a strike by 50 caddies on 18 Aug. 1934 aimed to raise their wages from 60 cents to 75 cents, and abolish the no tipping rule. While the second strike failed (or so it seemed), the first strike was clearly successful. NAC, Labour, RG 27, Vol. 364 (193), Golf Caddies, Aug. 1934 (MNF T-2974).

100 "Youth culture" is a term usually applied to the leisure hours of middle-class adolescents (also marked by "dependence, protection, prolonged schooling") but it seems more suitable in relation to the activities of working-class youth. See Rebecca Coulter, "The Working Young of Edmonton, 1921-1931," in Joy Parr, ed., *Childhood and Family in Canadian History* (Toronto 1982), 159. For a study that focuses upon the normality of work in the lives of children see Jane Syngé, "The Transition From School to Work: Growing up Working Class in Early 20th Century Hamilton, Ontario," in K. Ishwaran, *Childhood and Adolescence in Canada* (Toronto 1970), 249-69. For child labor in this period and beyond see Neil Sutherland, "'We always had things to do': The Paid and Unpaid Work of Anglophone Children Between the 1920s and 1960s," *Labour/Le Travail*, 25 (Spring 1990), 105-141. For an interesting discussion of child labor in the 19th century see John Bullen, "Hidden Workers:

shaped by gang experience and manifest in a generalized working-class youth culture, produced tremendous solidarity and order. Although not affiliated with any union, the boys elected an official strike committee to negotiate on their behalf, established picket lines and, according to the *Toronto Star*, not one child worked while the strike was on. Youth solidarity seemed to play a big part in their success. One boy explained to the press that he stayed on strike “for the benefit of the gang.”¹⁰¹

The image of deviance constructed through an examination of the gang is thus Janus faced, looking both to the sub-political futility of self-destructive rebellion, and to the militant power of a cohesive and class-based sub-culture that offered a spring board from symbolic resistance to political and economic confrontation. The young protagonist of Hugh Garner’s fictional account of growing up in Depression Toronto’s Cabbagetown neighbourhood signifies the transformatory potential of working class youth rebellion. Ken Tilling initially eschewed union involvement, radical politics and showed deference to his employer. He exerted his independence through his gang of friends and their misadventures, flaunting hegemonic moral codes and the legal order. As the Depression

Child Labour and the Family Economy in Late Nineteenth-Century Urban Ontario,” *Labour/Le Travail*, 18 (Fall 1986), 163-187.

101 “Golfers Carry Own Clubs,” *Toronto Star*, 2 Jul. 1937, “Caddies on Strike for Increased Fee,” *Toronto Globe and Mail*, 5 Jul. 1937, copies in NAC, Labour, RG 27, Vol. 389 (180), Caddies, golf, June 1937 (MNF T-2997). The efforts of the club management to divide the boys by blaming the relatively older married caddies for the strike, failed to have any effect upon group solidarity, because younger boys in gangs tended to defer to and loyally follow older boys. Gangs also elected their leader, or chose him by consensus. The tendency of young workers to strike without formal union organization is an interesting phenomenon requiring more study. A strike by 100 young men, ranging in age from 15 to 17, against a window blind manufacturing company in Toronto, was successfully waged without the support of a union, on 19 September 1939. After the strike began and ended, the TD TLC intervened, perhaps hoping to turn youthful militancy and solidarity into a sustained union presence. NAC, Labour, RG 27, Vol. 402 (106) Window Shade, Sep. 1939 (MNF T-3010).

deepened and he witnessed and experienced the growing helplessness and poverty around him, the rebellious leisure of the gang formed the basis of militancy at work and a drift towards radical politics in the street, culminating in unemployment marches, rent strikes, and participation in the Spanish Civil War.¹⁰² The experience of economic and social subordination, while most frequently articulated by the working-class youth who form the subject of this study as a profane resistance (perhaps forming the basis of what Goffman called 'everyday forms of popular resistance,')¹⁰³ could pose an alternative, potentially counter hegemonic solution to the crisis and contradictions of their society. Youth in the Depression could, contrary to what Paul Willis has suggested, move past self-defeating cultural alternatives into political activism and power struggles that challenged "those brutalizing and repressive determinations which made them, in the first place, what they were."¹⁰⁴

102 Hugh Garner, *Cabbage Town*. The youthfulness of the On-To-Ottawa Trekkers led the Vancouver Providence to describe the mobilization as a delegation of Canadian youth going to "Ottawa to demand a place in the country's society." Quoted in John Herd Thompson and Allen Seager, *Canada, 1922-1939: Decades of Discord* (Toronto 1985), 270.

103 Erving Goffman, *Behavior in Public Places* (Toronto 1963).

104 Paul Willis, *Profane Cultures*, 6-7. Also see Mike Brake, *The Sociology of Youth Subcultures*, 85.

Conclusion: Order, Youth and Family

Conditions which breed delinquent gangs and all other evils of our society can not be eliminated by charitable gestures which merely poultice a cancerous growth which should be excised by a skilled surgeon.¹⁰⁵

It is difficult to define how the experiences of youth and the culture of the gang played a role in shaping the views and sensibilities of young working-class males from the Depression through post-war reconstruction. Barry Broadfoot has speculated that children “survived the Depression best of all,” because they were able to normalize poverty and deprivation, having never ‘known’ comfort and security.¹⁰⁶ Broadfoot’s observation may be correct, but the letters children wrote to R.B. Bennett — asking for baseball gloves or other items that their parents could not afford to buy them — speaks to a certain awareness of what these children were lacking.¹⁰⁷

The experience of poverty and relief probably contributed to the bitterness, resentment, and militancy of youth.¹⁰⁸ Stephen was 13 in 1930 when his father went blind and the family was thrown onto relief. He never managed to hold a job and (after

105 Sam Campbell, “A Final report on the Survey for the Big Brothers,” 5 copy in Big Brothers.

106 Barry Broadfoot, *Ten Lost Years: Memories of Canadians Who Survived the Depression* (Toronto 1973).

107 See L.M. Grayson and Michael Bliss, eds., *The Wretched of Canada: Letters to R.B. Bennett, 1930-1935* (Toronto 1971).

108 For example see Pierre Vallières, “The Realm of Childhood,” *White Niggers of America* (Toronto 1973).

recovering from an ulcerated stomach) joined the airforce in 1939. It was customary to expect that children in the military would assign their pay to support their parents, but Stephen refused, having grown angry from the miserable conditions of his childhood.

Up to the present time, I spend my money on having good times which is the natural right of every normal individual especially the young — and on personal expensive articles. All of these were denied to me during peace-time because of poverty; but now since I'm in the C.A.S.F. and am paid, I'll spend every cent I get on good times, because good times cost money, and because of the fact that it's only a matter of days when I'll face the enemy's death machine which possibly means death to me. I am prepared to fight and possibly die for your and my King and country and because it is my duty. In the meantime the Welfare is obligated socially and morally to protect my aged and helpless parents. Signed by an ex-beggar who was on the damn pogy in Toronto thru no fault of his own.¹⁰⁹

Social workers, perhaps projecting their own social philosophy, reported that working-class slum dwellers emphatically opposed any return to the pre-war laissez-faire policy of the government, and felt that “freedom from want” must become a central feature of post-war Canada.¹¹⁰ This played out in wartime strikes and was reflected in the post-war compromise, but what drove these developments may have been the anxiety that youth felt after growing up in a decade of deprivation. A study of the opinions of Canadian youth, undertaken in 1945 for the Canadian Youth Commission, found that 50% of those polled believed that “the goal of full employment is beyond the reach of

109 MA, Commissioner of Public Welfare Records, Box 91, File 46.09, Vol. 1, “Enlisted Men's and Veteran's Families,” Oct./31 - July/39, District Control Officer to A.W. Laver, 12 Aug. 1940. The District Control Officer noted that “he appears to be of the opinion that he has no responsibility towards his parents and the fact that the family including the son have been on relief for 10 year or more may account for his attitude.”

110 Sam Campbell, “A Final report on the Survey for the Big Brothers,” 6 copy in Big Brothers.

free enterprise,” and state economic controls and some economic ownership were necessary.¹¹¹

A similar position was adopted by Kenneth Rogers, the head of Toronto’s Big Brothers movement through the 1930s and early 1940s. Having travelled through Toronto’s slums, and catalogued the effect of poverty and insecurity upon families and children, he moved to embrace the economic and political platform of the Cooperative Commonwealth Federation. Using the epilogue of his 1945 published study of Toronto gangs as a platform, he criticized competition and unbridled free enterprise for condemning half of the population to failure, defeat and exploitation. He questioned the meaning of justice under an economic and social system that punished people for the crime of taking a dollar from the pocket of a stranger, but imposed no sanction for paying unfair wages to the timid and weak. He spoke of a new system and a new cooperative culture in which children and families would have their basic needs secured. Through the words of the poet Charlotte Perkins Gilman, he called upon the “the people of place and power, and all the captains and kings,” to provide what was needed for a child to flourish:

Light for the whole day long,
 Food that is pure and strong,
 Housing and clothing fair,
 Clean water and clean air,
 Teaching from day to day
 And room for a child to play.¹¹²

111 The Canadian Youth Commission, *Youth and Jobs in Canada* (Toronto 1945), 17.

112 Charlotte Perkins Gilman, “To the Wise—A Bargain,” in *Public* (Chicago 1908), quoted in Kenneth H. Rogers, *Street Gangs in Toronto*, 113-4.

Arguments for accommodating youth, and accommodating workers, were both ultimately framed as the price to be paid to defuse the looming explosion of destructive social forces. The Depression produced immense anxiety about disorder at many levels of society. Attempts to regulate and 're-cement' the family were paired with efforts to map and then colonize gangs, and to structure the leisure time of working-class adolescents. The order that some social workers struggled to impose on the family and the child would be reproduced in (and materially related to) struggles to bring order to the economy. The following chapters examine working-class strategies of survival, adaptation, and resistance that fed into a burgeoning union movement, pushed the state towards active intervention in the economic and the political relations of capital and labor, and strove to make order out of chaos.

Chapter Four

Fighting the Sweatshop:

Work, Relief and the Industrial Standards Act

With a claim that “Canadian Business Men prosper on the profits of merchandising and not on the exploitation of labor,” Toronto’s silversmiths launched an unsuccessful organizing drive in 1929 to resist wage reductions and stabilize their industry.¹ Any notion that employers did not earn their profits from the exploitation of labor was shattered in the following decade by widespread wage cutting, longer hours and oppressive working conditions. Many of Toronto’s workers experienced, for the first time in their lives, the harsh conditions of the city’s numerous sweatshops which profited so visibly from the raw exploitation of labor. Some responded to the erosion of their income and sense of position by joining militant unions and striking back against wages so low that they were compelled to both work and draw relief. Others wrote letters of complaint to the provincial government asking for intervention to correct their low wages, long hours, and reliance on the dole. Their letters fell largely on deaf ears until 1934 when the provincial Liberal government responded to the crisis of sweatshop labor with legislation

1 “Ready to Settle Workers’ Strike,” *Toronto Star*, 4 Nov. 1929; flyer, issued by the striking union calling for a boycott of the products of Canadian Wm. A. Rogers Co. and the Canadian Silversmiths Limited, copy in National Archives of Canada (NAC), Department of Labour, Strikes and Lockouts Files (Labour), RG 27, Vol. 344 (102), Silversmiths, Oct. 1929 (MNF T-2755).

aimed at restricting market competition, acquiescing to (if not actually encouraging) union growth, enforcing the female minimum wage, and introducing minimum wages for male workers. These measures did not abolish the sweatshop, but transformed it from a place of work into a potent symbol of exploitation that excited public opinion, shaped political discourse and drew new recruits to labor's cause. Indeed, much of labor's war-time militancy and the post-war "compromise" can be contextualized through an understanding of the complexity of workers' struggles for living wages in the 1930s.

At the root of the sweatshop crisis were several intersecting dilemmas affecting workers, capital and the state, the most significant of which was the rise of relief 'subsidized' wages that allowed some employers to pay significantly less than a living wage, impoverishing workers and distorting the already heightened competition for jobs. Rival employers were tempted and pressured to follow the lead of sweatshop employers and to hire men on relief as a means of reducing costs, which accelerated a spiral of wage cutting through industry. Although it might be expected that capital would be the primary beneficiary of relief-subsidized wages and the keen competition for jobs, relief labor actually destabilized the market (and profit margins) by spreading through many industries, rather than being concentrated in a few sectors (such as the garment industry). Many employers could not, or would not, meet the competition from the sweatshops and it exacerbated capital's already sagging financial fortunes.

Relief labor put the state in a particularly awkward position; government had pieced together a relief structure that was at once expensive, indispensable and untenable. It would have been political suicide to dismantle even what existed of a nascent welfare

state, and fiscally and ideologically difficult to raise benefits enough to diminish the incentive to work while drawing relief. The most obvious solution would have been to extend the female minimum wage to men. The provincial Conservative government entertained this idea near the end of its term but felt it would overwhelm the enforcement capability of the state.² The provincial Liberals, well aware of increasing violations of the female Minimum Wage Act, also felt that a male minimum wage could not be policed. As an alternative they promoted the Industrial Standards Act (ISA), enacted in early 1935, as a means to bring employees and employers together under the auspices of the state to establish minimum wages and work standards. By legislating essential industrial 'codes,' the Ontario state aimed to mobilize organized capital and organized labor to combat vicious competition, stop the spread of relief-subsidized labor, and transform the predatory capitalism manifest in sweatshops.

The idea of market competition, long the ideological (if not the actual) underpinning of 'free' enterprise and capitalism, crumbled in the face of state intervention that went beyond merely providing for the poor and unemployed. The belief "from time immemorial" that "competition is the life of trade," argued Louis Fine, the officer entrusted with enforcing the ISA, was no longer tenable:

The struggle for life and the race for wealth, coupled with the selfishness of mankind ... went beyond all bounds of decency during the Depression years until the practice in

2 Mark Cox, "The Limits of Reform: Industrial Regulation and Management Rights in Ontario, 1930-7," *Canadian Historical Review*, Vol. 68, No. 4 (1987), 557.

business and conditions of employment have brought us to a state of potential warfare in our struggle for a livelihood.³

Few Canadian capitalists would have argued with this assessment; many had already pressured the government to introduce some mechanism to protect them from the dangers of the free market.⁴ When capital's own regulatory schemes, such as combines and trade associations (which actually flourished under anti-trust legislation designed to control monopolistic growth), failed to control what they termed 'vicious' or 'unfair' competition, they were willing in many instances to follow the state's economic leadership. However, the state had no intention of actually enforcing any of its industrial standards, and turned to business and labor to ensure compliance. As business had already proven itself unable to regulate competition, the only feasible alternative was for unions to enforce the standards, a system referred to as 'regulatory unionism.' For some unions, including those which were newly organized as well as those which were long established, the ISA opened critical space, and offered a high degree of state support for their reformist and accommodationist philosophy and tactics. The promise of the ISA was less evident to militant and radical unions, although the act could provide them with a certain degree of legitimacy, and could be used to frame demands and extend class struggle across broad industrial sectors.⁵

3 Archives of Ontario (AO), Department of Labour Files (Labour), RG 7-15-0-72, Louis Fine, Industrial Standards Officer, "Industrial Standards Act, Ontario," 7 Dec. 1936. This open letter was to be used to answer inquiries regarding the Act.

4 See Alvin Finkel, *Business and Social Reform in the Thirties* (Toronto 1979).

5 See Ian Radforth, *Bushworkers and Bosses: Logging in Northern Ontario, 1900-1980* (Toronto 1987), 134-144, for a discussion of how the Communist-led Lumber and Saw Mill Workers Union navigated the ISA in northern Ontario in the direction of dues check-off, the free entry of union representatives to the camps, and non-discrimination provisions.

The ISA, the subject of numerous historiographic interpretations, reflected many of the tendencies and tensions inherent in the Great Depression, causing the Minister of Labour to lament:

In its short life the Industrial Standards Act has become the most controversial piece of legislation now on the Statute Books of the Province. It has been subject to violent attack and equally violent championship ... we have gained little credit for our efforts in respect to this statute.⁶

Although workers would receive even less credit, and certainly few tangible gains, the Act stands as an important indication of the nature of class relations and economic development in the 1930s.

The Regulatory State and The Politics of Laissez-Faire

In a convoluted and often contradictory fashion, the ISA set the state upon a course of unprecedented intervention in the relations of capital and labor that sought to avoid the anarchy of the market and the despotism of state-dictated and enforced prices and wages. Such state intervention in the economy, and particularly in the operation of the market, was not without historical precedent in Canada. In addition to setting the basic legal framework of capitalist accumulation, directing the financing and construction of infrastructure, and propping up business in times of national emergency or crisis, the state had a long history of directly assisting indigenous capital. Traditionally this intervention took the form of “passive regulation” through protective tariffs, but the government had

6 AO, Labour, RG 7-1-0-112, draft of speech by David Croll to be delivered in the legislature 1936 before the passage of amendments to the ISA, p.3.

also intervened in setting prices and production quotas for industrial sectors during and immediately after the First World War.⁷ While there were few calls in the 1920s for a greater government role in the economy, the Great Depression increased expectations of state intervention, at the same time that a strong movement towards 'business collectivism,' informed by a 'corporatist ideology,' took root among many Canadian business leaders.⁸ Corporations of all sizes urged state action to facilitate "industrial self-government" aimed at stabilizing prices and competition. While businesses re-evaluated the nature of competition, the market and the state, a shift of popular feeling against big business unfolded in response to renegade Tory Minister of Trade and Commerce Harry H. Stevens and his ill-fated Royal Commission on Price Spreads.⁹

Prodded and perhaps guided by Warren K. Cook, a wealthy paternalistic Toronto clothing manufacturer and president of the Canadian Association of Garment Manufacturers, Stevens broke party unity and launched a stinging attack on big business in a speech that earned him a standing ovation from the members of the Retail Shoe

7 Tom Traves, *The State and Enterprise: Canadian Manufacturers and the Federal Government, 1917-1931* (Toronto 1979), 29-54. A classic case occurred in the final years of W.W.I and through the first few years of the 1920s in the newsprint industry. Insistent and powerful newspaper publishers interested in steady supplies at low cost, pushed the state to set prices and quotas for newsprint sales in Canada.

8 Michael Bliss, *Northern Enterprise: Five Centuries of Canadian Business* (Toronto 1987), 425.

9 Richard Wilbur, *H.H. Stevens, 1873-1973* (Toronto 1977), 10-11, 74-77, 104-5. Stevens was an interesting and complex character. He was a Methodist, Orangeman, Mason, and a strong advocate of a 'white Canada,' who would be drawn to the Tories over concerns for the 'moral degeneration' of Canada. In 1902 he worked as a miner near Nelson B.C., where he joined the left-leaning Western Federation of Miners, quickly becoming secretary of his union local. He entered federal politics in 1911 and in 1919 he vice-chaired an investigation into the rising cost of living after the war, earning a reputation for his tough questioning of profiteering. He was among those in the Party who felt a close tie to the experience and concerns of constituents — he chafed at the arrogance of the 'millionaire group,' led by Bennett and General A.D. McRae, who dominated the Party after 1926 — but, as Minister of Trade and Commerce, he toed Bennett's line dutifully and publicly urged people to rely upon their own 'individual effort.'

Merchants and Shoe Manufacturers Association assembled at the Royal York Hotel. Mass buying, which allowed large corporations to drive down the price of goods from their suppliers without passing that savings on to consumers, was the focus of Stevens' speech, although reference to the 'sweated' condition this produced for workers was also reported. Infuriated, Bennett nevertheless surrendered to the evident popularity of Stevens' charges, and appointed him to head a Select Committee which began its hearings on 15 February 1934.

The hearings received immense interest from business, farmers and labor, and reports ran on the front pages of many daily newspapers. The revelation that powerful economic players were abusing smaller competitors, suppliers, and their suppliers' workers, was undoubtedly the most publicized issue of 1934. Many Canadians learned more about the practices of Canadian corporations than they had ever known before. An extensive investigation of company records demonstrated how corporations, such as Imperial Tobacco, paid presidential salaries of \$25,000 a year (plus bonuses from \$32,000 to \$61,000) while large retailers, such as Eaton's and Simpsons, were forcing manufacturers, particularly in the furniture, garment, and boot and shoe industries, to take the low prices they were offered for their products "out of the hide of the workers."¹⁰

Despite the attention paid to sweatshops and the occasional reference to relief labor, Stevens' main focus was the small businessman hurt by 'unfair' competition.

10 *Ibid.*, 108-115, 119-121. R.A. Staples, the head of the Minimum Wage Board, was unhelpful (he claimed to be unaware of sweatshops in Toronto). A.W. Laver of Toronto's Department of Welfare reported that several workers were having their full-time wages subsidized by his department, at places such as the highly profitable Canada Packers and Eaton's.

He followed the development of Roosevelt's New Deal legislation quite closely, and felt that General Johnston's emphasis upon 'industrial self-government' (as opposed to direct government control) could be emulated in Canada.¹¹ Although cast as a populist figure with broad appeal, Stevens was particularly sympathetic to the hardships of small business, and responsive to the Canadian Manufacturers Association's claim that hundreds of small manufacturers were being driven into bankruptcy by the machinations of large corporate entities formed in the merger movement of the 1920s. Unfortunately for Stevens and his plans, his revelations and accusations (particularly his denunciation of Joseph Flavelle) alienated him from the Conservative Party at the same time that his particular critique of big business was forcing a re-alignment in Tory rhetoric.¹²

Although Stevens was displaced from Cabinet and to the sidelines of the Royal Commission, Bennett swung government rhetoric sharply to the left in a series of radio broadcasts proclaiming his 'New Deal for Canada.' Bennett promised tax changes to equalize inequalities of income, a uniform wage, maximum hours of labor, the abolition of child labor, an end to sweatshop conditions, a permanent system of unemployment insurance, new health and accident insurance, a new old age pension and a bill to protect producers from monopolistic 'economic parasites.' The reforms placed the state at the center of the economy because, as Bennett argued, "free competition and the open market

11 Warren Cook, head of the National Fair Trade Council, led a delegation of small retailers to the hearings, including George Hougham, secretary-manager of the Ontario Retail Merchant's Association, who urged the establishment of a system similar to the American NRA codes. See also Michael Bliss, *Northern Enterprise*, 425.

12 Richard Wilbur, *H.H. Stevens*, 166-7. Stevens argued that because 50% of the nation's commercial and industrial wealth was in the hands of twelve men, Canada was headed for rule by a 'super-financial or Fascist state.'

place, as they were known in the old days, have lost their place in the system, and ... the only substitute for them ... is government regulation and control.” According to Stephen Leacock, who wrote the introduction to the published version of Bennett’s first broadcast, “free competition ... was evidently no cure for social injustice, for the starvation of the submerged poor and the intolerable opulence of the over-rich.”¹³

Bennett’s conversion was opportunistic, insincere and hypocritical (he was an “overly-rich” capitalist himself, owning among other things 51% of the Eddy Company which maintained a total monopoly on matches), and the string of legislation he passed before the election was ill-conceived and destined to fail judicial scrutiny. Nor did his theft of Stevens’ program prevent defeat to the Liberals in 1935. A victorious Mackenzie King, who offered little in the way of reform promises, quickly disassembled Bennett’s regulatory apparatus (including its center piece, the National Products Marketing Act) leaving the assault upon competition to continue at the provincial and municipal level for the duration of the Depression.

Many provinces responded to the concerns publicized by Stevens through a variety of attempts to implement their own reforms. Regulatory legislation for retail stores was passed in Alberta and British Columbia to maintain prices and limit competition. Nova Scotia, New Brunswick, and British Columbia regulated the sale of gasoline (and in B.C. refining as well) to prevent excessive prices and the proliferation of inefficient retail outlets. Alberta and Saskatchewan regulated the coal industry (including

13 R.B. Bennett, *The Premier Speaks to the People: The Prime Minister’s January Radio Broadcasts Issued in Book Form, The First Address* (Ottawa 1935), 6, 19.

the setting of prices and wages), while most provinces implemented various agricultural marketing schemes designed to boost prices and regulate production.¹⁴ In one way or another, the agitation around the Stevens Commission created ripples of dissent and demands for reform that emanated from Ottawa to the provincial capitals.

'a government in to stop all slave drivers': The Industrial Standards Act

Mitch Hepburn, leader of the Ontario Liberal opposition, had staked out his territory as anti-big business critic several years before the Stevens inquiry. Hepburn's self-proclaimed "swing to the left" in 1932 led to attacks upon the excessive profits of oil companies which flourished behind tariff walls, sharp questions about the shady accounting (and even more dubious deals) that kept Sun Life solvent, open hostility to the "subsidized press," a demand for the repeal of section 98 (under which the leaders of the Canadian Communist Party had been imprisoned), and a dramatic denunciation of the use of police power to suppress demonstrations and strikes. Hepburn accused Bennett of giving "the glad hand to the big interests and the mailed fist to the unemployed," and proclaimed his own willingness to bear the "wrath of the capitalist class."¹⁵ Much of Hepburn's pronouncements and posturing were not shared by key Liberals, but he was a

14 For a detailed overview see Lloyd G. Reynolds, *The Control of Competition in Canada* (Cambridge Mass. 1940), 213-41. Many of the provincial measures clearly bore the mark of what Michael Bliss has characterized as a 'crusade' carried on by small businessmen to regulate prices and eliminate competition, but clearly there was more to the legislation than that. Michael Bliss, *Northern Enterprise*, 426-7.

15 John. T. Saywell, *'Just Call Me Mitch': The Life of Mitchell F. Hepburn* (Toronto 1991), 87-8. For a more cautious assessment of Hepburn's "swing to the left" see Neil McKenty, *Mitch Hepburn* (Toronto 1967), 48-50.

wily politician, capable of reading shifts in public sentiment and delivering a convincing performance. Consequently, Hepburn's provincial Liberal Party was able to exploit the publicity of the Stevens Commission, the crisis of relief labor and plunging living and working standards, to craft a winning election platform in 1934.¹⁶ The slogan of "Action Not Promises" resonated with people battered by five years of government foot-dragging. A grocery store employee in Toronto echoed the sentiment of many in the province when he wrote that "it is time our Governments of Canada stopped twiddling their thumbs and do something for labor, and not have a man selling his independence for a meager existence for himself and his family."¹⁷ In response to these demands for action, labor lawyer and Liberal candidate Arthur Roebuck promised that

the Liberal party will not only establish a minimum wage, but it will bring about codes in industry; it will negotiate rates of pay and hours of labour from the lowest to the highest grades of skill. These agreements will be supported by law and the ruthless employer who fails to comply will be forced out of business.¹⁸

Roebuck, who became the Attorney General and the Minister of Labour immediately after the election, by-passed the promise of a minimum wage, offering instead the Industrial Standards Act. Although the ISA was a new development in English Canada (that soon spread to Alberta, Saskatchewan, New Brunswick and Nova

16 Richard Wilbur, *H.H. Stevens*, 205-7; John. T. Saywell, *Just Call Me Mitch*, 27. The Stevens commission was particularly popular in Ontario and Quebec.

17 AO, Labour, RG 7-15-0-80, anon., n.d, [1935]. The author worked for a large chain grocery store that reported profits of \$420,000 and was most likely from Toronto because of the reference to executives and managers buying expensive homes in Forest Hill.

18 *Toronto Star*, 15 June 1934, 23, cited in Mark Cox, "The Limits of Reform," 558. See also T.C. Crossen, "The Political Career of Attorney General Arthur Wentworth Roebuck, 1934-7," MA Thesis, University of Waterloo, 1973.

Scotia) similar schemes were already operating in Quebec, many European nations, Britain, and certain Australian states.¹⁹ The Ontario legislation permitted the Minister of Labour to call a conference, at the request of either organized labor or organized employers, to discuss and establish minimum wages, maximum hours and working conditions for their industry in specific geographical zones. Once employers and workers had agreed to a minimum wage and other standards (most often based upon pre-existing collective agreements), the Minister could apply the terms of the agreement to all similar industries within the zone. The standards would then receive government sanction and become legally binding on all designated industries within the zone, and a joint board of workers and employers would be established to supervise the operation of the code.

The significance of the ISA in Ontario (and similar legislation in other provinces) has been identified by numerous historians; even those who only briefly consider the Act find it to be multi-faceted. Economic historian Ian Drummond argues that Ontario's ISA can be seen as the importation of key elements of Roosevelt's New Deal, the establishment of corporatist structures similar to those in Mussolini's Italy and Franco's Spain, or an attempt to undermine unions by assuming many of their functions.²⁰ The last explanation is the least tenable, although there were isolated moments when the ISA

19 Legislative Branch, Department of Labour of Canada, *Labour Legislation in Canada: An Historical Outline of the Principal Dominion and Provincial Labour Laws* (August 1945), 18-9; AO, Labour, RG 7-1-0-165, Memo on Collective Agreements, 10 Jan 1938. Driven by vicious competition, organized labour and numerous employers joined together for the passage of a Bill that would extend their agreed upon wage rates to all workers and employers in certain districts in Britain. In 1934 Quebec had passed the Collective Agreement Act (also known as the Collective Agreement Extension Act), that allowed business and labour to 'extend' union contracts signed by a significant percentage within their industry to all competitors in a particular area.

20 Ian Drummond, *Planning Without Progress: The Economic History of Ontario From Confederation to the Second World War* (Toronto 1987), 236-7.

could take on a distinctly anti-union purpose. The only explicit evidence of this was in 1938 when Morrison Lamothe, a member of the ISA board and a bakery owner who almost single-handedly organized the conference necessary to bring Ottawa's baking industry under the Act, tried unsuccessfully to break the union and fire activists. As a condition of settling the ensuing strike at his bakery, he was required to write a confession to the Minister of Labour:

I was not in favour of the union organizing our employees as I was afraid of its domination. While I have sincerely supported the Industrial Standards Act, the main motivating idea was to defeat any union organization among bakery workers in this city, as, when they were not organized, I was always in the drivers seat.²¹

While few employers were so candid in revealing their motives for supporting the ISA, most were concerned that the Act would actually empower unions, and some initially resisted the idea of negotiating with labor. Roebuck plainly stated that while employers could set minimum wages by agreement among themselves, this could only be done where workers were "not organized and not asking to be represented." In practice the ISA always involved active union participation and company unions were explicitly banned. In response to direct questions from the Canadian Manufacturers Association (CMA) about the government's position on the Workers' Unity League (WUL), Roebuck refused to denounce the Communist unions:

I have told the unions two or three times in their conferences here that it is not the labour department's duty to exert itself solely for the unions nor, on the other hand, to

21 AO, Labour, RG 7-1-0-147, G. Morrison, President, M-L Bakery, Ottawa to M.M. MacBride, 18 Jan. 1938.

take the part of their enemies in destroying them; that here we are only trying to give a little greater power to those that agree than to those that disagree.²²

Drummond's assertion that the ISA was possibly a 'corporatist' strategy is more applicable to Quebec's industrial standards legislation, but his observation that Ontario's ISA represented a version of the New Deal deserves more attention.²³ Indeed, comparisons with Roosevelt's New Deal are found in two of the three main syntheses of Canadian working class history. Craig Heron's brief description of the legislation in Ontario and Quebec (with reference to other provincial acts) portrays it as a measure to "encourage the many small-scale companies in such sectors as construction, clothing and furniture to work out common labor policies with existing unions," but he notes that "little effective bargaining developed."²⁴ His negative assessment is based largely on a comparison with the American Wagner Act. Desmond Morton also unfavorably compares industrial standards legislation to Roosevelt's New Deal. In a few short sentences (divided between the Quebec and Ontario acts), Morton describes Ontario's ISA as an effort to "help industries establish codes of wages and conditions so that

22 AO, Labour, RG 7-1-0-154, "Report of a conference between members of the CMA and Arthur Roebuck, held in the Parliament Building, 30 Jan. 1936," p.31-2, 38.

23 An interesting interpretation of the Quebec ISA as a form of state (as opposed to liberal) corporatism can be found in William D. Coleman, "State Corporatism as a Sectoral Phenomenon: The Case of the Quebec Construction Industry," in Alan Cawson, *Organized Interests and the State: Studies in Meso-Corporatism* (London 1985), 106-124. An additional source is Gerard Hébert, "Extension Juridique Des Conventions Collectives Dans L'Industrie De La Construction Dans La Province De Québec, 1934-1962," Ph.D. McGill, cited in Bora Laskin, Report of the Committee of Inquiry into the Industrial Standards Act, July 1963, copy in AO, Labour, RG 7-8-3-3. For the historical context of Quebec's legislation see Evelyn Dumas, *The Bitter Thirties in Québec* (Montreal 1975).

24 Craig Heron, *The Canadian Labour Movement: A Short History* (Toronto 1989), 74. Heron improperly identifies the Quebec Collective Agreement Extension Act (1934) as the Industrial Standards Act and mistakenly claims that Ontario's ISA (1935) was enacted in 1934.

generous or humanitarian employers would not be victimized by ruthless competitors.”²⁵ Both Heron and Morton provide limited assessments of the ISA as a northern New Deal, probably because the Act failed to achieve what it promised, and also because Bennett’s national New Deal legislation (which would form the most obvious basis of comparison) was never implemented. While it is true that formal state recognition of union rights did not accompany the passage of the ISA (except in Nova Scotia), the New Deal provides a better foil to Ontario’s provincial legislation than is initially apparent.

Yet another possible interpretation of the ISA surfaces in Bryan Palmer’s *Working Class Experience*. Palmer avoids any comparison with the New Deal and by-passes the ISA in all provinces except for Nova Scotia where the ISA applied only to the building trades in Halifax and Dartmouth.²⁶ He draws upon Ian McKay’s argument (in his work on the carpenters’ union in Halifax) that while the ISA was driven by the “demands of contractors for protection from outside competitors and partly from new demands of labour for work and decent wages,” its lasting significance was as part of a greater trend towards the recognition of trade union rights, collective bargaining, automatic union dues check off, and emergent forms of bureaucratic and legalistic unionism. McKay calls Nova Scotia’s ISA “the birth of industrial legality” in the construction industry.²⁷

25 Desmond Morton, with Terry Copp, *Working People: An Illustrated History of the Canadian Labour Movement* (Ottawa 1980), 158. Morton mistakenly claims that the Ontario ISA (1935) was enacted in 1936; Bob Russell, *Back To Work: Labour, State, and Industrial Relations in Canada* (Scarborough 1990), 182, 232, fn. 23. Russell discusses the American New Deal at great length but fails to adequately, or accurately, refer to provincial regulatory legislation.

26 Bryan Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 260-1.

27 Ian McKay, *The Craft Transformed: An Essay on the Carpenters of Halifax, 1885-1985* (Halifax 1985), 81, 93: “it seems more accurate to see PC 1003 not as the *birth* of a new system, but the *extension* of an old one.” For an example of the tendency to see PC 1003 (1944) as the arrival of

Ontario's ISA can be similarly viewed as an attempt to introduce industrial legality (on an industry-by-industry basis) and to more explicitly govern the relations of capital and labor. In a letter to J.M. Buckley, Secretary of the Toronto District Labour Council, David Croll, then Minister of Labour, argued that the ISA was "the most potent factor in preserving for the Unions the right of collective bargaining."²⁸ The entire structure of the ISA encouraged formal legal contracts between unions and capital, and drew labor deeper into protracted and detailed negotiations with employers. At the same time, state recognition of collective bargaining rights (albeit informally) tamed the labor movement, an argument forcibly made by Hal Draper:

It is a pattern in all countries that, as soon as the bourgeoisie reconciles itself to the fact that trade unionism is here to stay, it ceases to denounce the institutions as a subversive evil that has to be rooted out with fire and sword in order to defend God, country, and motherhood, and it turns instead to the next line of defense: domesticating the unions, housebreaking them, and fitting them into the national family as one of the tame cats.²⁹

The establishment of a second line of defense, in the form of state regulation and recognition of the more 'responsible' section of the labor movement, was clearly evident in the government's implementation of the ISA. The international unions were essentially propped up through preferential recognition as "proper and sufficient representation" for

industrial legality see Laurel Sefton MacDowell, "The Formation of the Canadian Industrial Relations System During World War Two," *Labour/Le Travail*, Vol. 3 (1978), 175-96.

- 28 AO, Labour, RG 7-1-0-126, David Croll to J.M. Buckley, Secretary of the Toronto District Labour Council, 22 Mar. 1937. Croll felt that "collective bargaining is a fundamental right of all working people." R. Warren James, *The People's Senator* (Vancouver 1990), 63.
- 29 Hal Draper, *Karl Marx's Theory of Revolution, Vol. II: The Politics of Social Classes* (New York 1973), 234, quoted in Leo Panitch and Donald Schwartz, *The Assault on Trade Union Freedoms* (Toronto: 1988), 17. Panitch and Schwartz opened their first chapter with this quote from Hal Draper. It is a fitting introduction to their argument that the formal recognition of trade union rights by the federal government in the 1940s came with tight restrictions on unions, such as a limitation on strikes and picket lines, that were designed to ultimately "tame" labor and maintain capital's dominant position.

labor. By determining “in a very loose way” which unions represented which workers in which industries, the Minister could take the wind from the sails of the troublesome communist-led Workers Unity League.

Formulated between the cusp of the two great labor upsurges of 1934 and 1937, the ISA also attempted to cut away the material root of industrial unrest. Roebuck, a labor solicitor for many years who felt that “strikes are like war, costly methods of determining questions,” saw the ISA as a means to reduce the volume and intensity of class struggle.³⁰ Even after Roebuck’s departure, the ISA was credited by the Department of Labour with reducing industrial conflict. Minister of Labour M.M. MacBride argued in 1937, that

In the furniture industry for instance, in which approximately 4,500 workers are employed in the province, the [ISA] schedule has wiped out dissatisfaction of long standing among workers and prevented any further interruption of production and loss of wages due to strikes.³¹

The ISA was a decisive step beyond informal intervention and an attempt, in the words of J.F. Marsh, to “keep our streets clear of strikers and sandwich men advertising places of employment as being unfair” and to ensure that “labour troubles may not be increased.”³²

Combating labor unrest by this fortifying of responsible unions was prompted by a dramatic shift in the balance of class forces during the 1930s and early 1940s; yet capital,

30 AO, Labour, RG 7-70-0-1, “Notes of Meeting of Arthur Roebuck with Toronto and Hamilton Construction Associations,” 12 Dec. 1934, p1, 4. Arthur Roebuck had no way of knowing that the Comintern was on the verge of ordering the WUL to disband in a drastic and foolhardy maneuver. See Irving Abella, *Nationalism, Communism, and Canadian Labor: The CIO, the Communist Party and the Canadian Congress of Labour* (Toronto 1973), esp. Ch. 1-2.

31 AO, Labour, RG 7-1-0-147, article prepared by M.M. MacBride for the *London Free Press*, 20 Dec. 1937; AO, Labour, RG 7-1-0-170, memo re activities of the Department of Labour, 11 Feb. 1938.

32 AO, Labour, RG 7-15-0-19, J.F. Marsh, Deputy Minister of Labour to Mr. Coldoff, York & Piper Bldg., Toronto, 8 May 1935. This refers to strikes by elevator operators, and was a form letter sent out to building operators.

Mitch Hepburn and much of his Cabinet, ultimately decided that the time had not come to turn organized labor into a 'tame cat.' Hepburn's turn against his progressive Ministers, and his determination to drive the CIO and industrial unionism from the province, ended any immediate moves to extend formal recognition to trade unions and enshrine the principles of the ISA in new statutes protecting labor organizations. Instead the ISA stands as a half step towards industrial legality. It was an important piece of legislation, and certainly deserving of more attention, yet its significance to the development of a formal regime of industrial legality should not be overstated.

The various interpretations of the ISA that have been presented are to some degree accurate descriptions of the significance of industrial standards legislation to organized labor. However further consideration of the operation of the ISA in Ontario reveals a much more complicated relationship between capital, labor and the state — a relationship that forms the basis for a new interpretation of the meaning of industrial regulation. Other factors, particularly the crisis of working conditions created by the welfare state, are much more important in understanding the roots of the Act and the nature of its implementation. Before developing the argument that the ISA was something of a northern New Deal, it is crucial to examine the material roots of the crisis which the Act attempted to correct. I refer not to the vicious competition among capitalists that prompted calls for industrial regulation, but to the nascent welfare state which disrupted the labor market, structured the re-emergence of sweatshops, and fueled political, economic and industrial turmoil.

Relief Capitalism: 'we boast that slavery does not exist'

I am working 72 hours per week and my wages are \$15.00. I can not live on these wages and support my family ... I am going in the hole ... I am not receiving any assistance whatsoever and I cannot get any assistance, cannot buy the medicine my wife requires and I cannot buy for her the diet she is supposed to have ... Is there any sense of me working and going into debt for the necessities of life ... My family needs clothing and shoes ... my children do not get enough to eat ... My shoes fall off my feet ... the Welfare told me if I quit my job they would not give me relief ... I would not want relief if I could get a living wage ... there must be justice somewhere ... we are all human and like to enjoy life a little. I do not drink liquor or beer and I do not have a car, just a hard working chap trying to get along.³³

In 1897, William Lyon Mackenzie King defined 'sweating' as "a condition of labour in which a maximum amount of work in a given time is performed for a minimum wage, and in which the ordinary rules of health and comfort are disregarded." Mackenzie King offered this definition in a published investigation of conditions in Toronto's needle trades, an industrial sector where the practice had originated and flourished.³⁴ Although some of the most extreme examples of sweated labor could be found in the garment industry, the term did not apply solely to that trade. The 1889 Royal Commission on the Relation of Labour and Capital noted that the "sweating process" could be found among a wide variety of workers, including Quebec's boat-men, female shoe sole workers,

33 AO, Labour, RG 7-1-0-87, Mr. W. Antram to David Croll, 8 May 1936.

34 "Toronto and the Sweating System," *Toronto Daily Mail and Empire*, 9 Oct. 1897, cited in Michael J. Piva, *The Condition of the Working Class in Toronto, 1900-1921* (Ottawa 1979), 94-5. See also Ruth Frager, *Sweatshop Strife: Class, Ethnicity, and Gender in the Jewish Labour Movement of Toronto, 1900-1939* (Toronto 1992), 19, 104, 127. For an elaboration of the concept of 'sweated labour' in the garment trades see Robert McIntosh, "Sweated Labour: Female Needleworkers in Industrializing Canada," *Labour/Le Travail*, Vol. 32 (Fall 1993), 105-35.

tobacco factory workers, and saleswomen in shops.³⁵ While the Commission believed that starvation wages and long hours were the exception in Canadian industry, the state introduced a series of remedial measures in the form of factory and other legislation that regulated the hours, working conditions, and wages of female and child workers. As a result of such legislation, structural changes in certain industries that brought workers into large factories from small scattered shops, and the migration of ‘welfare capitalism’ from American to Canadian factories, conditions improved somewhat in the first two decades of the twentieth century, although the wages of many workers continued to fall below the amount necessary to support a family.³⁶

With the onset of the Great Depression, many of the modest gains of the previous two decades were rolled back. Wages plummeted, hours grew longer, and sweated labor spread through almost all sectors of Toronto’s economy. The sweatshops of the 1930s were not, for the most part, a reincarnation of the conditions of the 1890s, but rather a new strain of exploitation that hinged on the availability of municipal welfare to subsidize extremely low wages. This phenomenon was particularly evident in Toronto, which led the province in establishing a fairly comprehensive system of relief — providing health

35 Jules Helbronner, “Appendix O: Sweating Process,” *The Royal Commission on the Relations of Capital and Labour*, 1889, in Greg Kealey, *Canada Investigates Industrialism: The Royal Commission on the Relations of Capital and Labour, 1889* (abridged) (Toronto 1973), 25-9.

36 For a brief overview see Legislative Branch, Department of Labour of Canada, *Labour Legislation in Canada: An Historical Outline of the Principal Dominion and Provincial Labour Laws* (August 1945), 13-22. For a discussion of the application and effectiveness of legislation see Michael J. Piva, *The Condition of the Working Class*, 97-111. See also Ruth Frager, *Sweatshop Strife*, 21. For a discussion of welfare capitalism see Craig Heron, *Working in Steel: The Early Years in Canada, 1883-1935* (Toronto 1988), 99-110; Joy Parr, *The Gender of Breadwinners: Women, Men, and Change in Two Industrial Towns, 1880-1950* (Toronto 1990), 39-49; Robert Storey, “Unionization Versus Corporate Welfare: The ‘Dofasco Way,’” *Labour/Le Travailleur*, Vol. 12 (Fall 1983), 7-42.

care, maternity care, dental care, eye glasses, and free school books for children — that was simultaneously crafted to economically compel recipients to seek work.³⁷ During the first four years of the Depression, as we have seen in Chapter One, Toronto limited rental assistance to a maximum of every second month, clothing (particularly warm winter clothing and children's shoes) was in short supply from the charities, and food rations were never adequate to properly feed a family. It was relatively easy to get relief, particularly if you were a male family head, but it was difficult to live on what was provided.

This system tended to drive workers back into the labor market at whatever wages they were offered. Businesses, and even quasi-government agencies, seized upon this economic vulnerability, pushed wages below subsistence levels and encouraged their workers to go on relief to sustain themselves and their families. As a result, many both worked and drew relief, or alternated between the two, as this informal system of workfare became an accepted means of survival for many working-class families. The result was a cycle of dependency in which an increasing number of occupations offered wages which required a supplement of relief, and workers began to figure out that by being on relief and working, they were able “to increase their budget to an amount *greater than they could possibly earn if they were working full time.*”³⁸ Prime Minister

37 James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920-1970* (Toronto 1994), 94, 105.

38 AO, Labour, RG 7-1-0-145, Miss [L] Wark, Assistant Deputy Minister, to David Croll, Minister of Public Welfare, 26 Feb. 1937, emphasis added. For an interesting commentary on the proximity in living standards between the employed and unemployed in American during the 1930s see Gerald Markowitz and David Rosner, eds., *'Slaves of the Depression': Workers' Letters About Life on the Job* (Ithaca 1987).

Bennett's accusations that relief had become a 'racket' for 'relief conscious' municipalities who used 20% of all federal funds to 'subsidize' low wages, was not without its basis in fact.³⁹

The provincial and municipal governments were also aware that employers were abusing the welfare system by lowering wages in anticipation of employing workers on partial relief. Complaints had reached Toronto's powerful Department of Public Welfare in 1933 that certain employers were cutting workers' wages and "advising them to apply for welfare."⁴⁰ Although the city obviously disapproved of this practice, Dr. Monteith, Chairman of the provincial committee handling unemployment relief, was "firmly of the opinion that as these men were finding some employment and assisting themselves, they were entitled to partial relief and should not be stricken off the list."⁴¹ This attitude persisted until the election of the provincial Liberals in 1934. Shortly after winning office the new government instructed Warren Findlay, Senior Investigator with the Department of Welfare, to review his files and re-examine cases of families on partial relief in which the head of the family was working. Findlay found that in almost all cases where work

39 James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State, 1914-1941* (Toronto 1983), 116. Bennett's comments should be viewed in light of the fact that the Federal Government spent more money servicing the debt of the Canadian National Railway (CNR) between 1930-36 than it did to provide unemployment relief. Pierre Burton, *The Great Depression, 1929-1939* (Toronto 1990), 10.

40 Metro Archives (MA), Commissioner of Public Welfare Records (Welfare), Box 100 (46.21), Vol. 2, "General Welfare Assistance — Policy, regulation, legislation and instructions," Apr./33 - Mar./39, J.W. Somers to A.W. Laver, 22 May 1933, 5 June 1933.

41 *Ibid.*, A.W. Laver, to Wm. J. Stewart, 9 Sep. 1933. He also stated that "they had been considering for some time the necessity of providing a minimum wage for men employees," but nothing would come of this until the ISA.

and relief co-existed, extremely low wages were the culprit, and this practice was evident in almost all industries and occupations in the province.

According to Findlay's findings, many automobile mechanics earned 18¢ an hour while barbers worked 56 hours for \$7 a week. At the Union Stock Yards, workers (predominately drawn from Toronto's African-Canadian population) earned \$7 a week at the hard and dirty job of cleaning cattle cars. The Swiss Bakery employed men at the rate of \$6 a week; Rathbone Lumber paid the same paltry \$6 a week to its male workers; and workers at Uptown Cabs made as little as \$2-3 a week for full time hours. An electrician by trade who worked at Walsh's Garage at University and Richmond — described as an intelligent and reliable man — earned \$7.10 for a 50 hour week (which as an electrician in 1929 he would have made in one day) to prevent his family of five from being evicted. Another man "begged to be given ... work which a boy could do" at Legge's Drug Store for \$9.50 a week to *help* support his family of four. Wages in Toronto's grocery stores, including Loblaw Groceterias, Tamblyn, Dominion and A & P, were generally around 10-22¢ per hour. Even highly skilled workers, such as an electric welder at National Electric, earned only \$10 a week, although his hours were a reasonable 40 per week. Numerous hotels, bars and restaurants had staff on relief, including workers at the luxurious Prince George Hotel, Royal York Hotel and King Edward Hotel. The steward at the ever-so-prestigious Granite Club was drawing relief to feed his family of six while working full time for \$10 a week, while the YWCA, which administered relief to all

single unemployed women, paid a male cafeteria employee with five children \$9.75 a week, a rate below even the paltry female minimum wage.⁴²

Hospitals were probably the worst offenders among public institutions. To add insult to injury, the nature of many hospital jobs was particularly onerous. A Toronto hospital worker offered a graphic description of his duties in a letter to the Minister of Labour:

Please let me give you an idea about the things an orderly has to do. He has to prepare patients for operations, give enemas, he has to carry bed pans and wash them out and very often it would make you sick to the stomach, after he has to wash the patients from head to toe when they dirty the beds, he has to fix up the dead bodies for the morgue often do dressings on venereal patients, with no protection, he comes in contact with every infection and contagious disease.⁴³

For this sort of work orderlies made about \$10 for a very long week. If they had a family and no additional family income, they would almost surely be on relief. In fact, every major public hospital in Toronto, including the General Hospital, Grace Hospital, St. Michael's Hospital, Sick Children's Hospital, Western Hospital, and the Toronto Hospital for Incurables, had all of their laundry staff and cleaners on relief, in addition to some of their elevator operators, porters, orderlies, window cleaners, laborers, carpenters and maintenance workers. Not only were workers on relief paid below subsistence wages, but they worked incredibly long hours. Many hospital workers earned \$12.50 for a 62-70 hour week. At Mercy Hospital, men worked 11.5 hours a day for 90¢ (plus board), while at St. Joseph's the orderlies worked 80 hours for \$7 a week, without board. A hospital

42 AO, Labour, RG 7-70-0-3, Warren [Marion?] Findlay, Senior Investigator, "Memorandum Re: Wage Earners on Partial Relief," 18 Mar. 1935; AO, Labour, RG 7-1-0-88.

43 AO, Labour, RG 7-1-0-183, deleted name, Toronto, 11 Nov. 1937 to M.M. MacBride.

worker, writing on behalf of all employees at the Ontario Hospital in Whitby, referred to the harm his 85-hour work week had done: "We never see our children, they are in bed when we leave in the morning and are in bed when we get home at night, not much time for love I am sure." Another worker in a Toronto hospital relayed a similar story: "I am paid \$12.50 per week for 72 hours work. I am away 14 hours from home every day. I have to sleep 8 hours which leaves me 2 hours to spend with my wife and child."⁴⁴ Alfred Cooper, an orderly and activist at the Toronto General Hospital asked David Croll, Minister of Labour,

man to man don't you think we are entitled to be used like human beings ... We were going to strike and walk out but you can't leave sick people ... they think they can fill our places easy ... We are waiting word from our union to see what to do. I ask you ... to help us. I don't know how some of our boys live with a family. This will likely mean my job but I can't stand it any longer. I'll quit first and get relief. I have stood it for three years now.⁴⁵

Organized labor took an interest in the plight of hospital workers and publicized these conditions. J.W. Buckley, Secretary of the Toronto District Labour Council, pointed out that "one would naturally think that institutions that are engaged in the primary duty of restoring the health of its citizens would at least have some regard for the public welfare of those who it employed," and warned the government that the WUL "would organize these employees, and use not only the weapon of the strike, but publicity."⁴⁶ His

44 AO, Labour, RG 7-70-0-5 Long Hours, "Complaints Received by Labour Department Re Long Hours in Industry," n.d. [1934-35]; AO, Labour, RG 7-15-0-73, anon. staff, Ontario Hospital Whitby, to David Croll, Minister of Labour, n.d. [June 1936]; AO, Labour, RG 7-1-0-183, deleted name, Toronto, to M.M. MacBride, 11 Nov. 1937.

45 AO, Labour, RG 7-1-0-124, Alfred Cooper, Toronto, to David Croll, 21 Mar. 1937.

46 AO, Labour, RG 7-1-0-109, J.W. Buckley, Secretary of the Toronto District Labour Council, to Mitch Hepburn, 9 Nov. 1935.

warning would be prophetic. Articles in the press pointedly claimed that “men employed in Toronto hospitals today cannot support their families without going on relief. If they received better wages they would save the city money by staying off relief rolls.”⁴⁷ Despite the public embarrassment this caused, the hospitals were intransigent and resisted any pressure to raise wages or reduce their hours (except for the superintendent of the Toronto General Hospital who managed to grant himself a \$3,000 raise at the same time that he threw his workers onto relief). In 1937, J.B. Salsberg and the Toronto District Trades and Labour Council (TDTLC) led a delegation from the Hospital Employees Federal Union Local 48 (affiliated directly with the TLC) to persuade the hospitals to negotiate, but “the union could make no headway in pressing its requests for union recognition, better pay and shorter hours.”⁴⁸ As late as 1938, Toronto’s hospitals were still underpaying their workers by charging them for meals and rooms and working them for long hours seven days a week. The Sick Kids Hospital, for example, managed to lower its average employee’s pay to \$6 a week after deductions. About half of these workers were married and supporting a family.⁴⁹

Evidence of relief wages also flooded into the offices of the departments of welfare and labor from individual workers who were fed up with poor working conditions and low pay. An employee at Iveson Pulley Works in Toronto complained that “there is 3 men getting 36¢ per hour for 40 hours per week total \$14.40 per week, having 20 years

47 “Ask Parley for Hospital Union,” *Toronto Clarion*, 7 Jan. 1937, copy in NAC, Labour, RG 27, Vol. 379 (153) Hospital Employees, Sep. 1937 (MNF T-2988).

48 *Ibid.*

49 AO, Labour, RG 7-1-0-183, “Meeting of the Hospital Employees’ Association in the Office of the Minister of Labour Wednesday, 10 Nov. 1938.

experience in pulley works. There is 7 men getting 30¢ .. these men have 10 years experience. There is 4 men getting 25¢ ... all are married with families and are not even breaking even on these starvation wages.”⁵⁰ The evidence in these letters reinforced government findings of sweated labor in a wide variety of companies in Toronto. The Oil Coat Company employed a watchman to work 91 hours a week, 365 days a year. A night fireman and a day engineer at the York Trading Company in Toronto worked, respectively, 91 and 71.5 hours weekly. The Maple Leaf Milling Company ran shifts, lasting at times 22 hours a day, and averaging 86 hours a week, with wages ranging from \$11.00 to \$21.50. Many of the employees of Imperial Woodworking Company earned \$4.00/week, while most earned under \$9 each week. The Maple Leaf Toy Company paid \$5 for a 50 hour week, and the Canadian Barrel and Bottle Company worked their employees for 10 hours a day at 10¢ an hour with the hourly rate actually decreasing with overtime. If workers resisted unpaid overtime they were fired, such as one man at the Robertson Knitting Mills who worked 60 hours a week for \$6.55 and was fired when he refused to work longer.⁵¹

A caretaker in an apartment building purchased by a rich doctor had his wages cut to 80¢ per day. The caretaker quit the job and noted “for several years I have followed this line of work to avoid taking relief, but could never continue to work for such wages.”⁵² Even young professionals, such as recently graduated Toronto druggists, a

50 AO, Labour, RG 7-1-0-118, anon to David Croll, 25 Oct. 1936.

51 AO, Labour, RG 7-1-0-119, Factory Inspector to David Croll, 26 Jan. 1937.

52 AO, Labour, RG 7-1-0-86, Robert Graves to David Croll, 31 Mar. 1937.

position that required two years in a Pharmacy program and four years practical work in a drug store, wrote and complained of working 70-102 hours a week for \$9.00 to \$12.00.

An old-time druggist told the Minister of Health in 1934 that these working conditions were “practically slavery” and noted “This is a lot of work for a small salary, in a country that is supposed to be free.”⁵³ The worst off were farm laborers who could work 15 hours a day for \$5 each month.⁵⁴ One farm worker wrote: “We boast that slavery does not exist under the British flag yet conditions such as these are allowed to go on. ... This is one of the reasons there are so many single young men unemployed in this province. They will not submit to the slave conditions of the Ontario farm, and so become drifters.”⁵⁵ If \$5 a month for farm labor seemed low (and many unemployed young men were driven to the countryside in search of work when their relief was cut off every summer), some janitors worked for nothing more than rent on apartments remodeled from “locker rooms.” An ex-policeman turned landlord, who by 1935 “owned more apartment houses than any other landlord in Toronto,”⁵⁶ had nearly all of his janitors on full relief, working for rent only. The relationship between relief and low wages was recognized by workers across Ontario. A basket weaver in Kingsville, just north of Toronto, argued that the government

53 AO, Labour, RG 7-1-0-69, Thomas C. Cooper, Toronto, to J.M. Robb, Minister of Health, 26 Feb. 1934.

54 AO, Labour, RG 7-70-0-5, “Complaints Received by Labour Department Re Long Hours in Industry,” n.d. [1934-35].

55 AO, Labour, RG 7-15-0-41, Henry O’Neill, Bells Corners, to Arthur Roebuck, 11 Feb. 1935.

56 AO, Labour, RG 7-70-0-19, Garnet L. Ord, Inspector, unemployment Relief Branch, to Mr. D.B. Harkness, Acting Secretary, Unemployment Relief Branch, [10 May 1935].

had to raise wages because employers paid below living wages and then “let their employees go to the Town to get the rest of what they require to live on.”⁵⁷

The Liberals had to respond to these concerns once elected after playing upon these anxieties in opposition and during the election. The ISA had been trumpeted as the cure for low wages, abuse of welfare, and reckless competition, and the flood of letters from workers reminded them of their commitments. One woman, the wife of a Toronto iron worker, pushed the government to implement the ISA in more industrial sectors while highlighting the relationship between relief and the Act.

How can a company expect a man to keep himself, wife and child on 36¢ per hour ... My husband is employed at the Toronto Iron Works, where you can understand the work is heavy ... We have two school aged children, pay \$20 per month rent, try to carry insurance, and pay our own way but what we are to use for fuel is driving me crazy. We are not in need of clothing or we'd have to wear barrels ... We don't want relief, we can take care of ourselves, if we can get a wage sufficient to live on. Your labour codes for bricklayers etc. have raised wages so why can't you do something for my husband.⁵⁸

Organized and unorganized workers embraced the ISA and the idea of industrial codes as positive reform and supported attempts to regulate the economy and raise wages.

Desperate letters (unsigned for fear of being exposed and fired) pleaded with J.F. Marsh, the Deputy Minister of Labour, to “save us.” These letters reflect the people's expectations, raised by the new Liberal administration, of government intervention in the relations between capital and labor. A salesman wrote to David Croll, initially the Minister of Public Welfare and later the Minister of Labour, telling him that he was

57 AO, Labour, RG 7-1-0-111, John Gooden, Kingsville, 7 Jan. 1935.

58 AO, Labour, RG 7-1-0-87, Gladys Cotton, Toronto, to David Croll, 12 Sep. 1936.

“hoping that some time soon these firms will be compelled by law to realize these men are human beings and, as such, are entitled to different treatment than has been meted out during these depression years.” Some simply reminded the government that their election slogan was “Action not Promises.”⁵⁹

Working-class Liberals had particularly high hopes, such as one woman who wrote to complain about her husband’s job driving a delivery truck for a bakery:

The driver that I spoke of worked hard for the liberals to get better wages and he is no better off. My husband has to work too hard to do anything but he voted and I did too. But our better times has not come yet but I feel as soon as you know what a slave driver he is [the bakery owner] you will get after him without a doubt ... Thank goodness we have a government in to stop all slave drivers.”⁶⁰

Another woman, who had worked for the Liberal party in Toronto, wrote to Arthur Roebuck, the Minister of Labour, in a demanding tone:

Mr. Roebuck, my husband works 14, 15 to 16 hours a day for \$12.00 a week, now do you call that fair wages. Do you think its right, well we don’t. Mr. Roebuck you’re in power where you could do something about that. At least you promised ... Mr. Roebuck you could fix my husbands wages up if you wanted to do it. Remember Mr. Roebuck there’s always a second time ... I think its a crime for a man to work for nothing ... I would like you to do something about it.⁶¹

Traditionally non-unionized workers also tended to ask for industrial regulation, pleading with a government they saw as sympathetic. A gas station employee in Toronto

59 AO, Labour, RG 7-15-0-52, anon. to J.F. Marsh, 25 Apr. 1935; AO, Labour, RG 7-1-0-120, W.B. Water, Toronto, to David Croll, 14 Sep. 1936; AO, Labour, RG 7-15-0-24, A.C. Bicknell, Toronto, to J.F. Marsh, 5 Sep. 1935.

60 AO, Labour, RG 7-15-0-7, Mrs. E. Hoagly, Caledonia, to Arthur Roebuck, n.d. [Dec. 1935]. In response to this letter, as with many others an inspector was dispatched to investigate the shop.

61 AO, Labour, RG 7-15-0-41, Katie Wilczynski, Toronto to Arthur Roebuck, 27 Dec. 1934.

wrote the following letter to inform the government of the plight faced by workers in his sector of the economy.

I am writing this note to you as I know you are not aware that there [are a] thousand employees of all the gas service station companies in this city [Toronto] never has a day off. We have no power to voice our complaint only to your government. And will therefore ask you to do something for us poor mortals who never get a day off work seven days a week so I will leave it with you and ask you to please treat this confidential otherwise I will be doomed to the guillotine.⁶²

The extent to which wage earners turned to the new Liberal government is striking. A diverse group of laboring people seemed to feel that they had elected a pro-worker government. Many referred to themselves as exploited by “bosses” or “capitalists,” while one noted in closing his letter that a “reply on this matter, in a press article, would be appreciated by my ‘partners in slavery’ throughout Ontario.” A worker in Guelph wrote asking for direction, while playing upon the government’s election-time statements against abusive employers: “In view of the present provincial government’s attitude in regard to Shyster employers in the province I am taking the liberty of asking your advice as to what action I should take on my own behalf ... I have been inclined to go on strike for more wages but with help so plentiful I fear I would not be very successful.”⁶³ That workers should expect not only sympathy and support, but also direction, from a government while using the language of class struggle and class exploitation is a clear indication of a profound shift in popular consciousness in these

62 AO, Labour, RG 7-15-0-4, John Bright, Toronto, to Mitchell Hepburn, 6 Apr. 1935.

63 AO, Labour, RG 7-15-0-29, “Je Sais” [anon.] to Arthur Roebuck, 22 Sep. 1934; AO, Labour, RG 7-15-0-4, J.T. Cook, Guelph to Arthur Roebuck, 13 Aug. 1934.

years. One worker at Hamilton's Steel Company of Canada (Stelco) asked the Minister of Labour to

intervene here to prevent injustice and further cruelty from inhumane capitalists to these Steel Company of Canada men ... 'Man's inhumanity to man makes countless thousands suffer' ... All through the plant horrible conditions exist due to their greed, and men are treated worse than beasts ... Couldn't you get reports of facts from the men themselves, send someone down to live amongst it and see the conditions. The "top dogs" will only lie to you. ... Please do something to keep this capitalist sword from falling upon us.⁶⁴

While it is difficult to overstate the cumulative resentments of workers in these difficult years, the level of business support for an end to relief-driven competition was also quite marked. David Croll had written to many businesses asking that they raise wages and shorten hours. In the gasoline retail business, where the average wage was \$10 a week for 70 hours work, Croll pointed out that "in the majority of cases these underpaid men must be in part a burden upon the whole community ... they were receiving something less than what would be granted to them were they on full relief ... In a regrettably large number of cases they had in fact applied for and received supplementary assistance ... The Province and the municipality were being required to subsidize the business ... in other words the taxpayer was helping to operate your business."⁶⁵ This position had resonance with many employers who had a difficult time competing with cut rate competitors. The Assistant Deputy Minister of Public Welfare knew that relief-driven competition devastated businesses that paid living wages:

64 AO, Labour, RG 7-15-0-21, Alexandra (anon.), Hamilton, to Mitchell Hepburn, 9 May 1935.

65 AO, Labour, RG 7-1-0-133, David Croll to Roy L. Saunsley, Crown Dominion Oil Company, Toronto, 6 Dec. 1935.

A case in point is in a city where a company advertised for tenders for a carving job. They had five replies, four of which were close. The fifth was so much under that they made enquiry to determine if the man was on relief. It was found that he was and the job was given to him at a price for which *he could not possibly have done the work had he not been on relief*. We believe this practice is fairly extensive.⁶⁶

The losing bidders would have supported an Act that made “the individual purchaser of goods and services ... pay a somewhat higher rate in order that the worker may not find it necessary to apply for relief to supplement low earning and thus impose a burden upon the whole community.”⁶⁷ Before turning to business support for the Act, it is important to address the existing historical literature which casts business as a strong and unwavering opponent that aimed to subvert the ISA’s intent and render it unenforceable.

Business Opposition and the Enforcement of the ISA

Most members of parliaments are still convinced of the superiority of business leadership and that ‘what is good for business is good for Canada.’ Cabinet members do not need to be bribed to accept the business viewpoint. They already think like businessmen.⁶⁸

Liberal politics in opposition and during the election campaign clearly signaled to the workers of Ontario the new government’s intent to establish industrial codes and bring

66 AO, Labour, RG 7-1-0-145, [L] Wark, Assistant Deputy Minister, to David Croll, 26 Feb. 1937, emphasis added.

67 AO, Labour, RG 7-1-0-112, David Croll to Daniel McKee, Editor, *The Canadian Countryman*, Toronto, 12 Nov. 1935.

68 Lloyd G. Reynolds, *The Control of Competition in Canada*, 262.

order to the lives of those who were suffering through the worst economic crisis of the century. Despite widespread support for economic regulation and state intervention, Arthur Roebuck's desire to establish codes in industry was not fully shared by Mitch Hepburn and prominent members of the Liberal Cabinet. Hepburn confided to William Fraser, the federal Liberal member for Northumberland, that he was "never enamored with the Industrial Standards Act and have tried to keep the brakes on as much as possible."⁶⁹

The tension within the state over the ISA (framed as a struggle over managerial rights) is explored by business historian Mark Cox in his sustained article-length discussion of the ISA. He presents a strong argument that the origin and early development of the Act rested largely with Arthur Roebuck's desire to "facilitate collective bargaining" and strengthen the international unions, his reform motivation deriving from his experience as a labor lawyer and his particular adherence to the ideas of Henry George. 'Extreme' pronouncements from James F. Marsh, his Deputy Minister (and unsuccessful Liberal candidate in the Riverdale riding) and an official with the United Brotherhood of Carpenters and Joiners, that "all of his sympathies were with the unions," and that the ISA was going to force capital to bargain with labour and set wages and hours where employers and employees could not agree, alarmed the business community; according to Cox, these antagonists circled their wagons and defeated much of the Act's intent.⁷⁰

69 Neil McKenty, *Mitch Hepburn* (Toronto 1967), 102-3.

70 Mark Cox, "The Limits of Reform," 559, 562-3.; John T. Saywell, '*Just Call Me Mitch*,' 171, 206-7.

Cox's observations about business opposition are important to note. Early criticism of the ISA came from all business quarters, but mainly from owners of large factories who saw it as the forced unionization of their employees, resulting in a disadvantage in the market place for their products. Toronto's Board of Trade, headed by F.D. Tolchard, came out against the Act because it banned the participation of capital-dominated employee associations (company unions) and would "give an undesirable force to the activities of professional labor agitators, as a result of which dissension between employers and employees will be created in conditions where there is no justification for the same." The Board was also worried that the industrial congresses set up under the ISA would be dominated by labor agitators empowered and radicalized "by an agitated public opinion."⁷¹ These sentiments were echoed by organized manufacturers in other cities. The Canadian Manufacturers Association came out against the ISA, arguing that industrial peace had grown in Ontario over the years and the Act was unnecessary.⁷² *Saturday Night* ran a lengthy article entitled "Industrial Standards Act a Menace," criticizing the government for restricting business, and followed with a series of articles criticizing the legislation.⁷³

Marsh, who spearheaded the application of the ISA despite a reprimand for his public comments, promised his friends in business that he would "watch his step," and

71 AO, Labour, RG 7-15-0-32, F.D. Tolchard, City of Toronto Board of Trade, to Mitchell Hepburn, 12 Apr. 1935.

72 For a more detailed discussion of the CMA's position see Mark Cox, "The Limits of Reform," 564-5.

73 *Saturday Night*, 6 Apr. 1935, copy in AO, Labour, RG 7-15-0-75. Also "Comments Re Industrial Standards Act By Saturday Night," 27 Feb. 1936 including: "Consumer Ignored in Ontario Wage Fixing," 1 June 1935; "Industrial Standards Act Not a Success," 9 Nov. 1935; "Ontario Code Transgresses Civil Liberties," 7 Jan. 1936; "Labor Codes Used as 'Big Stick' by Unions," 29 Feb. 1936.

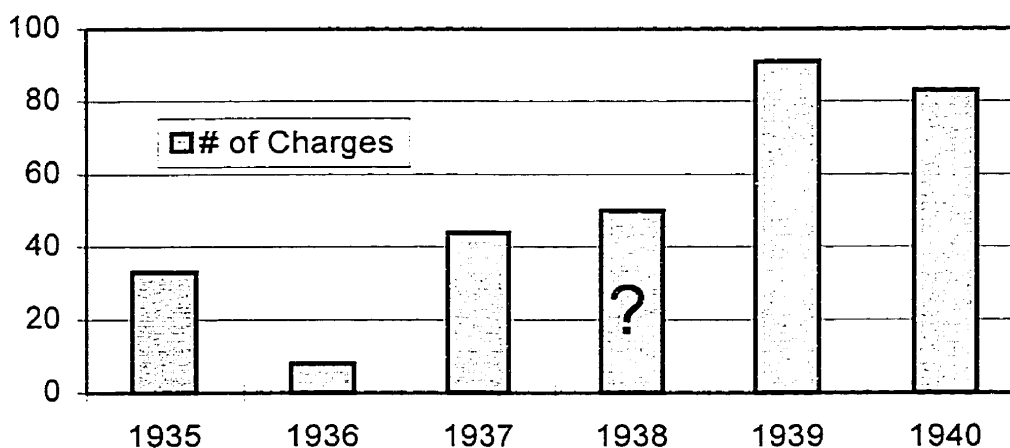
attempt to carry “public opinion in this as in any other law and ... be careful.” But being careful was not going to be an easy task, as Arthur Roebuck noted in a reflective moment during a meeting with representatives of the CMA:

We are going to have lots of trouble under this Act, oodles of it. We are going to enter into agreements and people will want to abrogate them. There will be people wanting zones that are impracticable. I can see all kinds of pressure being brought to bear on the Department which we will have to resist, and all kinds of responsibilities which we will have to accept, but I think the conditions of our industrial life warrant us doing so.⁷⁴

One responsibility that the government would ultimately not accept was the enforcement of industrial standards. The responsibility for enforcement was to be exercised by the Minimum Wage Board, although the onus for investigating complaints resided with an advisory board composed of employer and union representatives in each industry. The Minimum Wage Board was ill-equipped and unwilling to prosecute many cases brought to it by the ISA Advisory Boards and instead relied upon weak out-of-court settlements, numbering approximately 200 per month. The following chart, by comparison, shows the number of formal charges levied against offending employers and workers per year.⁷⁵

74 AO, Labour, RG 7-1-0-154, “Report of a conference between members of the CMA and Arthur Roebuck, held in the Parliament Building, 30 Jan. 1936,” Arthur Roebuck, p. 30, 27.

75 Mark Cox, “The Limits of Reform,” 569; Jacob Finkelman and Bora Laskin, “The Industrial Standards Act of Ontario and its Administration,” Workers Educational Association of Canada, prepared for the Labour Research Institute, Vol. 2. no. 1 (July 1936), copy in AO, Labour, RG 7, 1-1-8 (Nov. 1935-Apr. 1937).

Chart 4A: Charges Under the ISA in Toronto, 1935-1940⁷⁶

In response to questions in the legislature in 1936 about the enforcement of the Act, David Croll, who took over the labor portfolio after the departure of Roebuck, dismissed those who pushed for stricter enforcement:

We don't like sledge-hammer legislation. We don't like to enforce a social statute with a squad of policemen. If policemen are needed to ensure observance by a majority of those in the industry concerned, then the Act is a failure and we can only scrap it and consider that its introduction was premature.⁷⁷

A squad of police, however, was required to enforce the Act; consequently, the Labour Department was attacked by the Toronto District Trades and Labor Council (TDTLC) for dropping charges against offenders and generally failing to uphold the Act. Mr. Bruce, one of the TDTLC delegates, charged that "the department is acting in a way to negate its

⁷⁶ For the source of the chart data see Police Commissioners Annual Reports, 1935-7, 1939-40, copies available at Police Headquarters, Toronto. There was no copy of the report for 1938, and a copy was not held at the City of Toronto Archives.

⁷⁷ AO, Labour, RG 7-1-1-3, David Croll's speech before the legislature before the introduction of the 1936 amendments to the ISA, cited in Joy Parr, *The Gender of Breadwinner*, 222.

own legislation.” A building trades’ worker wrote to David Croll advising him that the Act was “being laughed at by the very people who were to be made to toe the line.”⁷⁸ In the garment industry, where the Act was applied and a legally binding wage scale imposed, employers could avoid the ISA’s provisions where there was no union to enforce it. George Timms, a skilled cutter at Rubin Cloak Company, wrote a letter of complaint (later verified through an investigation) that he and many others were receiving illegal wages:

This shop also employs a Trimmer, on Full Time, this man is a fully efficient cutter and trimmer but is just a little bit simple which Mr. Rubin takes advantage of. He arrives at work every day at 8 a.m. and is compelled to work through until 8 p.m. and sometimes until midnight and after, every day of the year. He is compelled to go in on every gentile holiday including Xmas and New Years day and for this he gets no wages. Mr. Rubin himself told me he costs him about \$9 a week. The arrangement, so I understand, is that he pays his room rent and gives him a few dollars and buys him some clothes occasionally, the man is half-starved, ragged and is nothing more than a slave and prisoner, this has been going on for a long time.⁷⁹

The employer evaded the provisions of the ISA by calling this man a messenger and odd job man, thinking “it a great joke.” The Minimum Wage Board stepped in but Timms had already been fired; the boss did not take long to figure out who the IS officer was referring to when he stated (against Timms’s expressed wish) that an employee had complained. The ‘half-starved’ worker was also fired, and as a final indication of the crisis in enforcing the ISA, the case was withdrawn and Rubin never stood trial.

78 “Labor Department Lashed by Unions,” *Mail and Empire*, 6 Mar. 1936; AO, Labour, RG 7-15-0-32, W.J. Douglas, Sec. Amalgamated Building Workers of Canada, Toronto, to David Croll, 10 Aug. 1935.

79 AO, Labour, RG 7-72-0-29, George Timms to David Croll, 6 Mar. 1937.

Joy Parr, who focuses on the application of the ISA to the furniture industry, argues that the weak enforcement of the Act by the government explains much of its shortcomings (a position also put forward by Harold Logan), while also acknowledging that many employers initially welcomed the Act because it gave them a weapon to fight back against ‘chiseling employers’ who were cutting into their business.⁸⁰ This is an accurate assessment but Parr fails to deal with the possibility that the Act was *intended* to be supported, *and enforced*, by organized labor. This position is supported by Cox’s argument that Roebuck had drafted the legislation with the belief that organized labor would have to raise wages through its “own industrial power.” Consequently, while Parr observes that workers had to use their own power, such as during the province-wide furniture strike of 1937, to bring the Act back into force in their industry, she sees the subsequent strikes against Hanover’s non-conforming “chiseler,” Jacob Spiesz, as an indication of the failure of the Act and the government. An alternative interpretation (and one that is more fully detailed in subsequent chapters) is that the Act, by design or development, rested not only on what Bora Laskin has called “employer and employee collectivities,” but on the *ability* of unions to strike against non-conforming employers in the interest of both the workers they represented, and their employers. This alternate interpretation of the development of the ISA turns on the logic of ‘regulatory unionism’.

80 Harold Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto 1948), 458-64; Joy Parr, *The Gender of Breadwinners*, 220-4.

The Turn to Regulatory Unionism: 'To Drive Out this Wolf'

Nothing in the world causes more discontent in a man than for him to ask for a thing he thinks he is entitled to get and which you know well you are not going to give him.⁸¹

From the moment that the ISA was introduced, the government turned to organized capital and organized labor to establish voluntary agreements that would make the industrial codes effective. If the government was reluctant to enforce the codes, and businesses could not be trusted to universally observe them, then unions could be used to bring rogue capitalists to heel. In a meeting with the CMA in 1935, Roebuck pointed out that "a great deal of loss" had occurred as a result of labor disruptions and strikes and this was largely because fair wages and fair working conditions were under assault from about 5% of employers who used "sweatshop methods, undercutting prices and generally bedeviling the whole situations" while "grind[ing] the noses of the workers to be able to sell at prices that are outrageous." As a solution, he invoked a few examples in which he had "seen employers and unions joining hands to drive out this wolf in industry."⁸² It is consistent with the evidence to suggest that Roebuck and Croll intended the ISA to give unions the powers to eliminate cut-throat competition in co-operation with business, and simultaneously get workers off relief without drawing the state into an enforcement nightmare (which is, after all, why they did not simply extend the minimum wage to cover male employees).

81 AO, Labour, RG 7-1-0-154, "Report of a conference between members of the CMA and Arthur Roebuck, held in the Parliament Building, 30 Jan. 1936," Mr. Shenston, factory owner to Arthur Roebuck, p. 23

82 *Ibid.*, Arthur Roebuck, p.2.

The role of unions in enforcing industrial codes and establishing a more equal plane of competition between employers has been most fully developed in the American context by Colin Gordon, for the period from 1920 to 1935. Drawing upon a wide variety of sources, Gordon argues that after World War One American capital faced a crisis of excess capacity that spawned vicious competition. Business attempted to control market mechanisms and “unfair” trade practices (albeit sporadically and unevenly) by appealing to the state and forming business associations, monopolies, and corporate concentrations (mergers and acquisitions), although the results, if not the structures, were usually disappointing or short-lived.⁸³ In several key industrial sectors (notably construction, printing, the needle trades, bituminous coal, trucking, glass, and pottery), capital actively enlisted organized labor as a means of controlling the market. “Unionization allowed firms to discipline marginal competition by unifying labor costs across an industry and restricting the entry of new firms.” Gordon refers to this arrangement as “regulatory unionism,” which he considers a natural complement to the drift away from class-conscious unionism, evident in the emergent conservatizing tendencies of the 1920s (also known as “trade union capitalism,” “business unionism,” “job conscious unionism,” or “class collaboration”).⁸⁴ Because only 10% of the American workforce was unionized in

83 Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge, Mass. 1991), Ch. 8-10. Dawley discusses the rise of American corporate concentration and power in the 1920s, and identifies the ideological and material consequences of the technocratic ‘managerial revolution,’ which was closely related to the rise of ‘industrial cooperation’ through trade associations. Although shaken by the collapse of the 1930s, and forced into an alliance with the state, large capital continued to develop collective tendencies.

84 Colin Gordon, *New Deals: Business, Labour, and Politics in America, 1920-1935* (Cambridge 1994), 88-9, 92. For a lengthy discussion of the popularity, the central ideas, and the pre-1940s literature on voluntary trades associations see John Perry Miller, *Unfair Competition: A Study in Criteria for the Control of Trade Practices* (Cambridge, Mass. 1941), esp. 283-305. See Ronald Radosh, “The

the 1920s, regulatory unions never became firmly entrenched or widespread; but with the crisis of the Great Depression, the state and broad sections of capital began to look upon unions as a way of stemming competition and restoring order to the market.

Roosevelt's New Deal legislation ultimately turned to regulatory unionism as a means of reducing competition after attempts at regulating prices and wages by capital and the state faltered and then failed. The National Industrial Recovery Act (NRA) of 1933 demonstrated the state's weakness and reliance upon businesses to cooperate with their competitors (only 2 of over 500 codes were actually imposed upon business by the NRA, the rest were voluntarily agreed to). Despite the bluster of General Johnson, who headed the NRA's industrial program, the codes were by-passed, evaded, weakened, undermined, and manipulated before the Supreme Court struck down the legislation as unconstitutional in 1935. After the fall of the legislation, "little NRA's" were enacted in industries (schooled by the past "two year course in cartelization and collusion") where no legal challenge was likely, but other business leaders looked to a national labor law as a means of enforcing voluntary agreements among themselves. The National Labor Relations Act (more commonly known as the Wagner Act) was Roosevelt's response to the failure of the NRA and, despite the vocal opposition of many business leaders (who

Corporate Ideology of American Labor Leaders From Gompers to Hillman," *Studies on the Left*, Vol. 6, No. 6 (Nov.-Dec. 1966), 66-88. Radosh argues convincingly that conservative labor leaders and 'far-sighted industrialists' colluded to bring unions into a junior partnership with capital in the 1920s and 1930s. Philip Foner's critique of Radosh forces a consideration of the role workers (not labor bureaucrats) played in forcing capital to accommodate unions. Philip Foner, "Comment," *ibid.*, 89-96. Also see James Weinstein, *The Corporate Ideal in the Liberal State, 1900-1918* (Boston 1968). For the debate between Weinstein and Foner over the progressiveness of certain business elites see James Weinstein, "Gompers and the New Liberalism, 1900-1909," *Studies on the Left*, Vol. 5, No. 4 (Fall 1965), 94-105; Philip S. Foner, "Historical Materialism and Labor History," *Studies on the Left*, Vol. 6, No. 2 (Mar.-Apr. 1966), 71-5; James Weinstein, "Reply," *ibid.*, 76-80.

thought it went too far), it would serve their interests by achieving the market stability they had failed to voluntarily construct with their rivals, or adequately implement under state tutelage. Employers in industries with experience in regulatory unionism were the most tepid opponents, but even staunch anti-union employers in the mass production industries could see some use in federal intervention that would allow them to shape alternatives to troublesome craft or radical unions. DuPont, for example, actually pressed its company union to apply for CIO membership in the hope that its local conservative leadership would ward off a more radical alternative, and keep the craft unions at bay.⁸⁵ Although business opposed the Wagner Act and the steady rise of unionism, many firms signed union contracts and grudgingly surrendered some managerial control to organized labor. According to Gordon, the Wagner Act turned the principles of the NRA inside out as the emphasis shifted from establishing competitive standards (by regulating prices and to some extent wages) to empowering labor organizations to enforce them.⁸⁶

In the 1920s and 1930s Canadian capital faced many of the same competitive dilemmas as its American cousins, and followed a surprisingly similar pattern of regulatory efforts that strove to drive competition from the economic system. A Canadian movement toward reduced competition, through mergers, acquisitions, cartels and trade associations, paralleled American developments. In numerous sectors of the Canadian

85 Colin Gordon, *New Deals*, 174, 200-3, 211, 235.

86 Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill, N.C. 1994), argues that unions benefited from state intervention in several periods of American history, including the 1930s. Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (New York 1990), produces an impressive history of this period that draws out the power of ethnic working-class subcultures, but perhaps overstates the degree to which workers humbly embraced the welfare state before turning to "Washington to deliver the American Dream."(289)

economy, competition was circumvented by formal and informal collective business strategies. By the end of the 1920s informal price agreements among producers “governed the sale of agricultural implements, beer, various iron and steel products, gasoline, sugar, canned goods, and textile products,” while more formal price and production agreements monitored “fertilizers, leather, rubber footwear, tobacco products, and various kinds of hardware, plumbing, and heating equipment.”⁸⁷ The stability of these arrangements varied widely between industries. Where a single producer controlled a significant share of productive capacity, such as Imperial Tobacco with 75% of production, restrictive sales practices were used to ensure that a standard price for cigarettes was respected by wholesalers and retailers. Those who sold under price, or promoted under-priced competitive brands, simply had their supplies cut off. Industries with more competitors, such as baking or rubber footwear, first formed associations and circulated price lists, but eventually set production quotas to eliminate competition driven by excess capacity. Rivalry in quality was reduced by agreements to standardize production processes and grades. Many of these trade associations actually gained more regulatory power in the first few years of the Depression. The rubber footwear manufacturers constructed an elaborate quota system enforced by the deposit of bonds (valued from \$10,000 to \$75,000) to be forfeited through fines should an auditor find irregularities. Container Materials (an elaborate shell company acting the agent of a group

87 Lloyd G. Reynolds, *The Control of Competition in Canada*, 8-12; Tom Traves, *The State and Enterprise*, 76-7. For a good summary of the merger movement and ‘welfare capitalism’ see Bryan Palmer, *Working Class Experience*, 214-19. Marketing boards were also established during this period as a method of managing competition in some sectors of agriculture and primary resources.

of cardboard box manufacturers) actually paid a non-conforming competitor not to produce, and then bought the factory and dismantled it.⁸⁸

Associations, cartels and other mechanisms intended to eliminate competition became fragile or ineffective as the depression deepened, particularly in areas of the economy which required a small amount of start-up capital. Trade agreements fell apart because of non-compliance in the hosiery, woolen and worsted goods, and wool yarn industries as members defected with apparent impunity from collective trade sanctions. In the boot, shoe, clothing, and furniture industries, the large number of producers rendered any collective effort nearly impossible. While there is no developed literature on regulatory unionism in Canada, certain industries in the 1920s turned towards “responsible” unions for some stability. Harold Logan points to the role of unions in the pulp and paper industry in allaying the “fear on the part of some companies of a competition based on low wages.”⁸⁹ Although labor only accounted for 10% of the production cost, the profit margins were often small enough to make the equalization of wages across the industry a matter of vital importance to the maintenance of equalized prices. Indeed, wage-based competition from plants in the American South was eliminated by a successful unionization drive.⁹⁰ A much more overt example of

88 Lloyd G. Reynolds, *The Control of Competition*, 18-30; L.A. Skeoch, *Restrictive Trade Practices in Canada* (Toronto 1966), 57.

89 Harold Logan, *Trade Union in Canada*, 121-2.

90 In fact the success of the union in this industry mirrored the pattern of market control by Canadian producers. Always dominated by “price leaders,” the industry prospered and expanded until 1927, when excess capacity prompted leading firms to establish an industry cartel through a joint selling agency. Its failure resulted in cut-throat competition and the expulsion of the union, until 1935 when the union succeeded in organizing almost the entire industry. Two years later the Ontario and Quebec governments used their legislative power to set prices and production quotas. *Ibid.*, 121; Tom Traves,

regulatory unions was the role of the United Association of Plumbers and Steamfitters in bringing about and enforcing regulated competition in conjunction with an association of master plumbers and plumbing supply dealers in southern Ontario in the late 1920s (discussed in detail in Chapter 9).

While it is difficult to determine how prevalent regulatory unionism was within Canadian industry in the 1920s, it was recognized by some employers as a useful complement to trade associations and a valid form of responsible business unionism. In some respects the Canadian labor movement had been groomed for this role by moderate and conciliatory leaders. In 1919, Trades and Labour Congress President Tom Moore endorsed Whitney councils as a means of promoting harmony in industry. The Canadian National Railway's B&O plan developed the notion of "teamwork" to the point that the union was disciplining rebellious workers. "Fordism" and "Mondism" economically tied workers' efforts, and their unions, to the profit rates of capital, thus fostering the myth of the mutual interest of capital and labor.⁹¹ Canadian labor's newfound desire to spread the gospel of class collaboration was limited in the 1920s by their organizational weakness and capital's own ability to manage competition through amalgamation and association while taming labor unrest through "welfare capitalism." The rise of welfare capitalism mirrored the sagging fortunes of "sensible" unionism, while also signaling capital's willingness to materially accommodate workers. A 1928 survey of 300 Ontario firms

The State and Enterprise, 77-78; Ian Radforth, *Bushworkers and Bosses: Logging in Northern Ontario, 1900-1980* (Toronto 1987), 18-9; Michael Bliss, *Northern Enterprise*, 427.

91 Charles Lipton, *The Trade Union Movement of Canada, 1827-1959* (Montreal 1968), 237-253, esp. 238-9.

employing 185,000 workers revealed that a significant percentage of them offered some sort of welfare scheme including pensions, group insurance and bonus systems; a surprisingly high 48% had works councils or shop committees.⁹²

With the onset of the Depression, many of these welfare schemes were scaled back or dismantled as the cost became burdensome. At the same time many business associations were strained, or collapsed, as members faced with failure turned to independent alternatives that involved direct and often vicious competition. Relief labor put a particularly sharp edge on the desire of business for industrial regulation. Some associations would hold together or regroup, but others would look to the government for solutions. In this context the ISA represents a partial adoption of the principles of both the NRA and the Wagner Act; it gave business the legal sanction it needed to extend voluntary industrial codes, and it gave labor some of the power it required to enforce them. Undoubtedly Roebuck had hoped that the union movement would grow as a result of the government's encouragement, and be able to meet its new mandate. In response to business concerns that 'responsible' unions would not have the strength to participate in the establishment and maintenance of industrial codes, Roebuck reasoned that "anything that gives powers to organizations and makes them successful, should build them up. You don't want to belong to an organization that does not accomplish anything. You are always ready to join an organization after it has done something and which has something

92 Tom Traves, *The State and Enterprise*, 89; For a detailed discussion of welfare capitalism see Bruce Scott, "A Place in the Sun: The Industrial Council at Massey-Harris, 1919-1929," *Labour/Le Travailleur*, Vol. 1 (1976), 158-92. Also see Neil Tudiver, "Forestalling the Welfare State: The Establishment of Programmes of Corporate Welfare," in Allan Moscovitch and Jim Albert, eds., *The Benevolent State: The Growth of Welfare in Canada* (Toronto 1987), 186-204.

to do.”⁹³ This statement, appearing in the transcript of a meeting with the CMA, was consistent with the signals emanating from the Ministry of Labour and the Attorney General’s office that the ISA would result in less police interference with lawful picketing, would strengthen organized labor, “facilitate collective bargaining,” and encourage unions and capital “to join hands” in their mutual struggle against sub-living wages. The state’s refusal to hire individuals to police the act, or empower those who volunteered to enforce the act under the direction of the joint board of union representatives and employers set up to administer ISA schedules, sent the message to workers that the ISA could only be effective when unions were willing to enforce minimum standards within their industry.⁹⁴

Mark Cox, along with other commentators on the Act, thus overlooks the central role of unions in the *enforcement* of the ISA. The attempt to apply the ISA to the garment industry illustrates the role of strong trade unions and the strike in bringing force to the provisions of the Act. After many months of negotiations between the Joint Board of the Cloak, Suit and Dressmakers Union of Toronto and the Toronto Cloak Manufacturers’ Association, agreement was reached on hours and wages (provided a similar agreement was reached under similar legislation in Quebec, which was effected by careful politics in

93 AO, Labour, RG 7-1-0-154, “Report of a conference between members of the CMA and Arthur Roebuck, held in the Parliament Building, 30 Jan. 1936,” p.40.

94 AO, Labour, RG 7-1-0-126, David Croll to J.M. Buckley, Secretary of the Toronto District Labour Council, 22 Mar. 1937. R. Warren James, *The People’s Senator* (Vancouver 1990), 63; Mark Cox, “The Limits of Reform,” 559, 562-3; John T. Saywell, ‘*Just Call Me Mitch*,’ 171, 206-7; Joy Parr, *The Gender of Breadwinners*, 224; Bora Laskin, *Report of the Committee of Inquiry into the Industrial Standards Act*, Vol. 1, Jul. 1963, copy in AO, Labour, RG 7-1-12; AO, Labour, RG 7-1-0-154, “Report of a conference between members of the CMA and Arthur Roebuck, held in the Parliament Building, 30 Jan. 1936,” p. 23.

October 1935).⁹⁵ When several companies tried to evade the conditions of the ISA, and certain employers refused to join the employers' association, the needle trades unions responded with an industry-wide strike to force reticent employers to conform. As one unionized furniture worker in Hanover noted, "We got nowhere until we started to put our own force, to enforce our own standards."⁹⁶

Similar patterns could be seen in the coal industry and in the hotel industry, both of which are discussed in detail in later chapters. Clearly the operation of the ISA demonstrates that in many areas of the economy, labor and capital were willing to work together provided they could master the market to their mutual benefit. Some employers were clearly swayed by the government's assurances that the ISA "would affect only employers who were competing ruinously with others by the unholy expedient of cutting wages to the starvation point" and supported the Act because it could force their competitors onto a level playing field, and bring stability to prices and profits.⁹⁷ A good example of the ISA as a means of stabilizing prices is found in the barbering industry where attempts to regulate prices and wages began in the early 1930s. In September 1932 the journeymen barbers, organized under the leadership of the Journeyman Barbers International Union of America, won public support to establish uniform wages across the industry, as noted by a journalist for the *Globe*:

The public is friendly towards the barber and would like to see him assured of decent wages ... To ensure this the average man would be willing to pay more for the attention

95 AO, Labour, RG 7-2-1-25, Louis Fine, IS Officer, to David Croll, 2 Nov. 1935.

96 Gordon Peck, quoted in Joy Parr, *The Gender of Breadwinners*, 224.

97 *AFL Weekly News Service*, Supplement, 27 Mar. 1937, p.2, copy in AO, Labour, RG 7-1-0-145.

he receives while in the chair. And he would not object to higher charges everywhere.”⁹⁸

Although little is known of how successful the barbers were in maintaining wage rates and prices in their industry, there is evidence that the union was called upon to enforce uniform rates in the city. When Jewish master barbers, organized in the Jewish Section of the Master Barbers' Association, lowered their rates below what had been agreed upon by the other master barbers, the union struck 55 shops in an effort to re-imposed the standard rates.⁹⁹ While this could be interpreted as an independent act by the union, the eagerness with which the barbering industry came under the ISA is indicative of the regulatory function of the union. Together with master barbers, the union set the hours of operations in all barber shops, negotiated a minimum wage of \$20 a week, controlled the licensing of those in the trade, limited the hours of labor and extended their reach to self-employed barbers who had to prove that they were paying themselves the equivalent of 24¢ a hair cut plus overhead costs.¹⁰⁰ The end result was higher prices throughout Toronto.

Some customers complained of the escalation in rates that accompanied the ISA, and asked “how can you expect a poor working man to pay the same for a hair cut as a rich man,” but most employers embraced this arrangement which provided a level playing field and allowed them to focus on establishing loyal customers not likely to be

98 “A Word For The Barber,” *Toronto Globe*, 27 Sep. 1932, copy in NAC, Labour, RG 27, Vol. 352 (128) Barbers, Sep. 1932 (MNF T-2763), emphasis added. The consumer may have been politically willing to pay higher prices to allow for acceptable wages, but was probably unaware that prices had to rise higher than the wage increase in order to provide an incentive for employers to accept the scheme.

99 NAC, Labour, RG 27, Vol. 353 (173) Barbers, Dec. 1932 (MNF T-2764).

100 AO, Labour, RG 7-2-1-6, David Croll to Harold White, 19 Oct. 1936. The proximity between the employer and worker in the barbering industry (socially and physically) undoubtedly facilitated the alliance necessary to promote industrial regulation.

seduced by lower prices or introductory “specials.” J.W. Foster, a master barber, applauded David Croll for his actions because he found that competition made it difficult to pay his men what they deserved. The Act, if properly enforced, would allow him to do so he argued. Another master barber wished to extend and fine-tune industrial regulation, suggesting that the shops be graded so that working people could go to a lower grade shop for a cheaper hair cut, even suggesting that barbers be hired to cut the hair of people on relief so that they would not have “to cut each others hair.”¹⁰¹ Yet another Toronto Barber expressed strong support for the Act:

the hours the men have to work is a disgrace and certainly should not be allowed when so many have no job at all. I happen to be a barber and have a two chair shop. I really don't need a man at all except perhaps part time, but I am doing with out a lot of things I would like to have and sharing it with him as he is a deserving fellow with a small family to look after. In fact I pay my man \$15 ... plus percentage, but I am never the less ashamed of this salary for a married man. But as long as we have price cutting and unfair business methods as we have at present we can't get very far. It seems hardly fair that about 5% of any line of business should be allowed to spoil it for the 95% but that is the situation in the barbering trade.”¹⁰²

The unsuccessful attempt to introduce the ISA in Toronto's Photoengraving industry was an example of a union lacking the strength (relative to employer strength and determination) to enforce standard working conditions and wages within an industry. Union conditions had prevailed in most printing shops in Toronto until a series of corporate mergers broke the union in a significant part of the industry. In 1928 Rapid Grip amalgamated with Rapid Electro Typing and set up Trade Engraving as a shell

101 AO, Labour, RG 7-1-0-106, “A working man's wife,” Toronto, to David Croll, 22 Oct. 1936; AO, Labour, RG 7-2-1-6, J.W. Foster, Toronto, to David Croll, 21 Oct. 1936; Harold Whites, Toronto, to David Croll, 19 Oct. 1936.

102 AO, Labour, RG 7-1-0-145, J.S. Foster, Toronto to David Croll, 18 Mar. 1936.

company to train imported non-union printers from Germany, Austria, France, Switzerland, and the United States. On 17 January 1929, Rapid Grip told its workers that they would have to renounce the union and take a pay cut or be fired. Forty-one workers walked out and were later joined by 18 workers from Battens Ltd. (it subsequently merged with Rapid Grip in January 1931). Government efforts to resolve the strike failed when the company reneged on its commitment to take back engravers who had not found other union work, and the union offered little spirited resistance when the company evicted them from the shop and had one printer arrested for trespassing. The open shop drive spread to the Reed Engraving Company, where the union simply abandoned the shop without a strike and allowed its “members to serve notice in the firm that they quit the union.”¹⁰³ In January 1932, Rapid-Grip Batten absorbed Hood Rankin and broke the union as part of a national open shop drive that saw them lock out their employees in Winnipeg, London, Montreal, and Quebec City.

With the demise of the union, working conditions deteriorated rapidly. The father of one young photoengraver wrote: “I have a son 24 years of age who is working for a photo finisher. He works from 7 a.m. to 6:30 p.m., is not allowed to leave the building for lunch, merely eating and going back to work. He is in an underground dark-room all these hours per day.”¹⁰⁴ The situation was equally desperate for the remaining union

103 *Hamilton Herald*, 28 Aug. 1929, copy in NAC, Labour, RG 27, Vol. 342 (2) Photoengravers, Jan 1929 (MNF T-2754825). Rapid Grip had the workers sign a contract stipulating that they not join any union in Canada. The union had been unsuccessful in trying to get a judge to hear their case against these practices under the Alien Labor Law; Clipping from the *Labour Gazette*, Mar. 1929, copy in *ibid.* William C. Colby, for F.D. Smith, Sec. Local 35, Photo Engravers Union, written on the back of the “report” form submitted to the Department of Labour, Mar 5, 1930.

104 AO, Labour, RG 7-1-0-135, Frank Rice, Toronto, to David Croll, 20 Jul. 1935.

employers in the industry. Wages represented 52% of costs at an engraving plant, and the only way to compete was to break the union or ensure that everyone was unionized.

George Brigden, of Brigdens Limited, described how the open shop had transformed the industry:

Competition between shops, prior to the years of the depression, was at all times the keenest, yet for the most part fair because of the fact that the wages paid and hours of employment were to a large degree similar and the number of apprentices never exceeded actual requirements ... the lean years of the depression ... brought into existence several new shops who, operating on a distinctly lower basis of remuneration and lengthened hours, brought about competition for business offering ... that has been impossible to meet ... if no action is taken to establish a legal code such as has been suggested, the shops paying higher wages will be forced to reduce the salaries of all their men to this lower level or be forced out of business entirely.¹⁰⁵

Because of the established relationship between employers and the union, Brigdens and other union employers wanted the union to be empowered as a competition leveler and “welcome[d] the fact of the Photo-Engravers Union’s insistence on a standard wage, hours of employment and ratio of apprenticeship.”¹⁰⁶

When a conference was held under the ISA, thirty non-union plants employing 112 workers opposed the schedules while other firms employing 341 workers supported the proposed rates (the union represented 229 workers).¹⁰⁷ While this would have normally translated into a code for the photoengravers, no action was taken by the

105 AO, Labour, RG 7-1-0-135, George Brigden, Brigdens Limited, Toronto, to David Croll, 13 Dec. 1935.

106 *Ibid.*

107 *Ibid.*, Louis Fine to David Croll, 28 Nov. 1935. See Sally F. Zerker, *The Rise and Fall of the Toronto Typographical Union, 1832-1972: A Case Study of Foreign Domination* (Toronto 1982), 205-222, esp. 207-8, for a discussion of the failed attempt by Toronto’s Typographical Union (in concert with the Fair Shop Employers Association) in 1933 to regulate the industry, and then bring the printing industry under the ISA in 1935 and 1937.

government. This may have been in response to the opposition of the Provincial Daily Newspapers Association, representing 24 newspapers, which spoke out against the establishment of a code, but it may have also reflected the weakness of the union. In any event the union and the unionized employers continued to share the burden of regulating the industry, and the union began to supply men to Rapid Grip with the intention of one day unionizing it again.¹⁰⁸

Conclusion

Although the ISA achieved more than most historians have acknowledged, the Act was in crisis by 1937 and seemed incapable of helping unskilled and unorganized workers. Large sectors of the economy were still non-unionized, and thus, did not receive any of the benefits of the ISA. The Act did not bring about extensive economic regulation, although it excited considerable interest in the possibility of government intervention. By 1938, over thirty-one different industrial sectors had been unsuccessful in their attempts to establish codes under the ISA in Toronto.¹⁰⁹ Workers in a diverse range of occupations came together with employers to regulate their trades and introduce minimum wages for

108 NAC, Labour, RG 27, Vol. 347 (34), Photo Engravers, May 1931 (MNF T-2758). Crompton "Memorandum to Mr. Bolton," Ottawa, 4 Nov. 1936.

109 Mark Cox, "The Limits of Reform," fails to grasp the extent to which workers and some employers attempted to utilize the ISA. He singles out the building trades, the garment industry and a few other industries in which employers were familiar with unions to demonstrate the limited application of the Act. In fact many newly unionized workers used the Act (such as waitresses and coal truck drivers). By 1936, 35 separate codes had been established in Ontario, and more would have undoubtedly been forthcoming if enforcement had followed the passage of the Act.

men. Everyone from asbestos workers to waitresses attempted to organize around the possibility of the ISA.¹¹⁰ It is difficult to determine what liberal politicians had in mind when they promised to raise wages for all workers and drive low wage employers out of business, but the process certainly kept public interest alive and focused on reform.

Despite its far-reaching aims, the ISA became a limited piece of legislation which relied heavily, in the words of labor lawyer Bora Laskin, upon “employer and employee collectivities to provide the substratum of support needed.”¹¹¹ Only when a significantly strong or numerous grouping of employers and workers came together could the Act be used to combat the “chiselers” who drove down prices and wages with their sweatshop practices, by legislating maximum hours and minimum wages for particular industries and locations. Where and when employers or workers were unorganized, the Act was virtually powerless to improve conditions for workers or bosses. Consequently workers in these industries lost faith in the ISA, although the need for economic intervention was no less pressing. Louis Fine, who argued so vehemently for the ISA, realized that it had utterly failed to reach the workers most in need of government support. In certain respects sweatshops were just as prevalent in 1937 as they had been in 1934. In the heart of Toronto, where so much agitation had occurred, Fine found men earning 3 to 6 dollars for

110 AO, Labour, RG 7-57, “Petitions under the ISA, 1938.” The complete list of attempts includes beverage workers, boilermakers & welders, bowling alley workers, book binders, cap makers, carpet sewers, linoleum layers, cleaning and dyeing workers, electricians, excavating shovelmen and engineers, fur industry, interior fixtures, soft furniture, granite cutters, hospitals, hotel and restaurant industry, hairdressing, house and building wrecking industry, ice workers, iron workers, lathing industry, lithography, marble setters, metal polishers and buffers, operating engineers, pattern makers, plumbing & heating, roofers & mastic workers, sheet metal, shoe repair, and truckers.

111 Bora Laskin, *Report of the Committee of Inquiry into the Industrial Standards Act*, Vol. 1, Jul. 1963, copy in AO, Labour, RG 7-1-12, quoted in Joy Parr, *The Gender of Breadwinner*, 221.

a 50 hour week in 1937, and consequently urged the passage of a minimum wage law for men (discussed in the following chapter).¹¹² The ISA was not a dead letter — certain groups of workers continued to draw upon its spirit — but by 1937 it was clear that it was not going to effect substantial reform of the economic system.

The last paragraph of a letter sent in 1934 to the federal government's strike investigator in Toronto from the district representative of the Shovelmen and Operating Engineers Union, Local 1, would prove to be prophetic:

the buyers of government bonds, who are the banks, insurance companies, big finance groups and millionaires mostly may sit back and get the profits from relief loans, while they have the press tell the public it is those on relief who are getting the profits and bankrupting the country ... what vanity it is to hope that any government in our day would dare to stop exploitation and distribute profits on a basis of fairness and equality ... Greed and selfishness is the only thing that stands in the way, and is what is holding us in an ever deepening depression. Out of it a few are getting more than in the wildest boom times, while nearly half get nothing but that doled out by the governments. Short of Nationalization the most obvious remedy for this is the distribution of working time, regulating maximum hours down to where workers might be as scarce as money. If that ever becomes a fact workers will be very well protected. Of course I doubt very much that governments are as yet ready to battle money to that extent.¹¹³

Indeed the hand at the helm of state was not only timid in its 'battle' with capital but contradictory. At the head of state stood Premier Mitch Hepburn, a near rabid anti-Communist onion farmer (Mackenzie King described Hepburn as a "Fascist leader") with substantial personal interests in the strike-plagued northern Ontario gold mines.¹¹⁴ In contrast there was David Croll, a working-class Russian Jew (conscious of his origins)

112 AO, Labour, RG 7-1-0-179, Louis Fine to M.M. MacBride, 25 Apr. 1938.

113 AO, Labour, RG 7-15-0-44, W.J. McDevitt, District Representative, National Union of Shovel and Operating Engineers, ACCL, Toronto, to James Marsh, 12 Sep. 1934.

114 Mackenzie King diary, 13 Apr. 1937, quoted in R. Warren James, *The People's Senator*, 67.

whose popularity as Mayor of working-class Windsor sprang from his strong support for unions, and Arthur Roebuck, who had sympathies for labor (that included legal defense of Communist rights), and secretly harbored admiration for Henry George's 'single tax' philosophy of social progress.¹¹⁵ These contradictions caused Croll and Roebuck to quit the government in 1937 amid a major CIO strike against General Motors in Oshawa. When the Premier denied relief to the strikers and marshaled a small army of auxiliary police to crush the strike, Croll finally decided that his "place was marching with the workers rather than riding with General Motors."¹¹⁶

But the personalities of those in government was not ultimately as important as the nature and strength of both reform sentiment and the union movement. The significance of the ISA lies in its relationship to the welfare system, the consequent proliferation of below-subsistence wages, vicious competition among capitalists, heightened class struggle, and the general legitimization of union struggles evident during and after the 1934 provincial election campaign. Ultimately, what drove the ISA, and drew the state so deeply into the relations of capital and labor, was the crisis of relief labor. Yet this

115 Mark Cox, "The Limits of Reform," 559. For an interesting, if uncritical, biography of David Croll see R. Warren James, *The People's Senator*, esp. Ch. 4-5. James argues that George McCulloh, editor of the *Globe and Mail*, backed by mining interests, had told Ontario's lieutenant governor that he was campaigning to remove Croll and Roebuck from cabinet. Both Croll and Roebuck were re-elected in 1937 with Communist support (Communist candidate Stewart Smith, withdrew from the election in favor of Roebuck). Croll was apparently courted as Ontario CCF leader in 1937. Both sat as independent Liberals on the opposition benches in the legislature, although Croll was eventually brought back into the fold. See Gregory S. Kealey and Reg Whitaker, *R.C.M.P. Security Bulletins: The Depression Years, Part IV, 1937* (St. John's 1997), 380. Roebuck was respected by the left for his legal defense of the editors of *Vaupas*, a Finnish Communist magazine in 1929. See Lita-Rose Betcherman, *The Little Band: The Clashes Between the Communists and the Political and Legal Establishment in Canada, 1928-1932*, (Ottawa [1983]), 35-40, 214.

116 Quoted in Irving Abella, *Nationalism, Communism and Canadian Labour*, 17.

unprecedented intervention did not translate into active policing and enforcement of the industrial codes established under the Act. Most historians have cited this failure as the legislation's Achilles heel, but it is more convincing to search for the logic of the ISA structure within the fractured consciousness of business which, while eager for deliverance from the market (and a return to profitability), found organized labor either responsible but weak, or strong and 'irresponsible.' The ISA was either enforced by unions and thus resisted by capital or inadequately policed by working-class bodies, and hence compromised and ineffective.

Ultimately the importance of the ISA lies not so much in the improvements it brought to discrete segments of workers (and this should not be understated), but what it reveals about the nature of welfare, waged labor, the union movement, competitive capitalism, business attitudes to industrial regulation, and the role of the state in managing the collective affairs of capitalism short of sliding into despotism. It should be remembered, after all, that organized labor, and indeed all workers, had much to lose if the state stepped too forcefully into the market. Gerald White, an industrial engineer, made this point in 1934 when he argued that government control of economic life would mean that, "The rights of labour in this respect would be protected without the need of collective bargaining. A similar situation has developed under fascism. Its effect is that strikes tend to become outlawed and the incentive for unionization is lessened."¹¹⁷ If

117 Gerald C. White, "New Policy Problems in Industrial Relations," *The Quarterly Review of Commerce* Vol. 1, No. 4 (Summer 1934), 199.

nothing else, the ISA moved the state safely between the 'Scylla and Charybdis of anarchy and despotism.'

Chapter Five

Gender, Relief and the Minimum Wage

The Industrial Standards Act (ISA) represented a new development in the state's ongoing involvement in the relations of capital and labor, yet it drew upon precedents of legal intervention initially applied solely for the protection of women and children.¹ The advent of minimum wage legislation for female workers in Canada's provinces has attracted considerable attention from historians seeking to explain its significance to social policy, gender and the working class. Margaret McCallum demonstrates that the minimum wage was not designed, at its inception in 1920, to protect women "as wage earners, but as reproducers and nurturers of the labour force of tomorrow."² Margaret

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- 1 For early legislative restrictions see Eric Tucker, "Making the Workplace 'Safe' in Capitalism: The Enforcement of Factory Legislation in Nineteenth-Century Ontario," *Labour/Le Travail*, Vol. 21 (Spring 1988), 45-85; Lorna Hurl, "Overcoming the Inevitable: Restricting Child Factory Labour in Late Nineteenth Century Ontario," *Labour/Le Travail*, Vol. 21 (Spring 1988), 87-121.
 - 2 Margaret McCallum, "Keeping Women in Their Place: The Minimum Wage in Canada, 1910-1925," *Labour/Le Travail*, Vol. 17 (Spring 1986), 41. For an interesting discussion of the expansion of female employment and the associated anxieties see Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*, (Toronto 1995), esp. 21-52. For an interesting discussion of minimum wages legislation and campaigns in the USA that is attentive to competitive pressures and gender ideologies see Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York 1982), 180-214. Also see Margaret Hobbs, "'Dead Horses and Muffled Voices': Protective Legislation, Education and the Minimum Wage," (MA Thesis, University of Toronto 1985); Margaret Hobbs, "Gendering Work and Welfare: Women's Relationship to Wage-Work and Social Policy in Canada During the Great Depression," (Ph.D. thesis, University of Toronto, 1985); Elizabeth Campbell, "The Balance Wheel of the Industrial System: Maximum Hours, Minimum Wage and Workmen's Compensation Legislation, 1900-1939," (Ph.D. Thesis, McMaster University, 1981); Catherine Louise Briggs, "Women, Men and the Minimum Wage in Ontario, 1916-1940," (MA thesis, Guelph 1992).

Hobbs, assessing the impact of gender-based protective legislation in Canada, has argued that it limited and disadvantaged women in their search for work, and was driven by ideological concerns with facilitating “female dependence in the family and the marginal status in the labor force.”³ Drawing on Carole Turbin’s notion of “non-dichotomous difference,” Alice Kessler-Harris challenges interpretations of women’s experience which rest predominately on notions of separate spheres and suggests that historians seek an understanding of working women through an exploration of their self-perception rather than by sole reference to the ideological constructs of female domesticity and male work. In Depression America Kessler-Harris uncovered an oppositional sense of justice, shaped by the material economic crisis, that cut against the supposed ideological hegemony of domesticity by opening legitimate space for female breadwinners. The belief that jobs belonged to ‘providers’ was articulated as the right to work of widows, single women, and married women with disabled, unemployed, or low wage earning husbands, and reflected the real material conditions which brought an ever increasing number of women into paid labor.⁴

The female minimum wage *in practice* was substantially transformed during the Great Depression by the increasing participation of ‘breadwinning women’ in the labor market. Women had become a significant part of Toronto’s labor force in the 1920s and during the 1930s their numbers continued to increase as their income became more

3 Margaret Hobbs, “Gendering Work and Welfare,” 4-15. See Jack Granatstein, *et al.*, *Nation: Canada Since Confederation* (Toronto 1990), 18-9, for an example of the way in which the ideology of separate spheres has been read into (and over) the historical record.

4 Alice Kessler-Harris, “Gender Ideology in Historical Reconstruction: A Case Study from the 1930s,” *Gender and History*, 1, 1 (Spring 1989), 36, 39-40.

central to family survival. The state recognized that the majority of women worked to support themselves and their families, and this may explain why the state was so tepid in responding to demands that it restrict female participation in the labor force to protect men's jobs. The importance of women as workers was also manifest in the weak manner in which the Minimum Wage Board enforced the Minimum Wage Act prior to 1938. The Board excused its lax enforcement by arguing that employers would replace female employees with men willing to work for less than female minimum wage if they were too strident.

The rise of sweatshops and the collapse of male wages in many industries exerted tremendous pressure upon female wages and threatened women's employment. Although the gender segmentation of the labor market was an obstacle to men assuming 'female' jobs, employers were flexible in their approach to ideologies that gendered work in seemingly immutable ways.⁵ In some industries, particularly retailing, office work, laundries, wholesale, theaters, banking, and among elevator operators, women workers were replaced by poorly paid men.⁶ The state was well aware of the threat that rapidly declining male wages posed to female employment opportunities. The author of an internal Department of Labour report despaired that he knew of no "effective means of

5 See Ruth Milkman, "Women's Work and Economic Crisis: Some Lessons from the Great Depression," *Review of Radical Political Economics*, Vol. 8, No 1 (Spring 1976), 73-97. For an interesting discussion of capital's appeal to gender ideology in tariff negotiations see Joy Parr, *The Gender of Breadwinners: Men, Women and Change in Two Industrial Towns, 1880-1950* (Toronto 1990), 35-6, 55-6, 233.

6 Archives of Ontario (AO), Records of the Department of Labour (Labour), RG 7 15-0-8, W. Case, Toronto, to Arthur Roebuck, 14 Jan. 1935 and 2 Jan. 1935; AO, Labour, RG 7 1-0-126, Memo to David Croll, 26 Feb. 1937.

preventing the replacement of girls by men ... except by establishing minimum wages for men which are equal to or higher than those for women.”⁷ In effect, the Act moved from protecting women (as McCallum and others have forcefully argued) to protecting women’s jobs on the basis that most working women were recognized as legitimate ‘providers.’

The inability of the female minimum wage to protect women’s jobs prompted a consideration of establishing a male minimum wage at the same time that the ISA was recognized as an inadequate vehicle for raising male wages on a large scale. The state finally moved to protect male workers in 1937 but in an effort to impose existing notions of a male breadwinner family wage the state pegged male wages significantly higher than women’s wages in the first industry it regulated. Taken somewhat by surprise, capital moved to undermine the Act by lowering some men’s wages to the minimum, and replacing their poorly paid men with women. Plans to extend the application of the Act were consequently abandoned and men were left beyond the scope of protective legislation for the duration of the Depression. The family wage thus failed as a state-sponsored initiative because the program failed to come to grips with the flexibility of gender boundaries in the workplace, and the *de facto* legitimacy of breadwinning women.

The tension between male and female wages played into the expansive and contradictory regulatory apparatus of the 1930s, presenting an interesting paradox. The male minimum wage failed because it made all men’s wages higher than the female

7 AO, Labour, RG 7 1-0-128, Memorandum, Irwin to Croll, 25 Feb. 1937; AO, Labour, RG 7 1-0-127, G.W. Pifher, memo to file, 21 Oct. 1935.

minimum wage and prompted factories to replace some men with women. The female minimum wage was improperly enforced (and thus largely ineffective) because of the possibility that women would lose their jobs to men who were paid less (or worked more hours) than stipulated by female minimum wage legislation. Consequently, direct state intervention in regulating wage rates failed to provide anything approximating a family wage for men or women. Neither women's *de facto* "breadwinner" status, nor men's supposed "breadwinner" status resulted in higher wages, but perpetuated a formal and informal system in which wages supplemented relief allotments. The phenomenon of relief labor played a significant role in attracting new female members to male dominated trade unions (such as the Hotel and Restaurant Employees International Alliance, discussed in a following chapter), and is evident in the class-oriented perspective of many female workers uncovered in Ruth Frager's study of Toronto's garment industry.⁸ The following analysis of gender and the minimum wage does not aim to dissolve the gender of women workers within their class position, but strives to draw the threads of material economic conditions through the fiber of gender ideologies at a particular historical conjuncture in an effort to develop an analysis of the intersection of work and dependency as experienced by a broad segment of Toronto wage earners.

8 Ruth Frager, *Sweatshop Strife: Class, Ethnicity, and Gender in the Jewish Labour Movement of Toronto* (Toronto 1992), 119-48. For an examination of the dynamics of union structure and gender see Mercedes Steedman, "The Promise: Communist Organizing in the Needle Trades, The Dressmakers' Campaign, 1928-1937," *Labour/Le Travail*, Vol. 34 (Fall 1994), 37-73. For a study that attempts to portray class consciousness and female gender consciousness as compatible tendencies see Julie Guard, "Fair Play or Fair Pay? Gender Relations, Class Consciousness and Union Solidarity in the Canadian UE," *Labour/Le Travail*, Vol. 37 (Spring 1997), 149-77.

Male Workers: 'Between the Devil and the Deep Blue Sea'

The average employer is anxious to pay a decent wage to his workers. Unfortunately in competitive industry it is not he who establishes wage levels. No matter how good his intentions, he cannot compete satisfactorily with the employer who reduces costs by paying unreasonably low wages. That is, he cannot compete unless he too, brings his wage levels down.⁹

Of the 650,000 workers in Ontario in 1937, 106,000 were women covered by female minimum wage legislation, 65,000 were men covered by the ISA, 40,000 were men protected by unions outside the rubric of the ISA and 438,500, were totally unprotected male workers. An internal Labour Department memorandum noted that over 60% of Ontario's entire labor force (excluding agriculture) were men who earned on average "less than \$12.50 a week, the rate per week established by the Minimum Wage Board as the minimum amount necessary for a single woman to maintain herself adequately in the City of Toronto. Nevertheless the great majority of these men are married and have dependents." Ministry officials consequently detected a "definite swing of opinion everywhere toward the necessity of a Minimum Wage Act" covering men.¹⁰

Organized labor, however, had a history of opposition to minimum wage legislation for men, particularly for skilled and semi-skilled workers. Harold Logan has argued that although the Trades and Labour Council (TLC) had called for minimum wage

9 AO, Labour, RG 7 1-0-126, memorandum for David Croll, 26 Feb. 1937.

10 *Ibid.*

legislation in Canada as early as 1902, the Eastern section of the TLC (including the Ontario wing at that time) adopted the attitude of the American Federation of Labor (AFL) and opposed the extension of female minimum wages to cover men until 1939.¹¹ J.W. Buckley, of the Toronto District Labour Council, restated this opposition in a letter to David Croll in 1936.

organized labour has consistently gone on record as being opposed to Minimum Wage Legislation, on the grounds that a minimum wage automatically becomes a maximum in that industry, that there is not the same incentive to organize, and through collective wage agreements maintain their industrial standards.¹²

Trade union opposition to a male minimum wage in Ontario was much less consistent than Logan suggests. The Ontario Executive Committee of the Trades and Labour Congress of Canada, and the National Labour Council of Toronto (affiliated to the All Canadian Congress of Labour) petitioned the provincial government for the establishment of a minimum wage covering all male workers in 1929.¹³ The National Labour Council of Toronto which continued to demand a male minimum wage throughout the Depression, was joined in 1937 by Toronto Communist Alderman Stewart

11 Harold Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto 1948), 399, 496-7.

12 AO, Labour, RG 7 1-0-112, J.W. Buckley, Toronto District Trades and Labour Council, to David Croll, 25 Jan. 1936.

13 *Labour Gazette*, Mar. 1929, 187; Jun. 1929, 308; AO, Records of the Attorney General (AG), RG 4-32, 1929, file 1693, "Legislative Proposal of the National Labor Council of Toronto," 8 Feb. 1929, p.2.

Smith who successfully persuaded City Council to put pressure on the government to extend the existing female minimum wage legislation to men.¹⁴

Sentiments in favor of establishing a male minimum wage were undoubtedly popular with the hundreds of thousands of poorly-paid unorganized male workers in Ontario. Letters to the government from 1936 to 1938 echoed the flood of complaints and requests that followed the Liberal election in 1934. Upon hearing of the proposed changes to the Minimum Wage Act, a grocery clerk urged speedy action: "I have been employed by my present employers for two years. I receive a weekly wage of \$11, and work an average of 75 hours per week. This applies to hundreds of other grocery clerks in Toronto."¹⁵ White collar workers, including bank clerks earning \$8 a week and railway clerks earning \$12 a week, also wrote and urged the government to pass minimum wage legislation.¹⁶ Workers offered an interesting array of reasons for supporting wage protection for men. Douglas Bradfield, Secretary Treasurer of the Ontario Provincial Council of Carpenters and Joiners, writing in a personal capacity, argued in favor of minimum wage legislation for men because of the falling Anglo-Saxon birth rate in Canada:

Is it any wonder that the birth rate of the Anglo-Saxon race is falling; How can any Government expect the people to raise families on nine or ten dollars a week, or even seventeen dollars. I have read time and time again, where ill advised but well meaning persons blames the falling birth rate to people wanting a higher standard of living,

14 AO, Labour, RG 7 1-0-130, Resolution, 24 Mar. 1937; City of Toronto Archives, City Council Minutes, 1937, 19 Appendix A, p. 224. Toronto city council had also passed a motion calling for a legislated minimum wage for men in Ontario in 1934. *Labour Gazette*, Mar. 1934, 237.

15 AO, Labour, RG 7 1-0-124, J.A Henderson, Toronto, to David Croll, 11 Mar. 1937.

16 AO, Labour, RG 7 1-0-140, "A Canadian" to M.M. MacBride, 11 Mar. 1938, "A Father" to M.M. MacBride, 3 Mar. 1938, L.M. to M.M. MacBride, 9 Feb. 1938.

contraceptive methods, etc. I have never in all truth and justice ever read that the reason for the falling birth rate are the low wages paid the masses. If we want to stop filling this country with Europeans, then we must raise the wage level of our people.¹⁷

Thomas Fraser of Toronto argued for a male minimum wage because many women were working to supplement their husband's low wages at the expense of their children and to the detriment of unemployed self-supporting women:

I'm sure that if a minimum wage is passed, it will enable a lot of women who are working to remain in their home, and so release these jobs to the 800 girls and women now receiving relief, also it will cut down the number of juvenile court cases for you know when the mother has to go out to work, the children are left pretty much to themselves.¹⁸

Poor wages, according to other workers, promoted Communism and Fascism, bloated the relief rolls, and acted as an impetus to Ontario's numerous strikes. J.A.P. Haydon, Canadian correspondent of *Labor* (published weekly by the Railway Workers of America), asked David Croll if it was "any wonder we have reds" after seeing an advertisement offering extremely low wages.¹⁹ A worker in Chatham also made an explicit link between radicalism, racial prerogative, and low wages: "there are men working here 94 hours per week for \$10.00 and other conditions that help make Reds out of our good British peoples."²⁰ "If the government investigated long hours and low wages

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- 17 AO, Labour, RG 7 1-0-193, Douglas B. Bradfield, Sec. Treasurer of the Ontario Provincial Council of Carpenters and Joiners, to N.O. Hipel, Minister of Labour, 5 Nov. 1938.
- 18 AO, Labour, RG 7 1-0-124, Thomas Fraser, Toronto to David Croll, 4 Mar. 1937.
- 19 AO, Labour, RG 7 1-0-96, J.A.P. Haydon, Canadian Correspondent of *Labor* to Croll, 22 Sep. 1936.
- 20 AO, Labour, RG 7 15-0-80, Russell Knuborn, Chatham Ont. to David Croll, 29 April 1936. According to the OPP Chatham had a relatively large Communist contingent.

and corrected them,” one Toronto worker argued, “it could eliminate labour unrest.”²¹

Jake Stuchen, of Hamilton, wrote to Croll to point out that minimum wage legislation would “prevent what would possibly be chaos in the labour field in the very near future.”²²

Those who worked with the poor through the numerous privately-run charities in Ontario also strongly supported a male minimum wage. The St. Vincent De Paul Society in Ottawa passed a resolution urging the government to speed the passage of this legislation and end the “flagrant exploitation [the poor] have endured at the hands of certain unscrupulous employers who pay them for their services ridiculous and mercenary wages the insufficiency of which forces them to have recourse to our society in an endeavor to complete the family budget.”²³ Similar sentiments were conveyed by the Toronto Neighborhood Workers Association, which urged David Croll to enact minimum wage legislation because many families received inadequate wages, creating severe problems that left the working poor “between the devil and the deep blue sea.”²⁴

Many industrial sectors which had been unable, or were unsuited, to take advantage of the ISA sought the passage of a minimum wage for men. The Toronto and District Shoe Repairers Association supported the new Minimum Wage Act, as did the

21 AO, Labour, RG 7 1-0-140, Mr. Smith, Toronto to M.M. MacBride, 22 Feb. 1938, “A Citizen of Orillia” to M.M. MacBride, 15 Nov. 1937; anon. to M.M. MacBride, 12 Nov. 1937.

22 AO, Labour, RG 7-0-1-124, Jake Stuchen, Hamilton Carhartt Manufacturer Ltd., to David Croll, Minister of Labour, 11 Mar. 1937.

23 AO, Labour, RG 7 1-0-160, Resolution of SVDPS, 6 Mar. 1938.

24 AO, Labour, RG 7 1-0-176, F.N. Stapleford, General Secretary, Neighborhood Workers Association, to David Croll, 13 April 1936.

Retail Merchants Association of Canada.²⁵ The proposal was strongly supported by the Canadian Association of Garment Manufacturers who saw it as a way of driving out cut-throat competition, while avoiding the spread of unions that “drove away employers who agreed to paying higher wages, but did not want to deal with a union.”²⁶ Louis Breithaupt, of the Breithaupt Leather Company in Kitchener, wrote to David Croll, “hoping you get the other provinces in line as it will certainly help business recovery, purchasing power, and general contentment, which after all is the main thing.”²⁷ The Canadian Manufacturers’ Association, which had favored a male minimum wage since the ISA was introduced, argued that “the logical sequence would be to issue a general Order applying to all industry first and then deal with special cases by special Orders.”²⁸

In response to the explosion of strikes in Ontario in 1937 the government finally amended the Minimum Wage Act to cover male workers, however no action was taken to actually set the male minimum wage. By the time the strike wave had passed, Arthur Roebuck and David Croll had been expelled from government, and Hepburn swung to the right in ‘his’ battle against the Congress of Industrial Organization (CIO). *Business Week*

25 AO, Labour, RG 7 1-0-130, E. Gibbons, Shoe Repair Association, to David Croll, 15 Mar. 1937; The Retail Merchants Association of Canada to David Croll, 15 Mar. 1937.

26 AO, Labour, RG 7 1-0-182, T.H. O’Learie, Canadian Association of Garment Manufacturers, memorandum to the Minister of Labour, 7 Feb. 1938.

27 AO, Labour, RG 7 1-0-124, Louis Breithaupt, Breithaupt Leather Co., Kitchener, to David Croll, 5 Mar. 1937.

28 AO, Labour, RG 7 1-0-154, “Report of the Executive Committee of the Toronto Branch of the Canadian Manufacturers Association at the Annual Meeting of the Branch held in the Royal York Hotel, Toronto, 28 April 1938,” p.6. The CMA had long preferred the concept of a male minimum wage as an alternative to the ISA. See Mark Cox, “The Limits of Reform: Industrial Regulation and Management Rights in Ontario, 1930-7,” *Canadian Historical Review*, LXVIII, 4 (1987), 565-7. For a clear statement of the CMA’s support of the minimum wage for men see *Industrial Canada*, 38 (Jun. 1937), 56.

predicted that Hepburn and Duplessis would form an alliance to control national policy and establish “an administration response to the views of business and supported by it,” and remarked that Hepburn’s new direction was “not merely the negation of the new deal but the actual revival of the old deal.” Ontario’s new Attorney General, Gordon D. Conant, proclaimed “the less government interferes with business, the better it is for business and for government.”²⁹

The new Minister of Labour, M.M. MacBride, leaned slightly to the left, with professed sympathies for the Cooperative Commonwealth Federation (CCF), the nationalization of the banking system, the establishment of unemployment and health insurance, and “extending collective bargaining.” *Saturday Night* (a vociferous opponent of the ISA) observed that “all of his natural sympathies would seem to incline him toward the side of the workers.” He had been trained as a printer but played professional lacrosse until he retired from the sport to work for the *Winnipeg Free Press*. His background in lacrosse possibly simplified his view of politics and capitalism:

the capitalist system can be made to operate fairly. I admit that there are some selfish people who take more than they deserve and leave others with less than they deserve under the present system ... But more people are beginning to realize that it’s better to play the game fairly.³⁰

MacBride’s term as Labour Minister was marked by sympathetic statements but driven by the imperative to maintain “law and order and the rights of individual investment.”³¹

29 “New Trends in Ontario and Quebec,” *Business Week*, 20 Nov. 1937, copy in AO, Labour, RG 7 1-0-166.

30 “Labour Minister,” *Saturday Night*, 11 Dec. 1937, copy in AO, Labour, RG 7 1-0-211.

31 “Ontario Minister Denies...,” *Windsor Daily Star*, 25 Jan. 1938, copy in AO, Labour, RG 7 1-0-211.

He directed the Industry and Labour Board (which administered the Minimum Wage Act and the ISA) to draft a "General Industrial Order" covering all workers in February 1938. The draft provided for minimum wages based on age, location and sex. In Toronto, Hamilton, Ottawa, and other major urban centers (and suburbs) maximum hours of labor were set and males over 21 were to be paid \$16.00, males 18-21 would be paid \$14.40, males under 18 and all females would be paid \$12.50, and females under 18 would be paid \$11.00.³²

Little was done to implement the proposed rates until labor disturbances in Cornwall's textile mills prompted the government to issue Special Order No. 1 to establish a minimum wage for Ontario's textile industry. The Order which came into effect on 1 March 1938 provided \$16.00 per week for men and \$12.50 for women.³³ Almost immediately after the minimum wage came into force, employers in this industry lowered wages and began to replace men with cheaper female labor, spurring renewed labor unrest and forcing the government to halt its plans.³⁴ By the end of 1938 the government still had not brought male workers under the Minimum Wage Act; instead it

32 AO, Labour, RG 7 1-0-204, Draft Order, Mar. 1938. Other zones had lower rates. Exempted sectors of the economy included any milk processing plant that did not sell direct to the public, any factory or plant that fell under the provisions of the ISA, and any industry that was subject to special orders from the Board (e.g. seasonal canning).

33 AO, Labour, RG 7 1-0-154, "Report of the Executive Committee of the Toronto Branch of the Canadian Manufacturers Association at the Annual Meeting of the Branch held in the Royal York Hotel, Toronto, 28 April 1938," p. 6.

34 AO, RG 7 1-0-169, Elizabeth Green, Dunville, to Minister of Labour, 30 May 1938. The Cornwall Strike of Mar. 1938 started when Canadian Cottons replaced men with boys and women. The strike was led by Percy Laurin of the Workers Committee (later voted overwhelmingly into existence as the bargaining agent for the workers as the United Textile Workers Federal Local No. 2). For an examination of the gendered division of labor in the Cornwall textile mills see Ellen Scheinberg, "The Tale of Tessie the Textile Worker: Female Textile Workers in Cornwall During World War II," *Labour/Le Travail*, Vol. 33 (Spring 1994), 153-185.

issued form letters to workers complaining of low wages, indicating that the situation was under study. MacBride seemed to concede the inevitable failure of the new legislation, telling organized labor that it had “a big job on its hands” in organizing workers earning \$6-8 a week.³⁵ The implication was not lost on some workers who noted in angry letters that the state was going slow on social legislation “as not even to enact legislation which passed the house without opposition more than a year ago.”³⁶

In some important respects both the ISA and male and female minimum wage legislation foundered because the state was unwilling to encroach upon capital’s domain to the extent necessary to make the laws function effectively. In order for regulation to work it had to apply equally to all competitors. When one manufacturer protesting the burdens the ISA placed on ‘fair’ businessmen, argued that unscrupulous businessmen (against whom the legislation was directed) were a discrete minority, Roebuck reflectively replied that, although small in number, they were “awfully important.”³⁷ The ‘unscrupulous businessman’ in fact ultimately caused the failure of the male minimum wage, and limited the application of the ISA, leaving hundreds of thousands of employed male workers struggling to survive. Some workers adapted by drawing on relief while working longer hours. Others risked their poorly-paid jobs (that left them little better off than if

35 AO, Labour, RG 7 1-0-206, M.O. Harrow, Pres., Amalgamated Association of Iron and Steel and Tin Workers, Lodge 1168, to Mitch Hepburn, 14 Feb. 1938. The national trade unions supported the minimum wage legislation but once it was implemented in the textile industry they complained that the rate was too low, suggesting instead a rate of \$25.00. “Labor Demands Vote On Ontario Federation,” *Brantford Expositor*, 25 Mar. 1938, copy in AO, Labour, RG 7 1-0-211.

36 AO, Labour, RG 7 1-0-200, W.J. McLaughlin, Guelph, to M.M. MacBride, 17 Mar. 1938.

37 AO, Labour, RG 7 1-0-154, “Report of a conference between members of the CMA and Arthur Roebuck, Minister of Labour, held in the Parliament Building, 30 January, 1936,” p.18.

they were on relief) by joining Toronto's growing union movement. The continued presence of poorly paid males threatened female wage rates and employment levels, which in turn undermined the effectiveness of female minimum wage legislation.

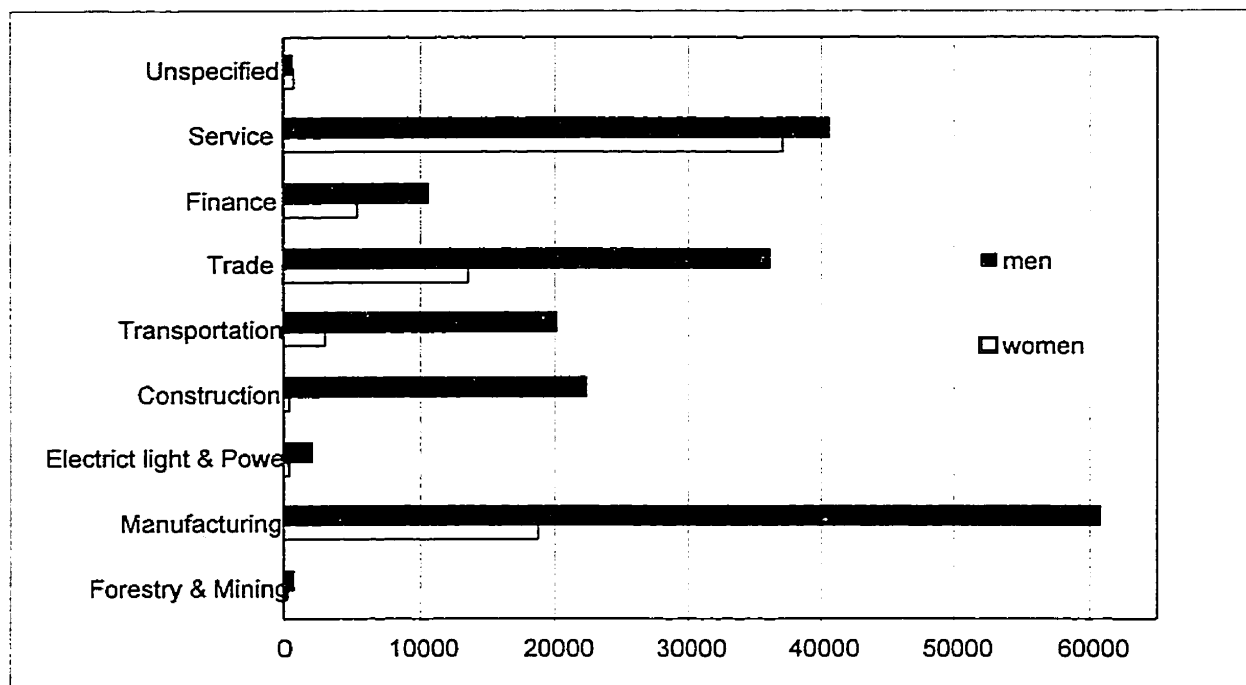
Women Workers: "give the single girl a chance"

Women comprised 79, 111 of Toronto's 272, 957 workers in 1931, or 29% of the entire labor force. Despite persistent rumblings to remove women from the labor market during the 1930s, and various state initiatives against employing married women, the number of working women, and particularly the number of working married women, actually grew. As Veronica Strong-Boag has pointed out, married women made a significant financial contribution to family incomes during the 1920s and 1930s.³⁸ Joan Sangster has argued that the persistent economic vulnerability of working-class families led many wives and daughters to assume paid labor outside of the home during periods of crisis. Braving anti-female rhetoric and social and economic pressures, many women sustained their families in "crucial ways," including paid employment.³⁹ Women often secured employment when marital relations broke down.⁴⁰

38 Veronica Strong-Boag, *The New Day Recalled: Lives of Girls and Women in English Canada, 1919-1939* (Toronto 1988), Ch. 2, esp. 48-9. For a specific study of gender segmentation in Canada see Margaret E. McCallum, "Separate Spheres: The Organization of Work in a Confectionery Factory: Ganong Bros., St. Stephen, New Brunswick," *Labour/Le Travail*, Vol. 24 (Fall 1989), 69-90.

39 Joan Sangster, *Earning Respect: The Lives of Working Women in Small-Town Ontario, 1920-1960* (Toronto 1995), 116-28.

40 "Frequently a quarrel between a husband and a wife results in having the mother secure employment and place her children in a Nursery." "General Comments on Day Nurseries, R.J.M." [report not dated but prior to 1939] copy in MA, Welfare, Box 194, File 86.15, Vol. 1 "Nursery and Day Care Centres — Private Day Care," Mar./35 - Mar./50.

Chart 5A: Male and Female Occupations by Industry, Toronto, 1931⁴¹

In response to the growing participation of women in the labor market and rapidly changing economic conditions, Joy Parr asserts, a public consensus was growing more unanimous during the Depression “that women’s place was in the home.”⁴² Ruth Frager uncovers a similar history of growing male opposition to female wage labor during the 1930s, manifested in union actions aimed at removing married women from the garment factories.⁴³ Joan Sangster discusses the operation of a gender ideology that forced some women into paid employment in certain Peterborough factories and structured relief in

41 *Census of Canada 1931*, Vol. 7, pg. 236. Only includes gainfully employed for the census, and includes child workers.

42 Joy Parr, *The Gender of Breadwinners*, 55.

43 Ruth Frager, *Sweatshop Strife*, 111-7, 152-3, 166-7.

ways that emphasized the home as women's 'proper place.'⁴⁴ Margaret Hobbs situates the roots of agitation against female employment in a larger crisis of "gender identity" prompted by escalating male unemployment.⁴⁵ Utilizing Paul Willis' comments on the imbrication of masculinity with the wage form, Hobbs suggests that rhetorical attacks upon women workers were driven by a crisis of masculinity seeking resolution in the return of females to the domestic realm of home and family. Alice Kessler-Harris, however, uncovers in the agitation against working women "metaphors of justice and fairness that encompass the complex relationships of gender and class and race," and speaks to an acceptance of female 'providers.'⁴⁶ Offering what Gisela Bock calls a "gender encompassing" notion of work, Kessler-Harris suggests that the right to work was transformed in the 1930s into a sense of entitlement claimable by *any* provider.

44 Joan Sangster, *Earning Respect*, 123-5. Hobbs argues that the state had no ideological objection to women's paid employment in the home. Margaret Hobbs, "Gendering Work and Welfare," (41-42). In fact all home work required permits from the Minimum Wage Board (unless the city had less than 50,000 people); 200 permits were issued each year in the mid-thirties, down from a high of over 700 in 1922 and 1930. Compensation rates were very low. One woman earned 45 cents making baby booties for four days at home for the Passmore Novelty Company. Another booty maker, described as a fast worker, averaged 2-3 cents an hour. The end product (costing \$1.23 to make) would sell for \$6.00 - \$9.00 in stores. The Minimum Wage Board had an experienced sewer work in a controlled environment and found that she only made 70 cents for seven hours of work. In 1937 the Board noted that a woman "has worked at home sewing for a firm not less than forty hours in the week for which she receive \$1.80." Home work was not necessarily women's work alone. Inspectors found husbands and wives working together for 60 hours only to earn \$1. Despite the state's apparent lack of concern with the implications of women's paid labor in the home, the Minimum Wage Board increased its regulation of the industry in 1936, aiming to establish remuneration at the rate of 15 cents per hour. Big players in the home work business, such as Dupont Textiles, agreed to the application of a minimum wage (provided strict enforcement followed) yet the home work bedspread business left Ontario because of the application of the Act. AO, Labour, RG 7 70-0-4, J.R. Praine, Acting Chief Factory Inspector, Memorandum for Mr. L. Fine, Deputy Minister Office, Dept. of Labour; RG 7 1-0-145, Secretary to David Croll, 28 Jul. 1936; A.E. Baker, Rev., Davenport Road United Church, to David Croll, 22 Sep. 1936; RG 7 76-0-14.2, Minutes of the Minimum Wage Board, 12 Jun. 1936.

45 Margaret Hobbs, "Rethinking Anti-feminism in the 1930s: Gender Crisis or Workplace Justice? A Response to Alice Kessler Harris," *Gender and History*, Vol. 5, No. 1 (Spring 1993), 4-15.

46 Alice Kessler Harris, "Reply to Hobbs," *Gender and History*, Vol. 5, No. 1 (Spring 1993), 18.

Kessler-Harris provides a valuable lens through which to view agitation around the right to work.⁴⁷

Undoubtedly many male workers felt that married women should surrender their jobs, but the desire to construct a male breadwinner society in which women stayed at home and men earned a family wage contrasted sharply with the growing need of many women to seek employment and maintain themselves and their families. Frager notes that most efforts to remove women from the work-force focused upon married women whose husbands not only worked, but made enough to properly support their families.⁴⁸

Margaret Hobbs' examination of feminism and the defense of women workers in the 1930s illustrates the feminist construction of married women as "rightful breadwinners," who needed to work to support their families. Similar arguments were made by both men and women who sent letters to the daily press or to the government. Almost all correspondents structured their attack upon married working women as a defense of both the married woman and the 'single' girl who worked to support themselves or their

47 Indeed, not all movements to protect men's jobs turned against women workers. In response to the growing unemployment of men over 40 years old, the Townships of Mimico and York petitioned the provincial government to open up employment for older men. This did not, however, result in an attack upon female labor, but focused instead upon the evil of "burn out" caused by "efficiency tests now practiced by modern industry." These townships did not call for limits on female employment but proposed laws to force employers to hire a certain quota of male workers between the age of 45 and 65 because many firms (such as INCO and Massey Harris) allegedly refused to hire men over 40. AO, Labour, RG 7 15-0-21, Town Clerk Mimico, Resolution, 13 Aug. 1934; John Harvey, Clerk, Township of York, to Arthur Roebuck, 21 Aug. 1934; J.W. Garrow, Master Mechanic of Smelters, The International Nickel Company of Canada, to Thomas Winning, Toronto, 15 Feb. 1934.

48 Margaret Hobbs, "Equality and Difference: Feminism and the Defense of Women Workers During the Great Depression," *Labour/Le Travail*, Vol. 32 (1993), 214-7. Hobbs, who provides the best account to date of the movement to remove women from the workforce in the 1930s, can provide only one example (Mederic Marin in Quebec) of a serious call for the dismissal of *all* female workers. Margaret Hobbs, "Gendering Work and Welfare," 46.

families. Married women who worked because their husbands were unemployed or poorly paid, were generally excepted from the agitation against female waged labor. One government employee, a married woman with two children, suggested that the state get after

such firms as Eaton's, Simpson's and the Honeydew, that employ so many married women with their husbands making good money. No wonder there are so many girls and boys can't get work. I myself have a son and a daughter can't get work. I think it would be a good move to get after these places. Its awful to think of all the young people here in Toronto, not working and mostly thro so many married women working."⁴⁹

The married female civil servant's letter is doubly important because it highlights a trend of rapidly escalating female youth unemployment evident in almost all industries in which women worked. Some employers, such as confectionery factories and the paper trades, reduced their juvenile female workforce by over 60% between 1927 and 1932. The decline of female youth employment would have cut directly into family incomes by removing the wages of contributing adolescent wage earners, accentuating the economic pressure which drove many married women into paid employment.

49 AO, Labour, RG 7 15-0-20, "One of Your Workers," Toronto, to David Croll, 16 Sep. 1935. This example is also important because the Ontario government had a long standing policy of not hiring married women and dismissing them when they got married; thus her existence indicates some flexibility on the part of the state.

**Table 5A: Percentage of Working Women Under 18 years old in Toronto,
1927-1932⁵⁰**

	1927	1928	1929	1930	1931	1932
Restaurant & Hotel	1	1.7	1.4	1.8	1.8	1
Rubber	3.6	10.8	8.2	2.5	1.9	2.1
Boot & Shoe	18.2	16.1	17.3	10.2	10	10.5
Needle trade	6.3	6.2	6.2	4.9	3.1	2
Textiles	9.7	9.6	9.9	8.3	6.1	4.5
Department Stores	11.2	9.6	9.8	8.8	7.4	5.2
Retail Stores	14.3	12.7	6.3	6.6	9.3	5.2
Jewelry	7	11.4	11.9	11.7	6	8.3
Electrical	9.7	12.5	15.8	13.4	5.5	3.8
Laundries, Dry-cleaning	10.9	8.9	9.3	7.6	8	4.2
Drugs & Chemicals	14.6	14	12.3	9.6	8.8	4.6
Confectionery	16.5	17.9	17.9	13.6	9.5	6.5
Miscellaneous Factories	13.6	12.3	12.5	7.8	6	4.9
Tobacco Products	8.5	4.1	2.3	4.9	6.5	2.9
Paper Trades	12.1	12.5	12	10.7	6.8	4

The demise of employment opportunities for women under eighteen damaged the future job prospects of single women workers in Toronto; they missed a valuable opportunity to enter the labor force, gain work experience and learn skills necessary for future employment. It is difficult to trace the relationship between youth unemployment and the recurrent defense of unemployed single women (who were over eighteen), but the plight of both, more than a desire to construct a mythical male breadwinner society, drove the agitation against married women workers. One single girl raged at the married women

50 Source: "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1928, paper 40; 1929 paper 40; 1930, paper 14; 1931, paper 38; 1932, paper 47.

who received preferential treatment from employers, especially large department stores:

“I think they should be made to keep a single girl who has no parents. I don’t think a single girl gets a square deal. ... I think there should be a law pass.”⁵¹ A similar argument was put forward by a male factory worker in Toronto:

my suggestion is to get some factory inspectors, and root out all the married women who have husbands working steady, and bringing in a steady weekly wage. What about the hundreds of single girls who walk the street, day after day, and week after week, and cannot get work. And these married women who could live comfortably on their husbands wages holding good jobs, and some of them driving to business in large cars. Mr. Roebuck, from your speeches, I believe you mean to be fair with everyone so why not give the single girl a chance.⁵²

Local initiatives reflected the narrow focus of the assault upon women workers.

The St. Catherine’s District Trades and Labour Council contacted merchants and manufacturers requesting that they replace those married women whose husband’s were regularly employed with unemployed single women or out-of-work men.⁵³ Kitchener’s Municipal Council passed a unanimous resolution also calling for legislation to regulate the hiring of married women whose husbands were gainfully employed.⁵⁴ Although Ruth Frager found evidence of a back-lash against any female employment among most unions within the Toronto District Trades and Labour Council, attacks upon married female

51 AO, Labour, RG 7 15-0-20, anon., Toronto, to Roebuck, 4 Oct. 1934. For a large selection of letters see AO, Labour, RG 7 1-0-148.

52 AO, Labour, RG 7-0-20, A.F. Holmes, Toronto, to Arthur Roebuck, 27 Sep. 1934.

53 AO, Labour, RG 7 15-0-20, W. Beattie, Recording Sec., St. Catherines District Trades and Labor Council, to J.F. Marsh, 23 Jan. 1935.

54 AO, Labour, RG 7 15-0-20, City Clerk, Windsor, to Arthur Roebuck, 17 Oct. 1934.

wage earners were limited in scope to those women with a 'breadwinning' husband and did not urge the state to ban female employment.⁵⁵

In response to this pressure the government considered sending a circular to employers urging them to replace married women (who had gainfully employed husbands) but shied away from legislation, moving in 1936 to fire its own married female workers whose income was not necessary to support themselves or their families.⁵⁶ While this was clearly an affront to women's right to work and demonstrated the nature of patriarchal power, it cut along a fine line that was not of immediate material consequence to the vast majority of working women. In defense of its relative inactivity on the issue of married female employment, the government pointed out that its investigations had determined that there was "only a very small percentage of married women working who need not because of financial conditions."⁵⁷

In recognition of the prevalence of female labor, the municipal state actually funded programs designed to assist working mothers in Toronto, including several day care facilities, crèches, run by the Federation for Community Service.⁵⁸ The crèche

55 Ruth Frager, *Sweatshop Strife*, 112-3.

56 AO, Labour, RG 7 15-0-20, Note, n.d., in Marsh's handwriting, stating that it would do no harm to send a circular to employers. Pierre Berton, *The Great Depression, 1929-1939* (Toronto 1990), 349. Margaret Hobbs, "Gendering Work and Welfare", 47-8. Only a few women were fired.

57 AO, Labour, RG 7 15-0-20, J.F. Marsh, Deputy Minister Labour, to A.F. Holmes, Toronto, 13 Oct. 1934. Hobbs claims that the attack upon women workers was sometimes directed against all women workers, yet it is important to get an idea of how frequent unqualified demands for the removal of female wage earners were, relative to calls for the removal of non-breadwinning married women. Margaret Hobbs, "Gendering Work and Welfare," 62.

58 Susan Prentice has suggested that state sponsored and regulated daycare only emerged in the Second World War in conjunction with programs to recruit women into new industrial occupations experiencing labor shortages as a result of military industrial production. Susan Prentice, "Militant Mothers in Domestic Times: Toronto's Postwar Childcare Struggle," Ph.D. Thesis, York University, 1993), p.15-17.

administrators claimed that the mother's income was usually enough to pull a family above the poverty line and only 28% of the families using the crèche were on relief.⁵⁹ The limited number of women that the crèche system could service, however, concerned social workers who had observed the "haphazard devices employed by mother to board their children while they are out at work."⁶⁰ In 1935 the Child Welfare Council responded to these concerns with a municipally subsidized Foster Day Care program which took the overflow children from the crèche and farmed them out to private homes.⁶¹

'Legitimate' work for women, therefore, was not only structured around particular occupations, but constructed according to women's actual material needs, either as individuals or as a contributing family member.⁶² This is precisely the argument made by

59 MA, Welfare, Box 194, File 86.15, Vol. 1 "Nursery and Day Care Centres — Private Day Care," Mar./35 - Mar./50, "Memo to Mr. A.W. Laver..." Child Welfare Council of Toronto, 11 Jan. 1937. When Toronto cut funding to the crèche program in 1940, one crèche administrator appealed to the city administrators "as businessmen" who could appreciate that "helping these families indirectly is a sound way of saving money for the city." Alice McRae, on behalf of West End Cresche, East End Crèche, Queen Street East Day Nursery, Victoria Street Crèche, to the Mayor and Members of the Board of Control, 21 May 1940. Laver argued that this service should be returned to the private sector of philanthropy and stalled re-instating the budget. This situation continued through the year until the Mayor was reminded that the crèche system was now servicing the children of skilled women war workers. A.W. Laver to R.C. Day, Mayor and Members of the Board of Control, 17 Jun. 1940; Alice Wickett, The Crèche, to Mayor, 8 Nov. 1940.

60 MA, Welfare, Box 194, File 86.15, Vol. 1 "Nursery and Day Care Centres — Private Day Care," Mar./35 - Mar./50, "Memo to Mr. A.W. Laver..." Child Welfare Council of Toronto, 11 Jan. 1937.

61 *Ibid.*, "Plan For Foster Day Care Experiment," Child Welfare Council of Canada. So prevalent was the use of day care facilities by working mothers that conservative social workers voiced alarm that day care was "making it too easy for parents and relatives to shift responsibility they should carry themselves." "General Comments on Day Nurseries," [undated report but prior to 1939].

62 A large Canadian and international literature exists on the gender segmentation of work. For example see Gail Cuthbert Brandt, "The Transformation of Women's Work in the Quebec Cotton Industry, 1920-1950," in Bryan Palmer, ed., *The Character of Class Struggle: Essays in Canadian Working Class History, 1840-1985* (Toronto 1986); Mercedes Steadman, "Skill and Gender in the Canadian Clothing Industry, 1890-1940," in Craig Heron, ed., *On the Job: Confronting the Labour Process in Canada* (Montreal 1986), 152-76.

Alice Kessler-Harris in her analysis of hundreds of letters to various American state officials in the 1930s. Kessler-Harris found that demands for restrictions on women's participation in paid labor can be interpreted as part of a challenge to existing economic structures articulated as an assertion of the right of 'providers' to be granted jobs on the basis of need.⁶³ Margaret Hobbs challenges Kessler-Harris' analysis and conclusion. Although Hobb's overstates the extent to which breadwinning married women had to "wrestle free" from the "tangled net" pulling them out of the labor market, and boldly challenges historians to find significant evidence of encroachments upon the right to work of single self-supporting men (other than immigrants), her ultimate point about the importance of gender in analyzing the texture of employment in the 1930s is well stated.⁶⁴

The fact that experience is conditioned by both class and gender (and race), should surprise few historians, yet Kessler-Harris' argument draws out a very important analytical point. Notions of family and claims to the title of breadwinner bestowed certain privileges upon male *and* female workers. The relationship between gender, employment, marital status, and wages is complex and contradictory, particularly given the centrality of a "family wage" to both working class ambitions and trade union struggles.⁶⁵ As a

63 Alice Kessler-Harris, "Gender Ideology in Historical Reconstruction," 31-49.

64 Margaret Hobbs, "Gendering Work and Welfare," 55-57.

65 For work on the family wage see Martha May, "The Historical Problem of the Family Wage: The Ford Motor Company and the Five Dollar Day," *Feminist Studies*, 8, 2 (Summer 1982), 399-424; Jane Humphries, "Protective Legislation, the Capitalist State, and Working-Class Men: The Case of the 1842 Mine Regulation Act," *Feminist Review*, 7 (Spring 1981), 1-33; Michele Barrett and Mary MacIntosh, "The 'Family Wage': Some Problems for Socialists and Feminists," *Capital and Class*, 11 (1980), 51-72; Johanna Brenner and Maria Ramas, "Rethinking Women's Oppression," *New Left Review*, 144 (March-April 1984), 33-72.

weapon of class struggle used to challenge low wages, or a device to impose male power within the home, the concept of the family wage opened space for the super-exploitation of single men (as well as the on-going exploitation of minimum-wage-earning women). The Hunt's bakery chain, with 24 stores in Toronto, paid single men \$8 a week (less than the female minimum wage of \$12.50), while married men earned from \$16 to \$22.⁶⁶ It is difficult to determine how many companies paid single men less than married men, but the welfare programs of the 1930s demonstrated the state's role in privileging married men. Single unemployed men were denied access to wage paying work projects, received shelter in barracks-like hostels, and many were effectively incarcerated in relief camps (by the specter of starvation rather than by fences and barbed wire).⁶⁷ Hobbs is certainly correct in noting an absence of vocal opposition to the employment of single men in the 1930s, but their position was not the same as "family-head" work-seekers with a claim to breadwinner status. The material realities which drove the assault upon the right to work of non-breadwinning married women therefore betrays an uncertain ideological content that should be cautiously approached to avoid prematurely constructing a historical 'reality' that merely serves to restate the ever-present notion of separate spheres.

Hobb's invocation of a crisis of masculinity is perhaps one of the most interesting discussions of the consequences of the Great Depression. Drawing upon a developed

66 "Firm Operating Despite Strike," *Toronto Telegram*, 3 Mar. 1937, copy in National Archives of Canada (NAC), Department of Labour Records (Labour), RG 27, Strikes and Lockouts Files, Vol. 382 (35) Bakery and Confectionary, Mar 1937 (MNF T-2990).

67 For a study which addresses this phenomenon directly see Laurel Sefton MacDowell, "Relief Camp Workers in Ontario During the Great Depression," *Canadian Historical Review*, Vol. 76, No. 2 (June 1995), 205-228.

literature on the relationship between work and masculinity and using workers' own words and the pronouncements of reformers and social workers, Hobbs argues that unemployed men feared a "loss of their manhood."⁶⁸ But the crisis of masculinity should be recognized as caused primarily by a crisis of male unemployment (related to the existence of female wage earners), that was rarely expressed as a direct result of women's assumption of a breadwinner role within a particular family. The Depression actually drew more married women into the work force. In 1930, the Minimum Wage Board noted that "the women's trades, on the whole, suffer less than the men's trades in times of depression," and "wives have gone to work when their husbands jobs failed." This was also noted by the employment services of the YWCA which placed women in a variety of occupations.⁶⁹ Contemporary sociological studies of families in different cities in America make repeated reference to the waged labor of married women as a mechanism to compensate for the decline or failure of male income during the Depression. Stephanie Coontz notes a similar phenomenon in her study. In America the employment of women increased, and the percentage of married women workers rose from twenty-nine to thirty-five percent of all female workers during the Depression, despite discriminatory

68 Margaret Hobbs, "Gendering Work and Welfare," 62-9. For a few studies in a growing field see Steven Maynard, "Rough Work and Rugged Men: The Social Construction of Masculinity in Working-Class History," *Labour/Le Travail*, Vol. 23 (Spring 1989), 159-69; Mark Rosenfeld, "'It was a hard life': Class and Gender in the Work and Family Rhythms of a Railway Town, 1920-1950," *Historical Papers* (Windsor 1988), 237-79; Paul Willis, "Shop Floor Culture, Masculinity, and the Wage Form," in J. Clarke, C. Critchen and R. Johnson, eds., *Working-Class Culture: Studies in History and Theory* (New York 1979); J.A. Magan and J. Worvin, eds., *Manliness and Morality: Middle-Class Masculinity in Britain and America, 1800-1940* (New York 1987).

69 "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1931, paper 38, p. 5; AO, Labour, RG 7 1-0-161, "Brief prepared by the National Council of the YWCA," p.4., 18 Sep. 1938.

legislation in twenty-six American states.⁷⁰ Similarly, female participation in the labor force grew in Canada during the 1930s as more women (both married and single) entered the work force.⁷¹

The reason why married women received preferential treatment over single women is difficult to determine. Perhaps older women had more experience, or were perceived as more pliant by employers because they were desperate to work; or employers were more sympathetic to a woman supporting a family. Simpson's was known for hiring men and women who were unemployed and had a family to support. It was not unheard of for the store detectives to reward 'deserving' mothers caught stealing the necessities of life for their children with clothes, food, legal assistance, and occasionally an offer of employment.⁷² It is also possible that single women were holding

70 Robert Cooley Angell, *The Family Encounters the Depression* (Glouster Mass. 1936); Samuel A. Stouffer and Paul F. Lazarsfeld, *Research Memorandum on the Family in the Depression* (New York 1937), 48-60; Ruth Shonle Cavan and Katherine Howland Ranck, *The Family and the Depression: A Study of One Hundred Chicago Families* (New York 1938), 76-112; Stephanie Coontz, *The Way We Never Were: American Families and the Nostalgia Trap* (New York 1992), 158-9. Also see Lynn Y. Weiner, *From Working Girl to Working Mother: The Female Labor Force in the United States, 1820-1980* (Chapel Hill 1985), esp. Ch. 4-5.

71 Veronica Strong-Boag, *The New Day Recalled*, 48-9. There was wide regional variation in levels of both female employment and married female employment. Nancy Forestall, "Times Were Hard: The Pattern of Women's Paid Labour in St. John Between the Two World Wars," *Labour/Le Travail*, Vol. 24 (Fall 1989), 147-166. Forestall found that although married women entered the labor force in greater numbers in the 1930s, single women still comprised 91.2 % of the female labor force in St. John's in 1935 (p.151).

72 AO, Family Court, file 28,820. In 1935 Mrs. W, who had been deserted by her husband, and eking out a living as a domestic, lost her job and went on relief. Shortly afterwards her daughter, and grandchildren came to live with her after their home fell apart, when her husband deserted her. As a mother and a grandmother, she was trying to provide for her new family by stealing. She was caught while doing some petty thieving at Simpson's and "told a pitiful story to the effect that her grandchildren, who were living with her were in need. The Detectives office had arranged for a coat, hat dress, and a box of groceries." The detectives also contacted the Family Court to see if more could be done to make her husband pay support as he was contributing nothing. The probation officer noted that Simpson's had offered several family supporting married women employment.

on to their jobs after marriage. The percentage of married women in Toronto's work force grew during the Depression. The following charts show significant increases in several economic sectors, most notably in the rubber, tobacco, laundry, and footwear industries.

Table 5B: Percentage of Working Women in Toronto who are Married, 1927-1932⁷³

	1927	1928	1929	1930	1931	1932
Restaurant & Hotel	33.4	40.8	34.4	35.4	35	33
Rubber	28.6	29.9	30.9	30.7	35.1	37.1
Boot & Shoe	20.8	11.9	24.5	22.4	25	27
Needle trade	18.9	22.6	22.8	24.1	25	24.9
Textiles	19.8	21.1	25.3	24.1	25	24.3
Department Stores	20.2	19.3	12.5	8.7	21.1	17.9
Retail Stores	8.1	15.5	16.5	18.8	16.1	15.7
Jewelry	12.5	14.2	12.7	12.7	13.3	18.2
Electrical	15.6	14.2	7.2	12.4	9.5	8.4
Laundries, Dry-cleaning	21.9	29.4	31.5	32.3	31	35.1
Drug & Chemicals	12.9	12.5	15.9	17.2	14.7	15.2
Confectionery	20.6	11.2	16.5	14.1	14.2	15.6
Miscellaneous Factories	15.4	18.7	17.4	18.6	17.8	17.6
Tobacco Products	23.5	21.1	36.9	33.6	35	34.2
Paper Trades	14.3	13	14.2	16.9	13	14

Women's position within the labor market was in fact more threatened by employers who seized upon the availability of unprotected male workers desperate to supplement their relief allowance, who would accept less than female minimum wage, than by the prospect of anti-female legislation. Although a gender segmented labor market could

73 Source: "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1928, paper 40; 1929, paper 40; 1930, paper 14; 1931, paper 38; 1932, paper 47. Prior to 1928 the figures refer only to women who are under 50 years old.

protect some women's jobs in the face of wage driven competition from men, others were not so secure. The problems that a female minimum wage created during the Depression was noted by Mr. Crawford, Chairman of the Minimum Wage Board, who reported the "wholesale replacement of women by men who are paid much below the women's minimum wage ... particularly in retailing, office work, laundries, wholesale establishments, theaters, and among elevator operators." As early as 1933 the Minimum Wage Board had urged that "women workers ... should be still further protected by the inclusion of men and boys in any of the orders issued by the Board."⁷⁴ Many industries had significant numbers of adult male employees earning an amount equivalent to female minimum wage or less for longer hours; women's jobs in all such industries were threatened. The 1938 Minimum Wage Board Report (which would have reflected the higher wages accruing from successive unionization drives and industry wide settlements under the ISA) exposed numerous sectors in which large numbers of men earned the same or less than female minimum wage, and thus posed a threat to their female co-workers. The most direct consequence of this threat was poor enforcement of female minimum wage legislation.

74 AO, Labour, RG 7 1-0-128, Memorandum, Irwin to David Croll, 25 Feb. 1937; AO, Labour, RG 7 1-0-127, G.W. Pifher, memo to file, 21 Oct. 1935; *Labour Gazette*, Nov. 1933, 916. For an interesting examination of the state's indifference to women and work see Ruth Roach Pierson, "Gender and the Unemployment Insurance Debates in Canada, 1934-1940," *Labour/Le Travail*, Vol. 25 (Spring 1990), 77-103. Pierson's argument that women were not viewed as legitimate workers as a result of a gendered family wage ideology is well founded but perhaps overstated.

Table 5C: Men and Women Earning Under 27¢ per hour, Toronto 1938⁷⁵

	# Men	# Women	% of Men	% Women
Hotel	486	416	22.9 %	39.0 %
Restaurant	555	908	28.7 %	28.7 %
Auto & Accessories	78	14	4.6 %	7.2 %
Needle trade	220	694	3.7 %	9.6 %
Electrical	91	67	2.2 %	4.8 %
Food Products	189	460	2.2 %	17.6 %
Jewelry	40	57	4.8 %	19.5 %
Leather Goods	100	68	5.9 %	11.0 %
Metal Products	147	97	1.6 %	9.9 %
Paper Products, Printing	300	546	3.2 %	14.2 %
Rubber	56	10	3.4 %	1.8 %
Drugs & Chemicals	95	190	3.1 %	11.8 %
Misc. Trades	219	223	7.0 %	18.3 %
Wholesale & Warehouse	135	113	7.0 %	16.4 %
Retail Stores	877	2157	8.9 %	20.4 %
Recreation & Amusement	155	10	20.3 %	3.1 %
Cleaners & Dyers	50	221	7.9 %	40.7 %
Laundries	69	892	12.8 %	66.3 %
Office &c.	232	212	5.3 %	6.7 %

75 Source: "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1938, paper 10, pp. 61-131. The numbers do not necessarily include all workers in Toronto, but the most rigorous compilation of data was undertaken by the Department of Labour in this year, and the total figures are close to the numbers provided in the 1931 census. Wages were not audited by the Minimum Wage Board. Weekly rates were used in the calculation of wholesale, warehouse and retail store workers. This method tends to under-represent male workers whose long hours, despite low wages, would have produced higher total weekly wages. The figure for office workers includes three categories used by the Minimum Wage Board in 1938 only.

Machiavelli's Blush: Competition and the Gendered Division of Labor

If the subject were not such a tragic one it would be amusing to note the tone of surprise adopted by Canadian newspaper editors over the disclosure of the Stevens Commission hearing in Ottawa. If they do not know minimum wage laws, factory acts and similar legislation are not enforced in Canada, I am as surprised as they have intimated they are. It is of course, a matter of common knowledge.⁷⁶

Ontario's Minimum Wage Board was formed to administer the provision of the 1920 Minimum Wage Act, and to ensure that employers of women's labor remunerated their female workers at a standard rate. Historians have raised interesting questions about the effectiveness and sincerity of a Board that carried out little investigation or enforcement and repeatedly demonstrated leniency with offenders.⁷⁷ Margaret Hobbs notes that the Ontario minimum wage legislation was very poorly enforced in the 1930s.⁷⁸ Bob Russell has argued (based primarily on western Canadian research) that the Minimum Wage Board operated in a manner more suited to centralized industry-wide negotiations between organized (male) workers and organized employers, and was less suited to serve the interests of unorganized women workers.⁷⁹ In this sense the poor enforcement of the female minimum wage legislation is analogous to the poor enforcement and demise of the ISA. Only where workers had an autonomous enforcement mechanism could the power

76 Cecil C. Carrothers, "Why are Our Social Laws Not Enforced?" *Quarterly Review of Commerce*, Vol. 11, No. 2 (Summer 1935), 6.

77 Joan Sangster, *Dreams of Equality: Women On the Canadian Left, 1920-1950* (Toronto 1989), 34-5.

78 Margaret Hobbs, "'Dead Horses and Muffled Voices,'" 91-100.

79 Bob Russell, "A Fair or Minimum Wage? Women Workers, The State and the Origins of Wage Regulation in Western Canada," *Labour/Le Travail*, Vol. 28 (Fall 1991), 83.

of legislation be brought to their assistance. Russell, therefore, provides an interesting analysis of the Act's operation, but more can be said of the relationship between minimum wages and industrial regulation.

The regulatory function of female minimum wages was actively promoted by the Minimum Wage Board in Ontario. The board made repeated reference in annual reports to the minimum wage as a means of restraining unfair competition. The language used to define the aim and promote the work of the Minimum Wage Board in 1928 was very similar to the language used to promote the ISA in 1934. Much as Roebuck identified a small minority of cut-throat competitors who ruined economic conditions for everyone, the Minimum Wage Board identified the "shyster" employer:

He wants to sell his products to the workers in other plants, while these other plants can sell little or none to his workers. He wants other industries to support his, as other members of the families to which his workers belong carry the burden of their homes. He is a parasite in the industrial organism, and should be compelled to play fair with his neighbors and competitors.⁸⁰

Similar attention to the effect of wage cutting, and the role of minimum wages in ensuring 'fair' competition was evident in 1929 when the Board proclaimed that "the unsociable competitor is shielded by the worthy employer whose superior standards, and perhaps whose business success he threatens." In 1933 the Board argued that "it is only fair that employers who pay good wages of their own free will, and not because they are compelled to, should be protected from the illegitimate competition of those who are not

80 "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1928, p.5-6. See also Paul H Douglas, "The Minimum Wage in Canada," *The Journal of Political Economy*, Vol. 30 (1922), 14-16, for a discussion of the minimum wage as a partial solution to fierce competition.

governed by similar ideals.” The Board consistently paired the maintenance of minimum wages with the promotion of fair competition. In 1935 the Board argued that the rising level of violations threatened to “render this protective legislation useless insofar as the workers are concerned, and a source of annoyance and unfair competition to the honest and conscientious employers.” Some employers echoed the sentiments of the Board. A cord manufacturer noted in 1937 that “It is not that I think we are paying our girls too much, but I feel that *everybody* should be *compelled* to pay the same amount of wages.”⁸¹

Compulsion by the Minimum Wage Board was not to be forthcoming, despite self-congratulatory statements issued by the Board. An accountant for many firms who were falsifying their records to avoid paying minimum wages to their women workers, reported such practices to the Board. Unscrupulous employers would list two sisters as one employee, have workers pay back a portion of their wages, and falsify hours for piece work. Upon recounting the numerous ploys used by employers, the accountant warned that the state was “up against a lot of tricksters that would have made Machievelli blush as a novice.”⁸² The Board, however, was already aware of the ploys that employers used. Hairdressers in Toronto would pay the minimum wage, but then take back part of it as “tuition” regardless of their workers’ qualifications. Dianna Sweets in Toronto deducted

81 “Annual Report of the Minimum Wage Board,” in the Ontario Legislative Assembly’s *Sessional Papers*, 1929, p.5; 1933, paper 40, p.7; paper 31, 1935, p.7; AO, Labour, RG 7 1-0-124, T.H. Hancock, Derrett Limited, Toronto, to David Croll, 11 Mar. 1937, emphasis added. Hobbs notes that several employers voiced strong support for female minimum wages during the campaign to establish the legislation, but no comment is made on their desire to limit competition from their low wage rivals. Margaret Hobbs, “Dead Horses and Muffled Voices,” 52.

82 AO, Labour, RG 7 15-0-32, Mr. A.G. Donn, Toronto, to Mr. Bagwell, Toronto (to be forwarded “to the proper authorities.”) 27 Jul. 1934.

the price of meals (to a maximum of 25 cents per meal) even though the women never received any food. Mr. Millford, the owner of the Millford Novelty Company, not only got around wage controls by charging his women workers for room and board in his own home but converted his workers into domestic servants, requiring them to do housekeeping "in the evenings." The Board noted that restaurants had been warned "for failure to keep records and requiring their women workers to sign receipts for a larger amount of wages than they were actually paid, or record hours lower than the amount they actually worked." Other firms, such as the Wave-A-Mold, repeatedly appeared before the Board for deducting cash from the pay envelopes of their female workers. Even where punch cards were installed, employers often forced their female employees to punch out and then continue working. This occurred at Simpson's especially in the months before Christmas.⁸³

There was little enthusiasm for prosecuting employers who contravened the Act because settlements were often chimeras. The Carleton Tea Room, a notorious anti-union shop, was ordered to pay \$90 to one of its employees but forced their employee to pay back the settlement "in weekly amounts," if she wanted to keep her job. Several women won their complaint of underpayment against the Canada Laundry Company in Toronto, but were told after receiving their settlement to hand it over or be fired. The one woman who refused was promptly dismissed. The discharged worker informed the Board but it

83 AO, Labour, RG 7 76-0-13.3, Minutes of the Minimum Wage Board, 8 Mar. 1934, 18 Sep. 1934; AO, Labour, RG 7 76-0-14.1, Minutes of the Minimum Wage Board, 9 Sept. 1935, 2 May 1935; AO, Labour, RG 7 15-0-54, Mrs. Morgan, Toronto, to James F. Marsh, Deputy Minister of Labour, n.d. [1935].

took absolutely no action to have her re-instated, and made no effort to return back wages to the other employees.⁸⁴

Employers facing charges could also expect very lenient treatment. One underpaying restaurant owner was only ordered to pay half of the arrears. In other cases, particularly when the amount owed was over \$100, the Board would mediate to negotiate a lower settlement. If employers pleaded poverty they were often treated very lightly. Mr. Castor, owner of Supreme Cleaners, was on relief and consequently absolved from paying back wages to his employees. John Volpe, a repeat offender, was found guilty for employing two girls in his shoe shine shop for tips only, but no provision was made for back wages because Volpe was 'poor.' Employers could almost always count on the Board's sympathy if they were "impoverished and had absolutely nothing with which to pay the arrears claimed by the complainant."⁸⁵ Employees, on the other hand were often met by an unsympathetic Board. A woman who signed for more wages than she actually received (under duress of dismissal) was disallowed the arrears by the judge.

Despite its apparent bias in favor of employers, the Board actually resisted organized attempts to lower the rates in 1932. A delegation from the garment trades in Toronto was refused its request for a reduction in the minimum wage for women (based on a claim that enforcement of the Minimum Wage Act in Quebec was so lax that the Toronto firms were facing unfair competition). A somewhat indignant Mr. Fester

84 AO, Labour, RG 7 76-0-14.1, Minutes of the Minimum Wage Board, 15 Oct. 1935, 8 Dec. 1934; AO, Labour, RG 7 15-0-8, W. Case, Toronto, to Arthur Roebuck, 14 Jan 1935 and 2 Jan. 1935.

85 AO, Labour, RG 7 76-0-14.1, Minutes of the Minimum Wage Board, 15 Oct. 1935, 23 Aug. 1935, 9 Nov. 1934.; AO, Labour, RG 7 76-0-14.2, Minutes of the Minimum Wage Board, 31 Jan 1936, 7 Oct. 1936.

speaking on behalf of the Minimum Wage Board, stated that the current rate of \$12.50 had been a compromise figure established during the depression of 1921 and the recommended rate had been \$15.00. In 1935 the Canadian Association of Garment Manufacturers canceled an appointment with the Board, at which they had intended to ask for a minimum wage reduction; the disclosures of the Stevens Commission had created a public atmosphere of criticism and the Association feared the Workers' Unity League would use the request as a pretext to "stir up trouble."⁸⁶

Reductions in rates across the board were not necessary since the Board was receptive to requests for exemptions. Mr. Hunt, of the Acme Ruler and Advertising Company in Toronto, met with the Minimum Wage Board and managed to secure concessions after he claimed he would fire all of his female employees if he were compelled to pay the minimum wage. As the Depression wore on, the Board became even more pliable, noting that "in view of the present depression and the desirability of increasing employment," temporary permits would be issued to firms allowing them to effect a 10% reduction in wages in 1931. The Board approved wages as low as \$7.00 per week in some industries and locales. In December 1934, representatives from Ontario's evaporating industry (who made dried fruit from apples) approached the Board for an exemption from the minimum wage regulation.⁸⁷ As a 'compromise' the Board reduced

86 AO, Labour, RG 7 76-0-11.3, Minutes of the Minimum Wage Board, 29 Sep. 1932; AO, Labour, RG 7 76-0-11.3, Minutes of the Minimum Wage Board, 22 July 1932; AO, Labour, RG 7 76-0-14.1, Minutes of the Minimum Wage Board, 8 May 1935.

87 AO, Labour, RG 7 76-0-11.1, Minutes of the Minimum Wage Board, 6 Nov. 1931, 17 Nov. 1931; AO, Labour, RG 7-76-0-11.2, Minutes of the Minimum Wage Board, 24 Jun. 1932. The canning industry made repeated overtures to have the minimum wage lowered for their industry. Most canning

the minimum wage for their industry. In the summer of 1932, Eaton's and Simpson's managed to have their minimum wage reduced to \$11.00 from \$12.50 for the parcellers working in their stores because, as the Board explained, it "had the desire in its efforts to protect the girls, to keep them in their jobs, and perhaps in keeping them in their jobs we could assist the employers by granting some kind of permit."⁸⁸

Conclusion: Gender and Compulsion

The manufacturer in large towns could evade the law, the manufacturers in country districts could not find the people necessary for the relay system, still less for the shifting of hands from one factory to another, &c. And the first birthright of capital is the equal exploitation of labour-power by all capitalists.⁸⁹

Karl Marx, discussing the protracted struggle in England to restrict the working hours of women and children, observed that the 'first birthright of capital' was most forcefully championed by those employers who obeyed the law and saw state regulation as a weapon against the "immoral competition of their false brethren whom greater impudence, or more fortunate local circumstances, enable to break the law."⁹⁰ Once the state began to regulate working conditions, hours, and later wages, it was faced with an

plants were located outside of large municipalities in order to allow them to pay lower rates. AO, Labour, RG 7-76-0-14.1, Minutes of the Minimum Wage Board, 12 Dec. 1934.

88 AO, Labour, RG 7-76-0-11.1, Minutes of the Minimum Wage Board, 31 May 1932, 14 Jun. 1932.

89 Karl Marx, *Capital: A Critique of Political Economy, Volume 1* (New York 1987 [1867]), 276.

90 *Ibid.*, 267.

obligation to maintain capital's birthright by ensuring compliance by all. Ontario's ISA was intended to distance the state from direct involvement in the enforcement of industrial codes; it achieved that goal but failed to raise wages, reduce the welfare rolls, eliminate anti-social competition, or quell labor unrest. David Croll had argued that the ISA was designed to raise wages that were "at deplorably low levels," yet by 1937 only ten percent of Ontario's 650,000 commercial and industrial workers were protected by this legislation.⁹¹ In response to this failure, the state's regulatory focus shifted to establish a male minimum wage. This scheme ended in utter failure in part because the state pegged male wages significantly higher than women's wages and employers defiantly replaced men with female workers.

The state's attempt to reinforce gender-based wage differentials reflected a pre-occupation with buttressing the near-mythical male breadwinner family, but the gendered wage as constructed by the state diverged sharply from the realities of "breadwinning" women, low wages for men, and ineffective enforcement. In most cases the inspectors tried to simply shame employers into compliance by pointing out that low wages and long hours would prompt the public to "react against their business."⁹² Shame undoubtedly had little effect on employers eager to exploit the growing number of unemployed and desperate workers. In the absence of effective state intervention, unorganized workers continued to be at the mercy of capital's Machiavellian

91 AO, Labour, RG 7 1-0-112, Draft of speech by Croll (nd) p.3.

92 AO, Labour, RG 7 1-0-166, M. Fresko, Ukrainian Presbyterian Church, James Hutchison, Private Secretary to the Minister of Labour, 3, 16, and 24 Jan. 1938. AO, Labour, RG 7 1-0-188, J.R. Prain, Factory Inspector, to M.M. MacBride 11 May 1938.

machinations. Union activity therefore offered one of the few alternatives to perpetual poverty. A strong union could resist wage levels which fell below the legislated female minimum wage (thus ending the replacement of relatively more expensive female labor with cheap male labor), and raise, albeit modestly, female wages above the legislated minimum. Although not inconsequential in protecting women's wages on its own, the more significant effect of the Minimum Wage Act was to precipitate union organization among female workers by setting a rate below the level needed by working women to support their families.⁹³

The following chapters probe some of the consequences of low wages, and the broader legal structures which aimed to stifle working-class efforts to change material conditions. Women played a key role in many union struggles, were an active presence on picketlines and political demonstrations, and shared the victories, albeit unevenly, with their male comrades. Both working-class men and working-class women experienced the hardship and deprivation of the Depression, although they did so in ways which were profoundly gendered.

93 This argument does not necessarily contradict Joan Sangster's evidence that women were prone to "ignore workplace grievances and accept poor working conditions for fear of losing their job" during the 1930s. Joan Sangster, *Earning Respect*, 120. Peter Archibald has addressed male workers' response to the Great Depression, and found that they combined patterns of adaptation and survival with resistance and risk. W. Peter Archibald, "Small Expectations and Great Adjustments: How Hamilton Workers Most Often Experienced the Great Depression," *Canadian Journal of Sociology*, Vol. 21, No. 3 (Summer 1996), 359-402. There is no evidence to suggest that women were, or felt more fortunate to have a job than men in the 1930s. A salient factor in determining women's participation in unions and strikes may have been what they perceived to be the union's chances of success, as well as the penalties for being on the wrong side of a victorious strike.

Chapter Six

Law and Order: Repression, Resistance and Accommodation

It is in strikes that the proletariat asserts its existence. I can not agree with the view which sees in strikes merely something analogous to the temporary rupture of commercial relations which is brought about when a grocer and a wholesaler cannot agree about the price. The strike is a phenomenon of war. It is thus a serious misrepresentation to say that violence is an accident doomed to disappear from the strikes of the future. (Georges Sorel, 1913)¹

Ontario's minimum wage and industrial standards legislation was an attempt to remove the material basis of industrial strife and transform labour struggles from street conflict into cooperative negotiations about the price at which labour would submit to capital. These pieces of legislation were a significant gesture to the province's workers, but labour struggles and violence did not decline in Ontario. Labour law, particularly the uncertain status of peaceful picketing, the ease with which employers secured labour injunctions, and the court's refusal to uphold the legality of union contracts, severely reduced the legal channels through which workers could pursue their claims, and exposed the often overt class-bias of the judicial system.² Although legal restrictions undoubtedly

1 Georges Sorel, "Appendix 2: Apology for Violence," in Georges Sorel, *Reflections on Violence* (London 1974 [1906]), 274.

2 For a note on the refusal of the courts to uphold union contracts see *Labour Gazette* (Feb. 1934), 157-8.

hampered labour's attempts to organize, workers quickly recognized that mass pickets and violence could be effective in enforcing their demands and effecting positive social change.

Violence, as an instrument of both resistance and domination, played a critical part in transforming popular consciousness, government policy, industrial legality, police treatment of labour, and trade union tactics, and demands further investigation.³ It is generally well known that employers have invoked violence through private security forces or called upon the state to 'uphold the law and protect property.' But the state's heavy handed repression of workers also legitimated subaltern violence and stimulated resistance. There was a growing resolve, in the words of the leader of the dockers' strike in Sarnia in 1937, that "if anyone gets hurt it is going to be scabs, it's not going to be us."⁴ Workers increasingly made use of violence to enforce their picket lines, intimidate strike-breakers, exact revenge, or as a desperate and sometimes futile attempt to turn the tide of defeat. As the strikes became more violent, the state was forced to rethink its approach to labour relations. In the words of one police officer assigned to picket line duty, "force seldom settles anything for long."⁵

3 For a consideration of the factors involved in more recent violent strikes see J. A. Frank, "The 'Ingredients' in Violent Labour Conflict: Patterns in Four Case Studies," *Labour/Le Travail*, Vol. 12 (Fall 1983), 87-112.

4 As recounted by Jack Scott in Bryan D. Palmer, ed., *A Communist Life: Jack Scott and the Canadian Workers Movement, 1927-1985* (St. John's 1988), 43.

5 Archives of Ontario (AO), Records of the Attorney General (AG), RG 4-2, Box 11, File 11.5, District Inspector Murray to Chris F. Airey, District Inspector, OPP, 26 Oct. 1938. Bob Russell argues that the military power of the state in labour disputes worked best when used least. Perpetual repression is ineffective. Bob Russell, *Back to Work? Labour, State, and Industrial Relations in Canada* (Scarborough 1990), 120-3.

Before 1934 much of Ontario's strike-related violence was driven by the state's aggressive suppression of labour and the left; however relations between capital, labour, and the state shifted significantly after 1934. The newly elected Liberal government abandoned the prevailing policy of repression and began to accommodate workers and their unions. Progressive Cabinet Ministers, such as Arthur Roebuck and David Croll, backed by agitated public opinion, departed from the consistent use of force to break strikes. Roebuck was particularly determined to change the impression among workers "that the Department and the police are all forces trying to crush out labour."⁶ The state's new approach followed, rather than led, a shift in the balance of class forces. By 1934 workers no longer hesitated to fight for improvements in their standard of living, and the Workers Unity League (WUL) provided militant leadership capable of challenging the most recalcitrant and hostile employers. If strikes were a phenomenon of war, as Sorel suggests, the WUL had marshaled an army in Toronto.

The 1940s witnessed the rapid growth of a new industrially-based union movement in Canada: its vibrant, if troubled, adolescence occurred during the 1930s. Although the ISA and other regulatory arrangements attempted to make workers more 'responsible' and responsive to economic 'realities,' the contradictory process of the ISA and the minimum wage left workers no alternative but to create their own opportunities. Violence was not an aberration, but a necessary and recurrent dimension of class relations

6 AO, Department of Labour Records (Labour), RG 7-1-0-154, "Report of a conference between members of the CMA and Arthur Roebuck, Minister of Labour, held in the Parliament Building, 30 January, 1936," p.40. Also see Lita Rose Betcherman, *The Little Band: The Clashes Between the Communists and the Political and Legal Establishment in Canada, 1928-1932*, (Ottawa [1983]), 214.

in the Great Depression. This chapter explores the relations of class struggle, state power, and violence, drawing on evidence relating to strikes and picket lines. Its purpose is not so much to present a precise tabulation of strikes but to use the ruptures in class relations that they represented to reassess the meaning of violence in a capitalist society caught in the throes of economic depression.

State Coercion: Law and the 'Iron Heel'

In discussing the role of the state in capitalist society, Lenin quoted the following passage from Engel's *The Origin of Family Property and the State*:

in order that these antagonisms, these classes with conflicting economic interests might not consume themselves and society in fruitless struggle, it becomes necessary to have a power, seemingly standing above society, that would alleviate the conflict and keep it within the bounds of 'order'; and this power ... is the state.⁷

This basic assessment of the role of the state as an arbiter of social conflict highlights a central premise of classical Marxism. During moments of heightened class conflict the state can act independently of the class interests it ultimately serves as the guardian of capitalism and implement reforms that move beyond what many capitalists perceive as their own personal and shared class interests. At other times the state dispenses force and 'justice' in a manner reflecting capital's most unsophisticated strategy of crushing workers and their organizations beneath the mailed fist of state power. For the first five

⁷ F. Engels, *The Origin of Family Property and the State* (Stuttgart 1894), 177-78, quoted in V.I. Lenin, *The State and Revolution* in V.I. Lenin, *Selected Works* (Moscow 1977), 266.

years of the Great Depression, workers across the country faced formidable opposition from all levels of the state as they attempted to organize and change their material conditions.⁸ These years were marked by Prime Minister Bennett's policy of an "Iron Heel" which saw the violent suppression of strikes and political dissent across the country (including the prohibition in Toronto of public meetings in any language other than English).⁹ In 1931 three striking miners died at the hands of police in Estevan, Saskatchewan.¹⁰ That same year Bennett invoked section 98 of the *Criminal Code*, which banned the Communist Party and led to the imprisonment of eight Communist leaders.¹¹ Many Communists, labour organizers, and workers were arrested and deported, in some cases to an almost certain death at the hands of hostile governments.¹² The 1935 "On-to-Ottawa" trek by unemployed workers from Western Canada was halted and dispersed in Regina after a bloody clash with the RCMP who were determined to stop the movement from growing.¹³ A similarly inspired occupation of the Vancouver Post Office

8 For a good national overview of this period see Eric Tucker, "Towards a New Regime of Industrial Legality, Voluntarism in Distress: The Early Depression Years, 1929-1935," draft chapter of a book-length work in progress. Also see John Herd Thompson and Allen Seager, *Canada, 1922-1939: Decades of Discord* (Toronto 1985).

9 Barbara Roberts, "Shoveling Out the 'Mutinous': Political Deportation from Canada Before 1936," *Labour/Le Travail*, Vol. 18 (Fall 1986), 88.

10 S.D. Hanson, "Estevan 1931," in Irving Abella, *On Strike: Six Key Labor Struggles in Canada, 1919-1949* (Toronto 1975), 33-54.

11 For a discussion of the Canadian Labour Defense League and its defense of these and other "class war prisoners," see J. Petryshyn, "'Class Conflict and Civil Liberties': The Origins and Activities of the Canadian Labour Defense League, 1925-1940," *Labour/Le Travail*, Vol. 10 (Fall 1982), 39-64.

12 For a complete discussion see Barbara Roberts, *Whence They Came: Deportation from Canada, 1900-1935* (Ottawa 1988). Such was the case of Askeli Panjata, who was deported to Finland in 1931 for the "offense" of marching in a Port Arthur parade of unemployed. See also specific examples given by Jack Scott in Bryan D. Palmer, ed., *A Communist Life*, 18.

13 For an account of the On to Ottawa Trek see Ronald Liversedge, *Recollections of the On to Ottawa Trek* (Toronto 1973), Victor Howard, *"We Were the Salt of the Earth!": The On-To-Ottawa Trek and*

in 1938 by single unemployed men was ruthlessly suppressed by tear gas and police freely wielding truncheons.¹⁴

Ruth Frager notes from her research on Toronto's garment industry in this period that there was "considerable police brutality during the union's strikes in the early 1930s. Police beat up female as well as male strikers, and the courts were not reluctant to hand out jail sentences for picketing."¹⁵ Jack Scott, an active Communist and union militant during the Depression recounted in his autobiography, "the favorite way of doing things was for a ring of cops to get around you, keeping the photographers out, and two would be inside the ring beating the hell out of you."¹⁶ During Toronto's municipal election in 1930, Tom Ewen and Oscar Ryan (both candidates for the Board of Control) were arrested, imprisoned, and then beaten by the Toronto Police.¹⁷ For those who went directly to jail, conditions were equally grim. A 1931 Provincial Royal Commission on Public Welfare provided a glimpse into the horrible conditions that all prisoners faced in Ontario's jails:

Almost their only merit is that they have four walls inside which people are confined. The forty-seven Jails of the Province are forty-seven places which are as likely to promote offenses as to prevent them. Little classification of prisoners exists. Old and young, first offenders and hardened offenders; innocent (unconvicted) and guilty; sane and insane; strong and weak; drunkards, drug addicts

the Regina Riot (Regina 1985), and Red Walsh "On to Ottawa, 1935," in Gloria Montero, *We Stood Together: First-hand Accounts of Dramatic Events in Canada's Labour Past* (Toronto 1979), 23-46.

- 14 Pierre Burton, *The Great Depression, 1929-1939* (Toronto 1990), 446-59; Bryan Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 246.
- 15 Ruth Frager, *Sweatshop Strife: Class, Ethnicity, and Gender in the Jewish Labour Movement of Toronto, 1900-1939* (Toronto 1992), 24.
- 16 Bryan D. Palmer, ed., *A Communist Life*, 32.
- 17 AO, AG, RG 4-32, 1931 - 72, Rex v. Tom Ewen and Oscar Ryan. This file is composed of letters of protest. They were arrested on 27 Dec. 1930. Ewen was so severely beaten that he was hospitalized.

and sober, are generally more or less herded together....the food is poor. The inmates are locked up early in the evening, shut in for twelve hours or more, without lights in their cells.¹⁸

While the prisons bore the mark of a previous century, the nuances of the state's repressive apparatus were changing. The 1933 Stratford strike was the last instance of military intervention in a labour dispute in Canada. State coercion, as Gregory Kealey has noted, shifted to rely upon police forces fortified with 'modern' weapons such as radio cars, tear gas, and a formidable network of spies and informers.¹⁹ The use of tear gas by both police forces and employers rose dramatically during the 1930s and is indicative of the increasing sense of alarm felt by the guardians of order.²⁰

An impressive amount of academic effort has gone into uncovering the history of the RCMP's infiltration and harassment of the labour movement and the left as it

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- 18 P.D. Ross, D.M. Wright, J.M. McCutcheon, *The Report of the Royal Commission on Public Welfare* (Toronto 1931), 77.
- 19 Desmond Morton, "The Stratford Strike of 1933," in Irving Abella, *On Strike*, 79-92; Kealey with Cruikshank, "Strikes in Canada, 1891-1950," in Gregory Kealey, *Workers and Canadian History* (Montreal 1995), 358. For military intervention in labour disputes see Desmond Morton, "Aid to the Civil Power: The Canadian Militia in Support of Social Order," *Canadian Historical Review*, 51 (1970), 407-25; Gregory S. Kealey, "State Repression of Labour and the Left in Canada, 1914-1920: The Impact of the First World War," *Canadian Historical Review*, 73, 2 (Sep. 1992), 281-314; Don Macgillivray, "Military Aid to the Civil Power: The Cape Breton Experience in the 1920s," *Acadiensis* 3 (1974), 45-64; Major J.J.B. Pariseau, *Disorders, Strike and Disasters: Military Aid to the Civil Power in Canada, 1867-1933* (Ottawa 1973). Draper repeatedly requested radio cars for his force yet it was not until 1936 that he succeeded in his drive to keep Toronto's police among the best equipped on the continent. See the Annual Report from the Police Chief for the 1930s held at Police Headquarters, Toronto.
- 20 In the early 1930s over 300 applications for the purchase of tear gas were received by Ontario's Attorney General, who had control over its importation for police and private use. Ontario's jails also began to use tear gas for the first time, and many police forces began to buy large quantities of gas in various forms (bombs, riot guns, batons, pens), undoubtedly assured by the manufacturer's claim that it would allow one policeman to "handle half a dozen rowdies." Brochure from the Chemical Protection Co. Ltd. Toronto, copy in AO, AG, RG 4-32, 1931 - 300, application to import tear gas.

developed between the wars, leaving little doubt as to the state's powers in this area.²¹

The Ontario Provincial Police (OPP) and Toronto's police force also made strides in infiltrating Communist-led unions and movements. The OPP paid \$12.50 a week to a Toronto operative, initially hired by the Toronto Police, who could infiltrate any red meeting. Because his services were so valuable, the OPP and the City of Toronto raised his salary when he was offered a job as a spy for a large industrial concern. The OPP employed at least one female operative in 1935 who was "fairly high up" in the National Council of Unemployed. Like her male colleague, she worked with the Toronto Police Special Branch for \$50 a month plus a \$5-10 bonus for especially useful information.²²

Police actions were not above public scrutiny. Citizens could complain to the Police Commission. Although this complaint procedure requires more study, one particularly notable case highlights the state's sanction of indiscriminate and unaccountable police brutality. When a professor from the University of Toronto came to the Commission in 1929 and complained that police had sworn at him and twisted his

21 Gregory S. Kealey and Reg Whitaker, eds., *RCMP Security Bulletins: The Depression Years, Part I, 1933-1934* (St. John's 1993); Gregory S. Kealey and Reg Whitaker, eds., *RCMP Security Bulletins: The Depression Years, Part III, 1936* (St. John's 1993); Gregory S. Kealey, "The Early Years of State Surveillance of Labour and the Left in Canada: The Institutional Framework of the Royal Canadian Mounted Police Security and Intelligence Apparatus, 1918-29," *Intelligence and National Security*, 8, 3 (1993), 129-48; Michael Lonardo, "Under a Watchful Eye: A Case Study of Police Surveillance During the 1930s," *Labour/Le Travail*, Vol. 35 (Spring 1995), 11-42; Paul Axelrod "Spying on the Young in Depression and War: Students, Youth Groups and the RCMP, 1935-1942," *Labour/Le Travail*, Vol. 35 (Spring 1995), 43-64.

22 AO, Records of the Ontario Provincial Police (OPP), RG 23, series A-2, Box 1, 1.17 (1937), Commissioner of Police, memoranda, memo to the Commissioner, from the Chief Inspector, 3 Nov. 1937, 27 May 1937. See also RG 23, series A-2, Box 1, file 1.11 (1931) Commissioner of Police, memoranda; AO, OPP, RG 23, Series E-96 File 1.2, J. Miller, Chief Inspector, OPP, CIB, to Commissioner of Police, 3 Sep. 1935. The OPP paid her \$25 a month plus an additional bonus for information in matters of particular concern to them.

arm behind his back, Sam McBride, the Mayor of Toronto and a member of the Police Commission, down-played the event: “perhaps in a moment of excitement, a police constable might say ‘Get to hell out of here.’ What about that. I have often been pushed about by a policeman ... I think I would call it off.” Unable to dissuade the professor from continuing with his charges, the Commissioners made no effort to locate the half dozen police officers who had witnessed the assault and brow-beat civilian witnesses, discounting their testimony. Judge Morrison, who also sat on the Board, conceded that “it is undoubtedly true that on the evidence that some police officer did ill-treat you,” but he was not willing to concede the identity of the officer, and no further action was taken.²³ The police ‘watchdog’ essentially granted the police immunity for their actions.

The armed power of the State was not the only physical opposition workers faced. Employers often took it upon themselves to break strikes and picket lines with the assistance of private detective agencies and hired thugs. The rather dramatic murder of union organizers Viljo Rosvall and John Voutilainen in the lumber camps of Northern Ontario in 1929 was matched by brutal beatings of union organizers and workers in southern cities.²⁴ During the Holmes Foundry sit-down strike in Sarnia in 1937, the employer rounded up young men from the surrounding countryside and launched a vigilante-style assault on the strikers, severely injuring several people with weapons of all

23 AO, AG, RG 4-32, 1929 - 3423, Prof. J.T. Meek vs. Toronto Police, transcript of the Police Commission Hearing, “Prof. T.J. Meek, University of Toronto, represented by Solicitor Moorehead,” 16 Sep. 1929.

24 Ian Radforth, *Bushworkers and Bosses Logging in Northern Ontario, 1900-1980* (Toronto 1987), 124. Also see Satu Repo “Rosvall and Voutilainen: Two Union Men Who Never Died,” *Labour/Le Travailleur*, Vol. 8/9 (1981/82), 79-102.

sorts as the local police stood idly by.²⁵ During the 1931 garment industry strikes on Spadina, which featured mass arrests, the usually pro-business *Mail and Empire* reported that the employers had hired thugs from the United States to beat up strikers and union supporters as they left their houses, or stalked them in the alleys near their homes.²⁶ Joshua Gershman, the key organizer with the Communist-led Industrial Union of Needle Trade Workers in Montreal and Toronto in the early 1930s, recounts in his memoir a rather humorous negotiation with two reluctant gangsters hired by the employers of a struck firm to beat him up.²⁷ The extent to which employers used gangsters to assault union organizers and intimidate pickets is hard to gauge with any accuracy, but there are enough examples and allegations to suggest that it was not uncommon.

Most employers, particularly the smaller light industries of Toronto, never went so far as to organize vigilantes or hire gangsters, but it was not unusual for supervisors to be armed. Robert Robinson, a foreman at the Rainbow Dress Company, was knocked down by two men and beaten with his own lead pipe during Toronto's dressmakers strike of 1931.²⁸ In retaliation, a top union man was beaten with a similar weapon two days

25 As recounted by Jack Scott in Bryan D. Palmer, ed., *A Communist Life*, 42-3. For a history of the Sarnia strike see Duart Snow, "The Holmes Foundry Strike of March 1937," *Ontario History* (1977), 58-71.

26 "Sees Discrimination Against Strikers," *The Mail and Empire*, 3 April, 1931, copy in AO, AG, RG 4-32, 1931 - 1204, Toronto dressmakers v. underworld thugs from the US.

27 Irving Abella, "Portrait of a Professional Revolutionary: The Recollections of Joshua Gershman," *Labour/Le Travailleur*, Vol. 2 (1977), 201.

28 "Strikers Attack Factory Foreman," *Montreal Star*, 31 Mar. 1931, copy in National Archives of Canada (NAC), Department of Labour Records (Labour), RG 27, Vol. 347 (14) Clothing Factory Workers, Feb. 1931 (MNF T-2758)

later.²⁹ One female striker had her face smashed by the factory owners wielding iron bars, breaking her teeth, jaw and cheekbone. Adding insult to injury, Police Court Magistrate Browne acquitted the owners, arguing that “these men had a perfect right to defend themselves.” The same Magistrate tended to defend “chivalry” when the class differential narrowed, convicting and chastising a male striker for touching the lapel of a female strike-breaker: “he has no right to lay his hands on any lady in the street — not yet, in this country.”³⁰ A steel bar in the face wielded by an employer inside his shop was condoned as a defense of property, while a tug at the lapel of a woman by a male striker required a firm judicial hand, raised in pious defense of virtuous femininity. Because judicial bias was almost expected by workers who found themselves in front of the courts, it is not surprising that they would be reluctant to tie themselves to a strict observation of the law while on strike.

29 “Girl Pickets Beaten by Police in Charge of Union Manager But Inspector Makes Denial,” *Toronto Mail and Empire*, 5 March 1931, copy in NAC, Labour, RG 27, Vol. 347 (14) Clothing Factory Workers, Feb. 1931 (MNF T-2758).

30 “Hurt Girl, Man Fail in Plaints Against Boss,” *Toronto Telegram*, 6 Mar. 1931, “Striker Kicked Woman’s Shin Two Men Fined,” *Toronto Telegram*, 7 March 1931, copy in NAC, Labour, RG 27, Vol. 347 (14) Clothing Factory Workers, Feb. 1931 (MNF T-2758).

Law, Strikes and Violence: Picket Lines and Injunctions

Where are your impartial Judges? They all move in the same circle as the employers, and they are all educated and nursed in the same ideas as the employers. How can a labour man or a trade unionist get impartial justice?³¹

Although the laws which governed strikes — the “background rules” which partly determined labour’s bargaining leverage³² — changed over the course of the Depression, workers continued to face judicial bias and made few tangible legal gains that could be enforced without the power of collective action. Unions intent on observing legality could see important advances in the de-criminalization of picketing in 1934. However, most workers probably felt that winning strikes was more important than winning abstract legal rights which failed to protect their jobs. Tough competition for employment, particularly among the less skilled who were organizing in increasing numbers, meant that workers could not merely withdraw their services and peacefully picket, as others took their places and customers continued to patronize their employer. Workers had to cripple the employer, stopping production and consumption, and that invariably meant challenging the law. Where peaceful picketing proved effective, such as in restaurants and theaters, employers found judges willing to grant injunctions to prohibit picketing, or turned to the police to arrest pickets for vagrancy in order to break strikes. Vagrancy

31 Lord Scrutton in an address delivered before the University Law Society, 18 Nov. 1920, quoted in Jacob Finkelman, “The Law of Picketing in Canada: I,” *University of Toronto Law Journal*, 2 (1937-38), 67-101.

32 Eric Tucker, “Towards a New Regime of Industrial Legality,” 16.

charges were particularly oppressive as they were often laid indiscriminately, and without the intent of pursuing convictions.

The question of how to interpret the relationship between workers and the law during the 1930s remains. The Trade Union Act of 1872 had created a formal legal space for unions (provided they registered) but, as has been argued by Paul Craven and Eric Tucker, it also served to constrain the activities of unions by making conviction for certain offenses easier to obtain.³³ The amendment of section 501 of the Criminal Code in 1934 shifted the legal terrain in a similar fashion. As part of the slow movement toward industrial legality, evident in the Industrial Standards Act, the amendment drew a clear line between legitimate and illegitimate picketing, ostensibly gave labour protection from criminal prosecution for peaceful picketing, while reasserting the state's role to intervene if workers were too militant or their picket lines too large. Simultaneously, the abuse of injunctions by employers exposed the often overt class bias of labour-related legislation. Labour lawyer Jacob Finkelman, writing in 1937, argued that "there is much reason in labour's belief that special rules are often invented to hamper its activities."³⁴

In the summer of 1930 two striking movie theater projectionists paraded in front of Hamilton's Lyric theater in rubber rain coats emblazoned with a call to the local inhabitants to "protect [their] own future by staying away from the theater [because it] is trying to destroy union working conditions."³⁵ A few days later the pickets, and the leader

33 Paul Craven, "Workers' Conspiracies in Toronto, 1854-72," *Labour/Le Travail*, Vol. 14 (Fall 1984), 69-70; Eric Tucker, "'That indefinite Area of Toleration': Criminal Conspiracy and Trade Unions in Ontario, 1837-77," *Labour/Le Travail*, Vol. 27 (Spring 1991), 41-3.

34 Jacob Finkelman, "The Law of Picketing in Canada, I," 99.

35 *Stewart v. Baldassari* (1930), 38 O.W.N. 431.

of the International Alliance of Theater and Stage Employees (IATSE) local, were charged and convicted under section 501(f) of the Criminal Code for “watching and besetting” the theater — a term synonymous with “picketing.” Magistrate Burbidge, who presided at the criminal trial, felt that the strikers were attempting to “duress and compel” their employer to “enter into a contract” and because that was illegal, the picketing (which was the means to achieve that end) was also illegal.³⁶

Eric Tucker and Judy Fudge have observed that judges in this period did not generally accept that the prohibition of “watching and besetting” in the Criminal Code applied to peaceful picketing; however some judges still convicted workers and union representatives for nothing more. C.A. Pearce, in an article published in the *Canadian Bar Review* in 1932, argued that judicial decisions in the 1920s and 1930s “appear to make even peaceful picketing illegal.”³⁷ Both Tucker and Fudge, and Pearce (with different emphasis), recognize the inconsistency in judicial reasoning and rulings on the legality of picketing, which resulted in on-going contention within the courts on the issue. The theatrical workers’ union case, which was successfully appealed to a higher court, is indicative of judicial confusion. The appellate judges hearing the union’s arguments decided that although “there is weighty authority in support” of the position that the union had attempted to compel and duress the employer into signing the contract, the act of picketing itself as a component of that duress was not illegal. Because the statements

36 *R. v. Baldassari*, [1931] O.R.171.

37 Eric Tucker and Judy Fudge, “Forging Responsible Unions: Metal Workers and the Rise of the Labour Injunction in Canada,” *Labour/Le Travail*, Vol. 37 (Spring 1996), 97. C. A. Pearce, “Trade Unions in Canada,” Part 3, *Canadian Bar Review* (1932), 524.

on the men's raincoats were not libelous, and the pickets did not cause a disturbance on the street or prevent patrons from going to the theater, they did not constitute a "common-law nuisance."³⁸

The case, associated with a picketer named Baldassari, should have established a precedent that peaceful picketing with signs bearing truthful statements was legal. This was not, however, accepted by lower court magistrates or the provincial government. Only a few month after the Baldassari appeal acquittal, Harry Seldon was convicted in Toronto's Police Court under section 501(f), for activities nearly identical to those of the IATSE pickets in Hamilton. Seldon's picket sign was a conservatively worded statement that the employer, "Harry Cohen does not employ Union Labour;" the picketing was peaceful, and even the bakery owner admitted that the pickets did not physically interfere with anybody trying to enter his shop. Magistrate O'Connell decided nonetheless that "peaceful picketing by parading before a shop with signs was ... intimidation ... [and] by picketing and attempting to compel Cohen's Bakery not to employ labour that they were legally entitled to engage, the union members were committing a common law nuisance."³⁹

Local 181 of the Bakery and Confectionery Workers International Union of America appealed the conviction, while the Attorney General's staff sought to preserve the conviction with the hope that "the decision will hold that even peaceful picketing is illegal

38 *R. v. Baldassari*, [1931] O.R. 171.

39 "Picket Found Guilty and Fined at Retrial, *Toronto Telegram* 16 Feb. 1932, "Labor Pickets Bound to Keep Peace," *Toronto Star*, "Picketing is Ruled to Be Intimidation," *Toronto Mail and Empire*, 25 Jun. 1931, copy in NAC, Labour, RG 27, Vol. 347 (35) Bakers, Apr. 1931 (MNF T-2759).

on the grounds that such picketing is a common law nuisance.”⁴⁰ The status of picketing in Ontario, however, was not definitively settled because the appeal was granted on the basis of technical problems in the first trial. A new trial was ordered at which new evidence was introduced regarding the use of violence, and Seldon was convicted and fined \$20 or 30 days.⁴¹

The application of section 501(f) across the country did little to define labour’s rights while on strike. In a significant appeal of a conviction under section 501(f) in British Columbia, *R v. Richards and Woolridge*, peaceful picketing by projectionists at the Edison Theater in New Westminster was held, in a split decision, to be “wrongful interference with the business of the theater,” and thus illegal. The majority opinion stated that picketing, by reducing attendance at the theater, was a “conspiracy to injure an employer in his business,” thus compelling him to negotiate with the union. This court, which took a different approach than the Ontario Court of Appeal in *Baldassari*, effectively affirmed the right of employers to hire who they chose at rates they alone decided without the hindrance of a picket line.⁴²

40 AO, AG, RG 4-32, 1931 - 1889 picketing, *R. v. Harry Seldon*, (also spelled Zeldon) the Baker v. Harry Cohen, Joseph Sedgwick, Solicitor, Attorney General's Department, to Eric Armour, Crown Attorney, 8 Oct. 1931.

41 Initially Seldon was tried and convicted by Judge O’Connell, on 24 Jun. 1931. This was appealed to the Court of Appeal, and the conviction was quashed on 24 Nov. 1931, but ordered a new trial because Judge O’Connell had allowed evidence of violence and mass picketing in which Seldon did not actually participate, and for which he was not charged. The historical evidence is greatly reduced and the only report of the conviction at the retrial is a short column in the *Telegram* on 16 Feb. 1932 which notes that violence was a part of the conviction.

42 B.C.’s court of appeal at this time was composed of four judges, with an appeal granted only if three of the four judges agreed. In this case the court was split evenly. I use the term majority and minority for clarity of meaning while sacrificing precision. Written comment by Judge J.A. McPhillips, *R. v. Richards and Woolridge*, [1934] 2 W.W.R. 291. The dissenting opinion cited B.C.’s *Act Relating to Trade Unions* (1924), which indemnified unions from civil damages for peaceful picketing. The 1924

The ban on peaceful picketing had consequences which were, in Jacob Finkelman's words, "unwholesome to the whole body politic." During the prolonged struggle between IATSE and theater owners across Canada, violence emerged as a response to a succession of injunctions against, and convictions for, peaceful picketing. In 1934 a dynamite blast ripped apart the Royal Theater in Vancouver after the owners fired their IATSE affiliated workers. A similar but less violent response was provoked by Toronto's Family, Pickerford and Carlton Theaters when they fired their IATSE organized workers. Union members detonated stench bombs at two theaters in the middle of screenings, sending hundreds of patrons rushing out into the streets.⁴³

The destruction of a Vancouver theater, the stench bombings of two Toronto theaters, and the dissenting opinion in *Woolridge*, undoubtedly had some influence on the federal government's decision to add an exception to section 501 in 1934 to indicate clearly that the general prohibition on "watching and besetting" in section 501 did not prohibit peaceful picketing.⁴⁴ Hugh Guthrie, the Minister of Justice, in explaining this significant amendment, merely stated that the previous omission of this exception was an "oversight, I am sorry to say. For many years the Trades and Labour Congress have

B.C. Act was based on the English *Trade Disputes Act* (1906), which was passed after a political upheaval in response to the Taff Vale decision in England that held unions liable to pay damages for their employers' lost business during a strike. Lord Denning, *Landmarks in the Law* (London 1984), 120.

43 *Canadian Unionist*, April 1933, copy in NAC, Labour, RG 27 Vol. 354 (21) Motion Picture Projectionists, Feb. 1933 (MNF T-2765). The explosions in Toronto were on 7 Feb. and 9 Mar. Two IATSE members were charged with the bombings and sentenced to jail terms.

44 It is interesting to note that the editorial note to *R. v. Carruthers* (1946), 86 C.C.R. 248, states that the saving clause (g) was part of the section when originally enacted in 1876, but "inexplicably" dropped when the law was codified in 1892, thus giving weight to the argument that peaceful picketing was never intended to be criminalized by section 501(f).

requested that a clause which was formerly in the code, in regard to picketing, be restored or that the English clause in regard to the same matter should be incorporated in our law.”⁴⁵ The pressure on pickets was not necessarily relaxed as a result. During a subsequent strike, Roebuck had to point out to the municipal government that “pickets have some rights and should not be chased away by police.” His remarks were also directed to municipal police officers who he urged to “remember that the use of force not justified by law may constitute an assault; that they may become both civilly and criminally liable and they run the risk as well of disciplinary measures.”⁴⁶

It was not until 1938 that the Attorney General of Ontario finally issued a memorandum to municipal police forces instructing them on what constituted legal and illegal picketing, under section 501 of the Criminal Code. In the Attorney General’s opinion, unlawful picketing involved compelling a person not to work by means of violence, or threats of violence, to replacement workers or their families or property, or pickets that were so large or intense that replacement workers could not pass through. It was also unlawful to follow a worker from his home to his place of employment on repeated occasions, even if there was no communication, or to follow a worker through the streets in a disorderly fashion (such as two or more people following and jeering at a

45 Hugh Guthrie, Minister of Justice, *Debates, House of Commons, Dominion of Canada, Hansard*, Session 1934, Vol. IV, Jun. 30 1934, p.4550. The bill was no. 114, and section 12 dealt with amendment to section 501 of the Criminal Code.

46 “Roebuck Warns Police Against Illegal Force,” *Toronto Telegram*, 13 Sep. 1934, copy in NAC, Labour, RG 27, Vol. 364 (206).

worker). Ultimately it was lawful to picket peacefully in small numbers and to verbally persuade a worker from going to work.⁴⁷

The amendment of the Criminal Code in 1934 ended the prosecution of peaceful picketing (there were no reported cases until 1946 when unions began to unsuccessfully test the limits of the law),⁴⁸ however the Defence of Canada Regulations, passed in 1940, effectively re-criminalized picketing through the prohibition of ‘loitering’ in front of specified plants. In their zeal to apply the new law during a United Auto Workers (UAW) strike at the General Motors plant in Windsor in 1940, the local police arrested all of the pickets. The police foolishly told the strikers that they were charged with picketing (not loitering) and the Attorney General refused to proceed with the case. Two days later, the OPP were used to arrest all of the 46 pickets for loitering, securing a successful conviction.⁴⁹ Obviously excited by the re-criminalization of picketing under a different name in selected industries, the Attorney-General suggested to Mitch Hepburn that they push the federal government to extend the powers of the Defense of Canada Regulations to Ontario to cover non-essential industries. In a letter to the Premier, he explained the significance of the Defense of Canada Regulations:

47 AO, Labour, RG 7-57, Senior Investigator's Files, Box 3, file “Industrial Disputes, 1938-1939,” G.D. Conant, “Memorandum to Law Enforcement Officers Re: Picketing,” 31 Oct. 1938.

48 Editorial Note in *R. v. Carruthers* (1946), 86 C.C.C. 248. This case involved the refusal of pickets at the Ford Windsor Plant to allow a manager to pass through their lines and resulted in the conviction of the picket captain. Another case that same summer, *R. v. Dohery and Stewart* (1946), 86 C.C.C. 286, involved a similar situation in which the International Union of Mine, Mill and Smelter Workers denied access to the manager of Anaconda American Brass. In 1947, *R. v. Elford* (1947), 87 C.C.C. 372, it was established that picketing a worker's house was illegal as a nuisance.

49 J.S. Allan, Crown Attorney, to Gordon Conant, Attorney-General, 1 Dec. 1940, Phil Walter, District Inspector, OPP, Windsor to The Commissioner, OPP, Toronto, 14 Nov. 1940, Defense of Canada Regulations, section 6, subsection 3, copy in AO, AG, RG 4-2, Box 11, File 11.6.

If we had these powers, we could quickly break picket lines by simply making the necessary order and then arresting anybody who continued to picket. It would save us a lot of policing and would, in my opinion, bring most strikes to an end.⁵⁰

Obviously the attitude of the government had changed very little.

Vagrancy charges were also used as a back door to prohibiting peaceful picketing. When workers at the Federal Wire and Cable Company in Guelph struck on 2 November 1938, their picket line was met at the factory gates by the entire police force and ordered to disperse or be arrested for vagrancy. The police obviously knew that peaceful picketing was legal; the fact that the Mayor had invested in the factory and his brother managed it, may have had something to do with their clear disregard for the law.⁵¹ The use of vagrancy charges to intimidate strikers and break peaceful pickets was not limited to smaller towns and cities (where business and politics mixed so closely). Toronto's police frequently relied upon the broad scope of the criminal offense of vagrancy to arrest and intimidate people involved in picket lines and political rallies. The courts were complicit in enforcing "law and order" by rendering vagrancy convictions for a wide variety of actions — from assault to public speaking. During the Communist led free-speech fight of 1929, a judge in Toronto's Police Court convicted a participant who had resisted arrest and scuffled with the police under "some of the clauses of the Vagrancy section 238." When the case was appealed to the Supreme Court of Ontario on the ground that the indictment under "some of the clauses" was too vague, the appellate court agreed and set aside the

50 AO, AG, RG 4-2, Box 11, File 11.6, G.D. Conant, Attorney General, to Mitch Hepburn, Prime-Minister of Ontario, 15 Sep. 1941.

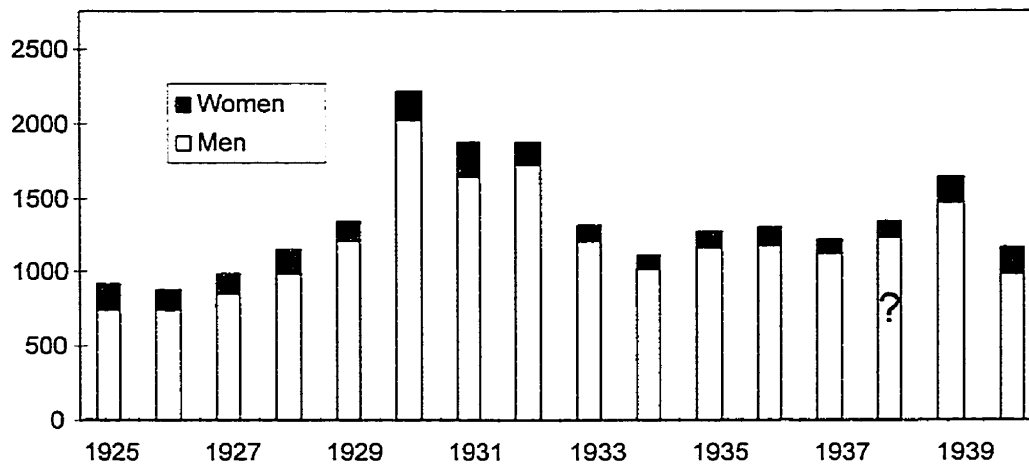
51 AO, AG, RG 4-2, Box 11, File 11.3, Attorney General's Correspondence, C.E. Fulton, Pres. Guelph TLC to G. Conant, A.G. Ontario, 15 Nov. 1937.

conviction.⁵² The Communist Beckie Buhay was also charged and convicted of vagrancy for speaking to a crowd on the sidewalk in Toronto in 1929. Although the conviction was successfully appealed on the grounds that the Crown had not proved that she actually disrupted pedestrian traffic and caused a disturbance, the incident served to highlight the broad application of vagrancy charges.⁵³ Charges were laid in a similar situation during a strike in which a 17 year old Ukrainian female worker was sentenced to 30 days in jail and then ordered deported for throwing a snowball at a strike-breaker (which missed). On appeal the conviction was overturned because Magistrate Margaret Patterson had erred in convicting the striker for vagrancy when her offense was closer to assault.⁵⁴

52 AO, AG, RG 4-32, 1929 - 1027 Vagrancy, Rex v. Harvey Murphy.

53 *R. v. Buhay*, (1929), 64 O.L.R. 531-5. For an account of the activities of the Canadian Labor Defense League by one of its leading members see A.E. Smith, *All My Life: An Autobiography* (Toronto 1949).

54 "Sending of Young Girl Picket to Jail Brings Union Protest," *Toronto Mail and Empire*, 14 March 1931, "Girl Striker's Conviction is Quashed by Judge," *Toronto Mail and Empire*, 13 May 1931, copies in AO, Labour, RG 27, Vol. 347 (14) Clothing Factory Workers, Feb. 1931 (MNF T-2758).

Chart 6:A Vagrancy Charges in Toronto, 1925-1940⁵⁵

Although it is difficult to know what percentage of people charged with vagrancy were involved in labour struggles, as even the formidable volume of lower court case files are not a complete record, the chart above shows that vagrancy charges in Toronto doubled between 1927 and 1930, and remained high until 1933. In this time period roughly 1,700 annual charges were laid. Most vagrancy convictions were not overturned (and thus not reported), largely because the meager resources of the union could not be brought to the defense of all convicted workers. Many charges undoubtedly had no connection to worker organizations yet the importance of such police regulation was not without importance for organized labor. Arrests for vagrancy could successfully break a picket line even if the pickets were not convicted, or freed without trial shortly after their

55 *Report of the Police Commissioner, Toronto 1925-1940*. 1938 is missing. A copy of these reports is held at police headquarters in Toronto (Bay and College St.). The only way to determine the nature of vagrancy charges is to go through the mass of unorganized and incomplete Police Court case files.

arrest. Despite the occasional success of workers in challenging vagrancy convictions, the specter of arrest, fines (which escalated over the course of the Depression, and seemed to increase with each conviction) and imprisonment, still served to deter strike participation.

Labour Injunctions

Usually employers have an advantage in the use of legal machinery. Strikers are arrested and haled before the courts in order to exhaust their resources and scare them into submission. The injunction is placed at the disposal of the employer, almost upon request, though it is very seldom sought by the workers or granted to them. It invariably forbids the workers to do the things which are essential to the successful conduct of a strike, even though the forbidden acts be lawful in themselves. Although the injunction may be but a temporary restraining order, the time covered is usually sufficient to defeat the union.⁵⁶

The use of injunctions (and the threat of civil damages) to quell union activity originated in England in the 1890s as judges “began to fashion new economic torts designed to protect employers against the kind of harm that strikes aimed to cause.”⁵⁷ Eric Tucker dates the first adoption of this practice in Canada to the molders strike at Massey-Harris in 1900. Despite labour’s formal victory in 1934, when peaceful picketing was exempted from criminal prosecution, the civil law was not modified to protect unions from civil actions resulting from strikes and the courts continued to grant injunctions that banned

56 E.T. Hiller, *The Strike* (Chicago 1928), 190.

57 Eric Tucker and Judy Fudge, “Forging Responsible Unions,” 98.

picketing (a pattern which continues to this day).⁵⁸ Lower court judges were easily convinced by employers that restraining striking workers from picketing was necessary to prevent damages to their business. If workers broke injunctions they ran the risk of serious fines and imprisonment.

Much like the criminal restriction on picketing before 1934, the practice of granting labour injunctions was confused and contradictory. One judge might rule that “the law ... is reasonably clear and does not forbid peaceful picketing as such,” while another judge would find a reason to restrict or completely ban picketing by granting an injunction.⁵⁹ In reaching their decisions, different judges focused on different issues. Some paid particular attention to the nature of the message on the strikers’ placards, often using a very narrow frame of reference in reaching a decision. In a significant reported case involving picketing at the London Cafe by the WUL in 1934, the restaurant owner won an injunction against the pickets because the judge felt there was not a strike in progress since only “one or perhaps two” workers had been discharged prior to the strike.⁶⁰ The judges hearing the appeal — launched by the restaurant owner to have the injunction broadened to include watching and besetting as well — decided that because these two men had been fired *before* the strike began, and the other workers did not join

58 For a good legal overview see I.M. Christie, *The Liability of Strikers in the Law of Torts: A Comparative Study of the Law in England and Canada* (Kingston 1967). For a discussion of union liability prior to 1934 see Jacob Finkelman, “The Law of Picketing in Canada: II,” *University of Toronto Law Journal*, 2 (1937-38), 344-60. For a discussion of current practices in labour injunctions see Donald B. Jarvis, “Labour Dispute Injunctions in Ontario: Still Alive in the 90s,” *Advocates Quarterly*, Vol. 13, (1992), 483-506.

59 For example see *Bassel’s Lunch Ltd. v. Kick et al.*, [1936] O.W.N. 366.

60 *Dallas v. Feleck* (1934), 16 O.W.N. 249-50.

the picket, there was in fact no strike, and therefore the picket signs proclaiming a strike were libelous and prohibited.

Similar cases across Canada in the 1930s suggest a pattern of either widespread judicial confusion, or blatant bias. In 1936 a judge in Manitoba ruled that striking projectionists had illegally attempted to coerce their employer by issuing a newsletter to the community detailing their grievances. Judge J. Donovan reasoned that the union's charge that the theater management jeopardized the safety of its patrons by reducing the number of projectionists was an attempt to effect a community boycott of the theater; he not only granted a permanent injunction, but awarded damages of \$300.⁶¹ Injunctions, however, were only effective against established unions with assets that could be seized, unless the court was willing to throw someone in jail for carrying a sign. The WUL, and other militant unions, frequently evaded injunctions or challenged the court's will to penalize individual union members for contempt of court. During a strike by the Hotel and Restaurant Employees International Alliance (HREIA) against Bassel's Lunch in May 1936, the union brought in auxiliary pickets to break the owner's injunction and managed to cut a deal with the Attorney-General whereby all of those sentenced for minor assault and contempt of court received suspended sentences in exchange for keeping certain people off the picket line.⁶² While injunctions were often effective, the

61 *Allied Amusements Limited v. Reaney et al, Kershaw Theatres Limited v. Reaney et al*, [1936] W.W.R. 129.

62 AO, AG, RG 4-32, 1936 - 1217, "Picketing at Bassel's Lunch, Toronto," Henry Segal, HREIA, to Arthur Roebuck, 16 Jun. 1936; Assistant Crown Attorney for the City of Toronto, to I.A. Humphries, Deputy Attorney General, 26 Jun. 1936; "Won't Jail five Pickets," *Toronto Star*, 30 Nov. 1935, copy in NAC, Labour, RG 27, Vol. 376 (47) Restaurant Employees, May 1936 (MNF T-2985).

way in which they were negotiated by workers, capital, and the state made issues of enforcement and punishment contingent upon the relative balance of class forces during each particular strike. When workers were organized and prepared for struggle, militancy could trump legality.

Fighting Back: 'another sweatshop getting its just deserts'

We came here with clean hands ready to obey the law and picket these plants. Violence was forced on us and now that we have a fight on our hands, we intend to fight!⁶³

The 1930s has the distinction of being the most violent decade in Canadian labour history until the 1960s. Stuart Jamieson remarked that “virtually every one” of the strikes in the 1930s “generated violence,” largely because of “basic inconsistencies and inequalities” within the law that left labour legally weak and with few viable non-violent options prior to the initial consolidation of industrial legality during World War II.⁶⁴ Gregory Kealey

63 “Guelph Crowd Mobs Officer in Strike Row,” *Toronto Telegram*, 23 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 263 (165) (MNFT-2974). Quote of statement made by Sam Kaiserman, union official, to the press.

64 Stuart Jamieson, “Some Reflections on Violence and the Law in Industrial Relations,” in D.J. Bercuson and L.A. Knafla, eds., *Law and Society in Canada in Historical Perspective* (Calgary 1979), 143. Jamieson’s definition of violence was fairly broad and included “physical combat or obstruction of police on picket lines, leading to arrests; physical attacks on persons or property, leading to more or less serious damage, personal injuries and, occasionally, deaths; and, on a larger scale, mass demonstrations and riots, intervention by armed police and/or military forces, and occasionally the use of firearms and explosives.”(142) While violence was a persistent feature of pre-1940s strikes and tended to occur in direct relation to labour unrest, violent strikes in the 1930s did not mirror fluctuations in the rate of strikes (measured in person-days lost), but intensified even when

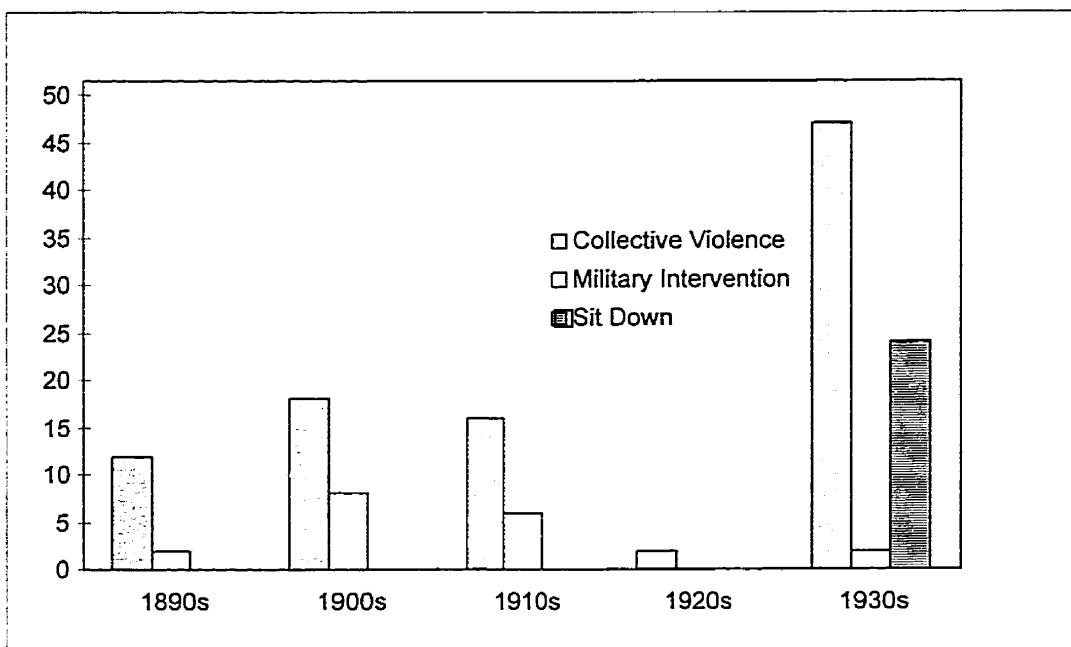
and Douglas Cruikshank observe a similar phenomenon of proliferating violence in the 1930s which confirms Jamieson's finding that violent strikes occurred at a significantly higher rate during the Great Depression when compared to any preceding decade.

The following chart, based on data compiled by Kealey and Cruikshank, shows the absolute number of violent incidents in Ontario, and conveys an impression of rapidly escalating conflict.⁶⁵ Kealey and Cruikshank use the definition of violence developed by Charles Tilly, Louise Tilly, and Richard Tilly, and thus their figures only include incidents involving a group of 50 or more people acting together and attempting "to seize or damage persons or objects not belonging to themselves."⁶⁶

labour struggles decreased. This anomaly can be attributed to the significantly shorter length of strikes in the 1930s compared to the preceding decades, causing the person-day figures to mask a general correlation between the number of strikes and incidents of violence. Also see Stuart Jamieson, *Times of Trouble: Labour Unrest and Industrial Conflict in Canada, 1900-66* (Ottawa 1976).

65 For a discussion of these records and the way in which deficiencies were partly overcome see Gregory Kealey with Douglas Cruikshank, "Strikes in Canada, 1891-1950," 380-88. For data source see *ibid*, 361. Their definition of violence is drastically different than Jamieson's. Kealey and Cruikshank use the definition of Charles Tilly, Louise Tilly, and Richard Tilly in *The Rebellious Century, 1830-1930* (Cambridge, MA 1975).

66 Charles Tilly, Louise Tilly, and Richard Tilly in *The Rebellious Century, 1830-1930* (Cambridge, MA 1975), cited in Kealey and Cruikshank, "Strikes in Canada, 1891-1950," 361.

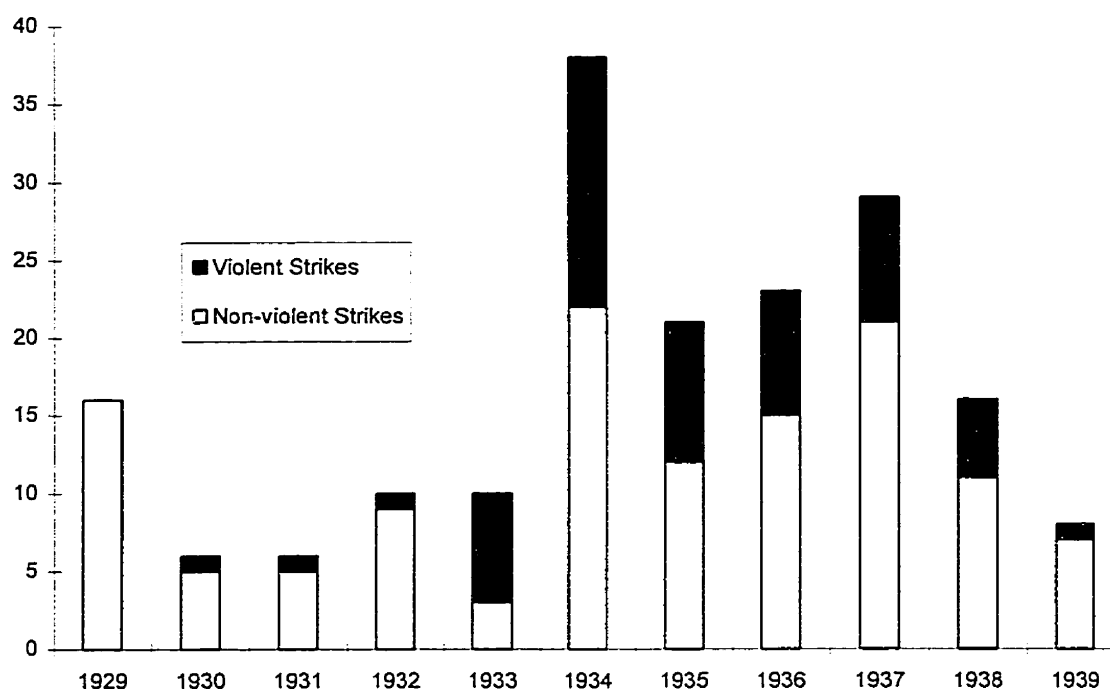
Chart 6B: Incidents of Labour Violence in Ontario, 1891-1940⁶⁷

The chart below depicts levels of strike-related violence in Toronto during the 1930s, and is based upon statistics compiled from a detailed reading of the Department of Labour Strikes and Lockouts Files. Rather than use a restrictive definition of strike related violence, I recorded incidents involving physical assault and serious damage to property (attempting to blow up vehicles, smashing most of the glass in a factory, for example, but not a slashed tire or a few broken windows). Due to the complexity of garment workers' struggles, particularly the bitter and often violent rivalry between communist, international and national unions, garment industry strikes have been

⁶⁷ Supra fn. 65.

excluded from the totals.⁶⁸ Even though this exclusion reduces the percentage of violent incidents in the chart below, it is apparent that physical clashes became much more common after 1933.

Chart 6C: Violence and Strikes in Toronto, 1929-1939⁶⁹



68 See Ruth Frager, *Sweatshop Strife* (Toronto 1992). Frager has probed the gender and ethnic nature of picket line militancy and violence in Toronto's garment industry during this period.

69 The figures for Toronto are compiled from the Department of Labour Strikes and Lockouts Files. The results do not correlate to those used by Kealey and Cruikshank, but do provide an impression of the growing incidence of strike related violence in the mid-1930s.

Violence was of crucial important to the development of trade union tactics.

Walter Stewart's popular account of labour disputes in Canada elucidates a mundane but under-stated truth: "strikes are violent because violence works."⁷⁰ Violence, whether perpetrated by workers, the state, or capital's hired hands, played into larger patterns of negotiation between contending classes that drew upon existing notions of morality and fair play. During a violent strike in October 1938 at the Humberstone shoe factory in Welland Ontario, the OPP observed that men attacked men, women attacked women, and boys attacked boys in a brutal conflict — knees in the abdomen, fists in the face, heads smashed against the pavement. The only incident of cross-age or cross-gender conflict occurred when a woman striker attacked a foreman, snatching his lunch, punching him, and then hailing him with stones. The 'rules' of public violence (particularly the scorn attached to a man striking a woman) were evident in most strike-related violence. Women, such as Sadie Hoffman, could protect male pickets by using the social notion of separate spheres in picket line confrontation, "rush in front of a man who was being beaten and try to shield him with her body, hoping that a police officer would not hit a woman."⁷¹

Similar notions of 'fair play' emerged during a strike by 450 tannery workers, organized in the Canadian Shoe Workers Union and Allied Crafts (supported by the CCF,

70 Walter Stewart, *Strike!* (Toronto 1977), 71.

71 Ruth Frager, *Sweatshop Strife* (Toronto 1992), 98, 158-9. In an interview with Ruth Frager, Bessie Kramer describes not only the moments leading up to her assault upon an older female strike breaker, but also the remorse she felt for striking an elder. For an interesting account of gender, ethnicity and labour militancy in a different historical period see Robert Ventresca, "Cowering Women, Combative Men? Femininity, Masculinity and Ethnicity on Strike in Two Southern Ontario Town, 1964-1966," *Labour/Le Travail*, Vol. 39 (Spring 1997), 125-58.

the United Auto Workers, and numerous other unions), against the A.R. Clarke Company in Toronto on 1 June 1937. Prompted by the company's refusal to fire a worker who had returned from duty as one of Mitch Hepburn's special constables during the Oshawa strike, picket lines were charged with more than the usual animosity. John MacCartney was attacked after thumbing his nose at the pickets, but when several men were charged with the assault, Duncan Findlay stepped forward, took sole responsibility for the attack, and defended the strikers against allegations of ganging up: "we didn't need a crowd to handle a man like him." Thomas Burke was also unapologetic about assaulting a strike-breaker but went to great lengths to establish that, like Findlay's assault, "it was a fair fight." Burke produced witnesses to testify that he had not kicked the victim in the face or beaten him with a milk bottle. The Magistrate decided that because Burke had waited for his victim, and then chased him down the street, he was guilty of a more serious breach of the law — "This can't be allowed in this country — this chasing of another man going to work and forcing him to go up on a verandah."⁷²

The rules of engagement mirrored a larger framework of class struggle in which public sympathy and politics shaped the nature of workers' actions and the state's response. Workers could evoke public and political sympathy for their tough and sometimes violent picketing if their cause was seen as just. In the 1930s, particularly

72 Crompton's strike statement, 28 Oct. 1937, *Labour Gazette*, Aug. 1937, 847-850, "Claims Brother Attacked by Eight Leather Pickets," *Toronto Star*, 6 Jul. 1937, "Clarke Tannery Employees Locked out," *The New Commonwealth*, 12 Jun. 1937, all in NAC, Labour, RG 27, Vol. 387 (147) Tannery Workers Jun. 1937 (MNF T-2995).

during and shortly after the revelations of the Price and Spreads Commission, just causes included any blow against the sweatshop system.

During a particularly violent strike in October 1933 by 86 male and 14 female picture framers at the National Picture Framing and Art Company, chanting workers attacked scabs and company trucks. The police warned the pickets not to throw stones, and only arrested three of the numerous pickets who refused to obey. When these three workers went to trial, the Chesterfield and Furniture Workers Industrial Union organized a large group of protesters outside the courthouse who chanted a chorus of “whose afraid of the big bad wolf” so loudly that it pierced the walls of the courthouse.⁷³ The illegal pickets (peaking at 1,200 on one occasion) and violence seemed to achieve their end, for after the mêlée only five workers dared to cross the picket lines under police guard. Perhaps more frightened than sympathetic, municipal officials sided openly with the defiant and violent strikers. Even the usually conservative Board of Control took the side of the employees. When Mr. Alstedler, who owned and ran the factory, approached the city for help in settling the strike with threats of relocating to Montreal, he was firmly rebuffed. Mayor Stewart told him to ‘go and settle his own strike,’ and Counselor McBride (who was usually hard-line with labour violence) told him he “should be ashamed of [him]self.” In response to Mr. Alstedler’s cries that he was fighting a “red” union, Mayor Stewart retorted that “he had no sympathies with red unions, but had even

73 “Toronto Strike Ends,” *Montreal Gazette*, 7 Oct. 1933, “Strike Rioters Get \$5 Fines,” *Toronto Telegram*, 16 Oct. 1933, copies in NAC, Labour, RG 27, Vol. 356 (119) Picture Framers, Oct. 1933 (MNF T-2967). According to the *Montreal Gazette*, 190 pickets attacked with “bricks, stones, and broken bottles on strike breakers,” while simultaneously chanting “not one worker.”

less with a person who pays seven dollars a week to adult employees.”⁷⁴ The issue of relief labour was invoked by Toronto’s Mayor who warned that “if employers think this city is going to subsidize industry by having employed persons on relief, as much as I want industries here, I am not going to lend my sympathies as Mayor to get your men back to work.” In the end Alstedler was asked to leave the council chambers and shortly thereafter surrendered to the union.⁷⁵

A similar scenario unfolded in Toronto’s junk trade in the summer of 1934 during a series of violent clashes outside of Granatstein & Sons. A fierce stone-throwing battle during a June strike by 30 male and 40 female junk sorters organized by the General Workers Union of the WUL, sent two strike-breakers to the hospital with serious head injuries. The strike initially succeeded in securing pay increases but Granatstein refused to re-hire the women workers (who had been the most militant on the picket line). Violence escalated, the night watchman was beaten, his car was rammed by a milk truck, Granatstein’s car had all of its windows shattered, bricks were hurled through factory windows, a burning nitroglycerin cap was placed in the gas tank of the company’s truck, and a street brawl sent five people to hospital.⁷⁶ The owner responded by bringing in

74 “More Pay, Less Hours in Strike Settlement,” *Toronto Star*, 16 Oct. 1933, “‘Ought to Be Ashamed’ Picture Framers Told,” *Toronto Star*, 13 Oct. 1933, copies in NAC, Labour, RG 27, Vol. 356 (119) Picture Framers, Oct. 1933 (MNF T-2967).

75 “‘Shame,’ Cries Mayor to Low Wage Employer,” *Toronto Telegram*, 16 Oct. 1933. NAC, Labour, RG 27, Vol. 356 (119) Picture Framers, Oct. 1933 (MNF T-2967). The workers won a minimum wage of \$12.50 for women, a 48 (from 52) hour week and union recognition, with time plus 25¢ for overtime. Other increases in wages averaged 15%-50%. Lunch period was also increased to an hour from half an hour.

76 “Viscious Police Terror against Strikers,” *Toronto Worker*, 14 Jul. 1934, “Workmen Stoned in Strike Battle,” *Toronto Telegram*, 8 Jun. 1934, copies in NAC, Labour, RG 27, Vol. 362 (127) Rag Dealers, Jun. 1934 (MNF T-2972). Men won a wage of 26 to 35 cents an hour and women won a guaranteed minimum of 26 cents per hour with reduced hours.

gangsters who beat female pickets with clubs, and the union staged a large demonstration by the strikers' children, joined by 100 neighborhood kids, in front of the factory to defy both the police and the hired thugs. Frustrated by his inability to beat the picket line, and obviously unprepared for the prolonged struggle, Granatstein appealed to the Mayor for help, noting that "the public glances at the pickets, reads about the slugging and concludes that another sweatshop is getting its just deserts. They don't realize that the plant, this company, has refused to allow the introduction of sovietism into its shops."⁷⁷ Unmoved by the urgency of Granatstein's request, Mayor Stewart told him to put his complaint in writing to be dealt with at the fall opening of the Board of Police Commissioners meeting.

Despite Stewart's relative moderation, he came under considerable pressure in 1934 from the newly elected provincial government to entirely curtail the use of police to suppress strikes. Roebuck, partly playing partisan politics at a municipal level, made harsh statements about Mayor Stewart's handling of strikes:

The strong armed methods upon which some people rely might have been more spectacular but they would have been much less effective in bringing about the cooperation which is essential to a continued industry. I am satisfied to allow the Mayor his policy of the iron heel, while we as sound Liberals, proceed with methods of conciliation and understanding"⁷⁸

77 "Pickets and Workers Join in Street Fight Five Go to Hospital," *Toronto Star*, Jul. 19, 1934, "Score of Workers Injured Employer Charges Sabotage," *Toronto Globe and Empire*, Aug. 24 1934, "Strikers Families Join Picket Lines," *Toronto Worker*, 28 Jul. 1934, copies in NAC, Labour, RG 27, Vol. 363 (148) Rag & Junk Dealers, Jun. 1934.

78 "Mayor Adopting Iron Heel Policy, Roebuck Charges," *Toronto Telegram*, 30 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 263 (165) (T-2974). The "iron heel" was R.B. Bennett's choice phrase for his policy of repression, apparently taken from the title of Jack London's novel of the same name. John Herd Thompson and Allen Seager, *Canada, 1922-1939: Decades of Discord* (Toronto 1985), 226.

Roebuck vowed that he would never turn the OPP into an “organized army of strike breakers.” He would be true to his word, even in the face of extreme working-class militancy.

When the Superior Cloak Company broke its union contract and moved from Toronto to Guelph, the Fur Workers International Union Local 100 followed and trucked in masses of workers, numbering over 1,000 on occasion, to picket the new factory. The police used firehoses to clear the streets and the pickets responded with a hail of stones, bricks and bottles. Pickets smashed the police chief’s car and injured a police officer after surrounding the hotel where labour lawyer turned company lawyer, J.L. Cohen, was staying. According to the *Toronto Evening Telegram*, the strikers surrounded Cohen and factory manager L.H. Posluns as they were trying to leave their hotel in a police car, smashed all the windows, tore the doors from their hinges, poured sugar into the gas tank, ripped open the hood and pulled out the ignition wires. Not only was the community not alienated by these activities (the town council refused to increase the police force), a steady stream of spectators came to watch the daily battles and numerous unemployed workers joined in sympathy strikes. Even Guelph’s juveniles were drawn into what they perceived to be the adventure and excitement of class warfare:

The town lads have not only had considerable fun watching the picketing and fighting around the Superior and Popular Cloak Companies plants, they have joined in by smashing numerous windows with catapults.⁷⁹

79 “Strike Outbreaks End Temporarily at Guelph Plants,” *Toronto Telegram*, 25 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 263 (165) (T-2974) copy in NAC, Labour, RG 27, Vol. 263 (165) (T-2974).

Rather than punish the strikers for their blatant acts of violence (including threats that drove the Mayor's family out of town), those charged with picket line violence were defended by an old law partner of Roebuck's, G.B. Bagley, who had the court stop the proceedings in exchange for a promise that the pickets would not return to the picket line.

Even Chief Draper's police force became reluctant to play a heavy hand against some strikers. In 1938, during a strike by 1,500 coal drivers and helpers (discussed more thoroughly in a Chapter Eight) tough pickets were set up along the water front, and roving bands of strikers cleared the streets of scab coal deliveries. At the Ellias Rogers Coal Company yards on Commissioner Street, fifty strikers pushed their way through police lines, clambered aboard three trucks attempting to break through the strike barricade and pitched part of the loads into the streets. At other yards "truck-loads of coal were spilled over streets and drivers reluctant to join the strike engaged in brief battles with strikers roaming the dock-yard district in trucks to enforce the strike order." When police succeeded in getting a truck past the pickets, a truck driven by strikers appeared and blocked the road by turning in a tight circle in front of the scab truck, "rearing police horses and acting as a blockade."⁸⁰ At the yards of the Central Coal Company a fully loaded coal truck was flipped onto its side by rowdy pickets.

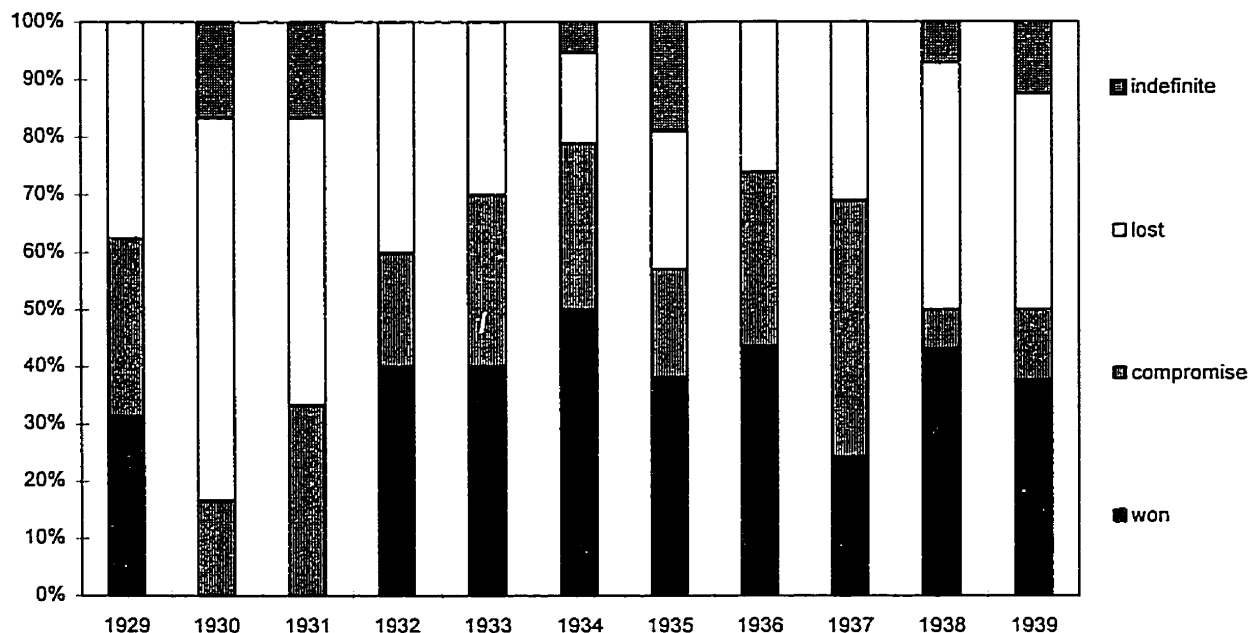
Rather than meet the pickets with a strong show of force, Draper's police sought to minimize the damage. When the police managed to regain partial control of besieged trucks they reportedly said to the pickets "All right boys, you've done enough" at which point

80 "Brief Battles Mark Walkout by Coal Handlers," *Ottawa Morning Journal*, 19 Feb. 1938, "Mounted Police Push Strikers From Road But Trucks Can't Pass," *Toronto Star*, 18 Feb. 1938, copies in NAC, RG 27, Labour, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

“both pickets and police grinned as the men desisted and the coal was left strewn on the pavement.” In closing the raucous meeting the night after the first day of pickets, one of the union officers reminded the strikers not to “irritate the police [because] they’re not against us in this fight.” In fact the police refused to lay charges against strikers who dumped coal from trucks, insisting that the firms themselves would have to press charges. Not surprisingly the strikers cheered the police for helping to keep the strike orderly.⁸¹

Roebuck’s influence and the government’s reluctance to suppress labour with force meant that violence could be employed to the union’s benefit and did not necessarily alienate public support or provoke a massive state crackdown. Unlike the depression years of 1893-94, 1896, 1908 and 1921-24, union victories and compromises during the Great Depression in Toronto climbed, particularly in 1933-38, as demonstrated in the following chart. These statistics raise an interesting question as to the relation between violent confrontation and union success. It seems apparent that violence, either directed by or against workers, did not seriously undermine organizing efforts or the successful conduct of strikes during the 1930s. This is not to say that the repressive tactics of the federal, provincial and municipal governments in the early years of the Depression did not assist employers in breaking unions and defeating strikes, but that on balance, workers were able to weather the assault and turn the tide.

81 “Truce Offer Shouted Down at a Meeting Last Night,” *Toronto Star*, 19 Feb. 1938, “15-day Truce Brings Respite in Coal Strike,” *Toronto Star*, 19 Feb. 1938, copy in NAC, RG 27, Labour, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

Chart 6D: The Balance of Class Forces in Toronto: Strikes, 1929-1939⁸²

The Ghosts of St. Crispin: Militancy in the Footwear Industry

If we sued the police for illegal arrest we would have no chance in court and it would take 3 months. We want the right to peaceably picket unmolested, right now, and if we can't get it our only recourse is to take 800 workers out to New Toronto and get by force of numbers what we can't get otherwise.⁸³ (Joseph Salsberg, WUL leader, 1934)

82 The chart is based on data from the the Department of Labour Strikes and Lockouts Files and only refers to non-garment industry strikes. While "compromise" and "indefinite" customarily refer to employer victories, many 1930s strikes involved union recognition and a compromise typically involved increased wages and a union dominated shop committee, but no union contract. Indefinite strikes tended to be poorly reported strikes, however, the "indefinte" result recorded for the cabbie strikes turned out to be victories.

83 "Allow Pickets in Pairs," *Toronto Star*, 29 Oct. 1934, copy in NAC, RG 27, Vol. 365 (236)

The struggles of Toronto's boot and shoe factory workers in the 1930s illustrates the utility of violence and other illegal acts in not only winning sweatshop struggles, but building a vibrant union movement. The Boot and Shoe Workers International Union (BSWIU), Local 233 (AFL/TLC) was driven from the last organized factory in Toronto in 1929 when the Newport Shoe Company broke a strike by 33 workers protesting a 30% reduction in piece work rates.⁸⁴ No effort was made by the BSWIU to re-organize Toronto's shoe factory workers and it was not until a strike by 40 unorganized workers at the David Rosenfeld shoe factory, on 1 September 1933, that the WUL became involved in organizing this industry. Although of limited use in winning concessions for the workers in this particular strike, the WUL launched an ambitious organizing campaign with its Boot and Shoe Workers Industrial Union. Contracts were generally negotiated without strike action, although a four-day strike by 65 men and 20 women was necessary to convince Colonial Footwear Company's new management to re-affirm its union contract and union working-conditions (such as the closed shop and work sharing).⁸⁵

By 1934 the WUL had managed to organize the majority of Jewish owned factories and was attempting to bring the union to the 'gentile' factories. According to A.W. Crawford, Deputy Minister of Labour, the WUL (then engaged in a strike against eight Jewish boot and shoe factories) was preparing to organize all of Toronto's 21 boot and shoe factories:

84 Clipping from *Toronto Telegram*, 9 May 1929, clipping from *The Labour Gazette*, copies in NAC, Labour, RG 27, Vol. 342, (34) Shoe Factory Workers, Apr. 1929 (MNF T-2754).

85 NAC, Labour, RG 27, Vol. 356, file 91, Shoe Factory Workers, Sep. 1933 (MNF T-2766); NAC, Labour, RG 27, Vol. 357, file 143, Shoe Factory Workers, Nov. 1933 (MNF T-2968).

All other labour unions have ceased to function in this industry. Most of the plants effected are owned and operated by Jews, the Gentile plants having been left alone to date. It is expected that strikes will be called in other plants as rapidly as the situation is cleaned up in the three plants now on strike. The problem seems to be to convince the Gentile employers, particularly the larger plants, that they will soon be controlled by the Workers' Unity League unless some co-operative action is taken immediately.⁸⁶

Despite the pleas of the Jewish employers, and promises of government assistance, the WUL succeeded in organizing the majority of the Jewish owned shops. The American Footwear Company signed a union agreement with its 55 workers and the WUL as soon as a strike was called, providing a closed shop and wage increases for the lowest paid workers. The B & M Shoe Company also settled and granted a 25% increase to its 70 workers, as did Colonial Footwear with its 90 employees, Styles Shoes with 60 workers, and the 50-worker Toronto Slipper Manufacturing Company.⁸⁷

Despite a few death threats, and mass picketing, most of the strikes had been relatively peaceful; but on 25 April 1934, a strike by 10 men and 38 women (many earning only \$9 a week and thus on city relief) became violent. Determined to resist the spread of the WUL, the factory owners secured an injunction prohibiting picketing. In response the union organized mass pickets numbering 300 to line the streets to the factory in a gauntlet destined to provoke violence. As replacement workers attempted to enter the factory, fights broke out, the police were overwhelmed, three workers were arrested and one 'scab' worker

86 AO, Labour, RG 7-1-0-54, A.W. Crawford, Deputy Minister of Labour to J.M. Robb, Minister of Labour, 10 March 1934.

87 NAC, Labour, RG 27, Vol. 360 (43), Shoe Factory Workers, Feb. 1934 (MNF T-2970); "Slipper Makers Out on Strike," *Toronto Telegram*, 2 March 1934, copy in NAC, Labour, RG 27, Vol. 361 (52) Shoe Workers, Mar. 1934 (MNF T-2971); NAC, Labour, RG 27, Vol. 361 (64), Shoe Factory, Feb. 1934 (MNF T-2971); NAC, Labour, RG 27, Vol. 360 (32) Slipper Factory Workers, Feb. 1934 (MNF T-2970).

was hospitalized with severe cuts. Further from the strike scene the foreman of the factory was way-laid and beaten by six men on his way to work. In response to the violence and the mass picketing, the company (represented by Louis Singer of Amalgamated Building Council fame) attempted to have ten union organizers, including Joseph Salsberg, arrested for contempt of court for breaking its injunction against picketing. In an interesting turn of events that demonstrates the power of mass action in overcoming legal barriers, the judge released the unionists with a warning.⁸⁸

A more forceful demonstration of the relationship between legality, mass action and violence would emerge at the Tilley Williams Shoe Company in New Toronto (on the outskirts of Toronto) during a strike for union recognition by 19 men and 7 women that started on 25 July 1934, a month after the Criminal Code section 501 was amended. The New Toronto police tried to break the strike by arresting all of the pickets for 'watching and besetting.' On 2 August Joseph Salsberg was arrested along with 25 other sympathy pickets from Toronto, causing the municipal jail to ring with the chorus of the International, and precipitating a massive two-hour sympathy strike and meeting by 1,000 workers from 20 shoe factories in Toronto.⁸⁹ In response to the strike, the BSWIU offered their support to the WUL. During a meeting at the Toronto District Labour Council, Jim Daly, former organizer of the AFL Boot and Shoe Union, responded with a firm rebuke

88 "Say Shoemen Down Trodden," *Toronto Telegram*, 7 May, 1934, "Pickets, Strike Breakers Clash on Spadina Avenue," *Toronto Globe*, 19 May 1934, "Strike Pickets in Hot Battle With Workers," *Toronto Telegram*, 18 May 1934, "Declines to Commit Picketers to Jail," *Toronto Star*, 15 May 1934, copies in NAC, Labour, RG 27, Vol. 361 (95) Shoe Factory Workers, May 1934 (MNF T-2972).

89 "Shoe Workers Return after Making Protest," *Toronto Star*, 4 Aug. 1934, *London Free Press*, 2 Aug. 1934, copies in NAC, Labour, RG 27, Vol. 364 (183) Shoe Factory Workers, Aug. 1934 (MNF T-2974).

to New Toronto Town Councilor and 30-year AFL member Jack Desmond's suggestion that the AFL move to defeat the WUL:

This company is rotten throughout ... If the Workers Unity League can organize this shop, God Bless them. We could never organize them ... These boot and shoe firms are squealing now because the WUL is putting the pressure on. I am not a Communist. I am an out-and-out AFL man and have been for 40 years...The town of New Toronto gave this firm a subsidy to locate in New Toronto and now they are paying the lowest possible wages. Employers in this city have phoned me and asked what we are going to do to combat the Unity League, and I have replied. 'I hope they choke you, we never could.' If there is any interference from headquarters I am telling you, all our members will be in the Workers Unity League tomorrow.⁹⁰

Despite the escalation of violence that followed the repression of the strike, (pitched battles between police and pickets armed with bricks sent one female strike-breaker to hospital), the usually pro-business *Mail and Empire* came out in favor of the strikers, noting (disapprovingly) that the Reeve had the "powers of a dictator."⁹¹ Arthur Roebuck also came on side, setting up meetings between the union and the factory owners, chastising town council for its actions, and declaring the right of workers in Ontario to strike and picket. Undeterred the Reeve recruited 100 special constables and continued to arrest all pickets, often without pursuing charges. An additional sympathy

90 "Workers Body Given Support," *Toronto Telegram*, 17 August 1934, copy in NAC, Labour, RG 27, Vol. 363 (167) Shoe Factory Jul. 1934 (MNF T-2974). The company offered to let the Boot and Shoe Workers International Union (AFL/TLC) organize the factory in the middle of the strike but they refused. John Manley, "Communism and the Canadian Working Class During the Great Depression: The Workers Unity League, 1930-36," (Ph.D., Dalhousie 1984), 307.

91 *Toronto Mail and Empire*, 23 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 363 (167) Shoe Factory Jul. 1934 (MNF T-2974). One man, Farber, was sentenced to two years in Kingston Pen, for throwing a brick at a car, and injuring a woman striker. New Toronto Reeve W. Edward MacDonald attempted to rally right wing support by inarticulately referring to the WUL's "Red Russia and New York terroristite gangland tactics without guns and knives."

strike and parade to Queen's Park by 800 shoe workers in Toronto on 29 October 1934 secured some concessions, but the strike had failed by December.⁹²

Undeterred by the set-back, and strengthened by the struggle in New Toronto, the WUL managed to maintain a city-wide union contract. In September 1935 the newly formed Shoe and Slipper Manufacturers Protective Association joined numerous independent shoe factory owners and renewed a contract with the WUL after a short strike marked by the absence of strike breakers.⁹³ When the WUL actually disbanded into the mainstream of the labour movement in 1935-36, the Canadian Shoe Workers and Allied Crafts Union Local No. 1 (affiliated with the ACCL) was formed and continued to hold on to most of the gains made by the WUL in a series of strikes that never shied away from violations of the law.⁹⁴ A strike at the Colonial Footwear Company in June 1936 saw 75 men and women occupy the factory for two days to win the re-instatement of a fired worker.⁹⁵ The CSWAC represented many of Toronto's shoe factory workers for the next three years, driving a few factories out of town or into bankruptcy, and prompting David

92 NAC, Labour, RG 27, Vol. 363 (167) Shoe Factory Jul. 1934 (MNF T-2974); NAC, Labour, RG 27, Vol. 365 (236) Shoe Factory, Oct. 1934 (MNF T-2975).

93 "Say Agitators Urge Strikers to Go on Relief," *Toronto Telegram*, 2 Oct. 1935, "Would Stop Relief for 500 Strikers," *Toronto Star*, 8 Oct. 1935, copies in NAC, Labour, RG 27, Vol. 371 (150, note correction on microfilm), Shoe Factory, Sep. 1935 (MNF T-2981). The employers explicitly asked that the strikers be prevented from going on relief. Morris Goodfellow, solicitor for the manufacturers, said "We don't want to starve these people, but we do feel the welfare department should not enable them to carry on the strike."

94 "Picketing Plant Struck Last Week," *Toronto Worker*, 9 Jan. 1936, copy in NAC, Labour, RG 27, Vol. 375 (2) Shoe Factory Workers, Jan. 1936 (MNF T-2984). A strike at the Empress Shoe Company witnessed a joint picket between the WUL and the then-independent Canadian Shoe Workers Union.

95 "Colonial Men Stop Working," *Toronto Clarion*, 6 Jun. 1936, copy in NAC, Labour, RG 27, Vol. 376 (57) Shoe Factory Workers, Jun. 1936 (MNF T-2985). The sit down strike at Kelsey Wheel Company in Windsor on 16 Dec. 1936 is erroneously claimed to be the first sit down strike in Canada, "140 in Windsor Join 'Sit Down,'" *Windsor Star*, 16 Dec. 1936, copy in NAC, Labour, RG 27, Vol. 380 (191) Bricklayers, Dec. 1936 (MNF T-2989).

Croll to solicit the establishment of an ISA code for the industry. The CSWAC split into two antagonistic locals in 1938, and was then replaced by the United Shoe Workers of America, Local 157 (CIO), which managed to secure a blanket agreement covering the majority of factories in 1939.⁹⁶

The achievements of WUL's unions in Toronto counters Desmond Morton's dismissal of their often violent organizing tactics: "they failed," Morton writes, "leaving a heritage of violence, martyrdom, and misery."⁹⁷ His assessment is not only a distortion of the historical record, but fails to acknowledge the importance of violence, martyrdom, and misery in winning strikes, building unions, and forging a consciousness of class position and possibility. Even Arthur Roebuck admitted that the WUL were "the best fighters at the present moment in the industrial field" and had "perhaps done some good."⁹⁸

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- 96 AO, Labour, RG 7-1-0-140, James Marsh to David Croll, 13 Jun. 1936, Murray Shoe Co. to David Croll, 5 Mar. 1936, James Marsh to David Croll, 6 Mar. 1936; "Shoe Workers Picket Plant," *Toronto Clarion*, 16 Jan. 1937, copy in NAC, Labour, RG 27, Vol. 381 (7) Shoe Factory, Jan. 1937 (MNF T-2989); NAC, Labour, RG 27, Vol. 395 (9) Shoe. Jan. 1938 (MNF T-3003); "May Close Plant," *Toronto Telegram*, 7 Feb. 1938, copy in NAC, Labour, RG 27, Vol. 395 (25) Shoe Factory, Jan. 1938 (MNF T-3003); NAC, Labour, RG 27, Vol. 403 (138) Shoe Workers, Oct. 1939 (MNF T-3011); AO, Labour, RG 7-1-0-145, Mr. K. Scott, Local 157, to Sidney Caplan Shoe Co. Toronto, 15 Mar. 1940. The union won the closed shop, the right to visit the factories and establish shop committees, and the automatic deduction of union dues from workers' pay checks. Minimum rates for an experienced female operator were set at \$13.50 a week. Boys were to be paid the same as women under the Minimum Wage Act (\$12.50). The agreement also provided for new negotiation if there should be a rise in the cost of living.
- 97 Desmond Morton with Terry Copp, *Working People: An Illustrated History of the Canadian Labour Movement* (Ottawa 1980), 144.
- 98 AO, Labour, RG 7-1-0-154, "Report of a conference between members of the CMA and Arthur Roebuck, Minister of Labour, held in the Parliament Building, 30 January, 1936," p.38. Clearly Roebuck could have chosen a better forum in which to praise the WUL.

Conclusion: 'they have done no wrong'

Dispassionate analysis reveals that much labor violence is deliberate and perpetuated by strikers to achieve identifiable ends. Much of it seems to be used purposefully as one of the tools of collective bargaining. ... Purposeful violence is not necessarily co-ordinated by union leaders, in some cases it is not even desired by them, but the results are the same.⁹⁹

The reasons why workers, both male and female, literally fought for their jobs and living wages are complex. There are undoubtedly many ways to rationalize brutality, and consequently there is no clear set of variables that one can isolate in understanding all occurrences of strike-related violence. The causes range from provocation to desperation, intensified by the state's suppression of pickets, and employers' determination to keep factories running. Certainly the use of strike breakers, an inadequate and degrading system of relief, the pressure of family obligations (particularly for single parents), the freedom of single workers from family obligations, and the solidarity of ethnicity and gender in particular strike situations, all played a part in leading workers to violence.

The letter of one female striker to the Governor General of Canada stands out among the historical records documenting picket line violence, and provides insight into how workers perceived violent acts. The author, Dorothy Martin, worked at the Humberstone shoe factory in Welland Ontario, and participated in unionizing the shop in 1938, after the manager fired all his unionized workers (some with 12 years in his

99 Armand J. Thieblot, *Union Violence: The Record and the Response by Courts, Legislatures, and the NLRB* (Philadelphia 1983), 8-9.

employ). A strike was called and violence erupted as workers fought for their jobs and decent wages. One of the many combatants was Dorothy Martin, who allegedly knocked the wind out of Kathleen Whatmore with a swift knee to the stomach, and on another occasion grabbed Anne Laki, shook her and told her that if she was “not careful she would get hold of me some night and take me for a ride and they would not see me again.”¹⁰⁰

Dorothy Martin was fighting not only for living wages and a job, but for justice. In her letter to the Governor General, after the imprisonment of several male comrades for picket line assaults, she demanded this justice in a formal legal sense.

I am an English Canadian girl and I am writing to plea to you for justice ... You read ... of the boy that was assaulted by seven others. Four of these boys were dismissed but the other three who I am making a plea for, were sentenced to 18 months apiece ... I wonder do you know how the working people are actually treated in these courts? I respect my King and my Country and I am as patriotic as anyone could possibly be, but I do not believe the working person gets justice in court. These three boys, ... prior to the strike, were as law abiding as the next. Do you think by putting these boys behind bars, for one year and a half, will make them more law abiding when they have done no wrong, but have fought for their bread and butter?

She also invoked a non-legal notion of justice, expressed in the language of freedom from slavery and oppression.

The one fellow, ... is a married man with a four year old son, a happy Christmas his wife and child will all have while their daddy is in jail because he fought for the right to live without slavery.... It is my opinion that these boys are being made an example of to cure all strikes in Ontario.

100 AO, AG, RG 4-32, 1939 - 950, Humberstone shoe factory strike, O.P.P. summary of privately laid charges. Although the factory was a sweatshop noted for its health and sanitation deficiencies (with repeated violation of the Factory Act, disgusting toilet facilities and no toilet paper, irregular heat and poor to no ventilation), it was very profitable. The company earned (after taxes and all deductions) \$27,000, and still managed to pay \$40,000 in dividends. “The Humberstone Shoe Company, Ltd. Report for the Fiscal Year ending Jul. 31, 1938,” copy in AO, Labour, RG 7-4-0-10.

She closed her letter by pointing to the cause of strike-related violence, depicting the bitter conflicts between scabs and strikers as a manly vocation undertaken by valiant defenders of a higher moral ground.

No one likes strikes, but why does the government let the employers abuse the working people, till they are ready to fight for their rights? Another way of looking at it is, does Canada want her coming generation to be a bunch of weak-kneed men who are ready to crawl for a dollar, who won't stick up for their rights.¹⁰¹

Her words most likely fell on deaf ears. Few in power would acknowledge the right of workers to literally fight for their rights, nor would they encourage it. At discrete, yet not insignificant moments, workers won what seemed most elusive — the courage to push the envelope of class domination in the face of seemingly overwhelming odds. Many paid the price in fines, incarceration, injury, or death, but even in the darkest times workers were able to craft alternatives, and turn silent rage into constructive acts.

Violence occupies an uncomfortable place in the history of workers and the trade union movement largely because it is difficult to separate the moments of constructive violence, aimed at securing tangible goals, from violence as the blind expression of frustration, desperation and rage. It does seem clear however, as the letter from Dorothy Martin suggests, that workers were driven to violence by accumulated abuses of both capital and the state. Ultimately, violence — all violence — was both a symptom as well as a response to crisis, and indeed something of a catalyst for change.¹⁰² After years of

101 AO, AG, RG 4-32, 1939 - 950, Humberstone shoe factory strike, copy of Dorothy Martin to Lord Tweedsmuir, 24 Dec. 1938.

102 The various police forces operating in Ontario saw some notable defections from their ranks to the Communist Party. W.J. Harris, who helped to organize support for the On To Ottawa Trek in Toronto was an ex-RCMP officer. Ewart Humphries was in the Toronto police force from 4 Oct. 1921, until

increased repression, the state moved decisively towards reform after 1934. In an attempt to deal with the explosion of labour violence, and to reduce class conflict, the governing provincial Liberal Party placed the mailed fist of state power within a velvet glove of tolerance and accommodation. While the Oshawa strike in 1937, and the subsequent departure of Croll and Roebuck from Cabinet, would signal Hepburn's swing to the right in his dealings with organized labour, the substantial gains that labour made after 1934 would not be easily reversed.¹⁰³

he resigned (probably symbolically) on 1 May 1926. He became an active member of the Communist Party in 1928 and was a Communist candidate in the 1930 Provincial Election, and National Secretary of the Unemployed Association. Frederick Collins served 3 years on the Glasgow Police Force, and 2.5 years in the Niagra Falls OPP detachment. He came to Toronto late in 1928 and worked as a motorman for the TTC, was fired with cause in 1932, and became an organizer for the WUL in Windsor in 1933-34. The OPP noted that he was "a very fiery speaker given to violent tirades against any form of government or Police Forces, is very popular with the rank and file." Winston G. Harris of Toronto served 3.5 years in the RCMP and resigned on completion of his term of service. He was an organizer for the unemployed Councils of Canada, Toronto District for 2 years, and was described as a fiery radical militant like Collins. Files in AO, Records of the Ontario Provincial Police, RG 23, Series E-96 File 1.7. Also see Howard White, *A Hard Man to Beat: The Story of Bill White, Labour Leader, Historian, Shipyard Worker, Raconteur* (Vancouver 1983).

103 For a history of the Oshawa strike see Irving Abella, "Oshawa 1937," in Irving Abella, ed., *On Strike*, 93-128.

Chapter Seven

Teamsters and Capital: Living Wages and Living Profits

I am a truck driver and I have been unemployed for over one year. I would accept any reasonable wage to support my family, but there are a number of employers who hire young fellows to drive trucks in order to get cheap labour, there are some paying as low as five dollars per week.¹

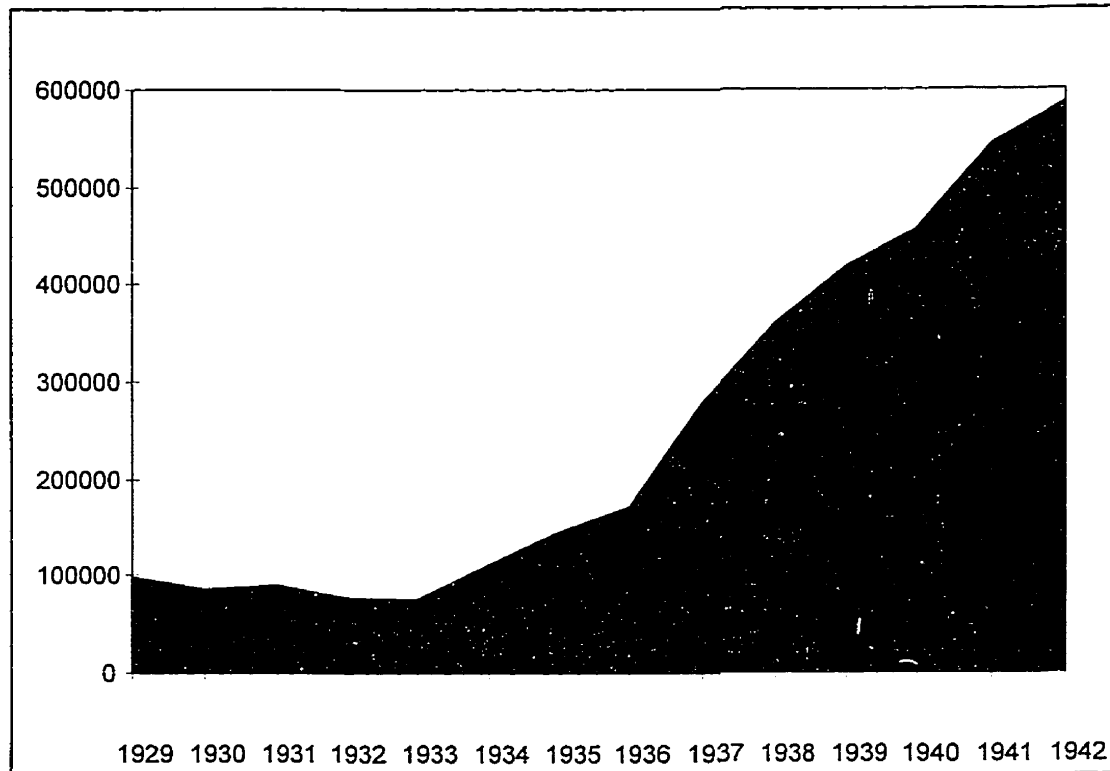
Bitter competition among operators in all branches of Toronto's trucking industry fed upon the legions of unemployed men seeking work. Those that were lucky enough to find a job working on a truck found that wages, which had never been particularly high, fell to levels that required them to seek welfare to support themselves and their families. The economic dislocations of the Depression (vicious competition and relief subsidized wages) also caused hardship for owner-operators and small trucking and taxi companies, spawning interest in state intervention and economic regulation. The convergence of these factors opened space for unionization efforts by the Workers Unity League (WUL) and the International Brotherhood of Teamsters (IBT). The latter is probably the most popularly known union, largely because of its dramatic history of tough resistance to capital, and its notorious relationship with organized crime.² Comparatively little is

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- 1 Archives of Ontario (AO), Department of Labour (Labour), RG 7-1-0-145, Roy Winterfield, Toronto to David Croll, 22 Jan. 1937.
 - 2 Allen Friedman, *Power And Greed : Inside The Teamsters Empire of Corruption* (New York 1989); James Riddle Hoffa, *The Trials of Jimmy Hoffa, An Autobiography* (Chicago 1970); Dan E. Moldea, *The Hoffa Wars: Teamsters, Rebels, Politicians, and the Mob* (New York 1978); Clark R. Mollenhoff,

known about the union and its activities in Canada which is unfortunate because the IBT was particularly dynamic in the 1930s and enjoyed some stunning successes. In Toronto the union operated among bread and dairy delivery men, and by 1938 represented all of Toronto's taxi drivers and coal delivery workers. Although membership figures collected by the state (Table 7A) indicate that Canadian Teamster membership peaked in 1937 at 3,420, the evidence uncovered while researching IBT strikes clearly indicates that membership approached 3,900 in 1938 in Toronto alone (dairy, 1,200; taxis, 700; coal, 1,500; bread, 500). It seems likely that the Teamsters in Toronto enjoyed an expansion of membership that mirrored the rapid growth in North American members.³

Tentacles of Power: The Story of Jimmy Hoffa (Cleveland 1965); Walter Sheridan, *The Fall and Rise of Jimmy Hoffa* (New York 1972); Joseph Franco, *Hoffa's Man: The Rise and Fall of Jimmy Hoffa as Witnessed by His Strongest Arm* (New York 1987); James Neff, *Mobbed Up: Jackie Presser's High-Wire Life in the Teamsters, the Mafia, And the F.B.I.* (New York 1989); Kenneth Crowe, *Collision: How the Rank and File Took Back the Teamsters* (Toronto 1993); James Jacobs, *Busting the Mob: United States v. Cosa Nostra* (New York 1994).

3 Robert D. Leiter, *The Teamsters Union: A Study of its Economic Impact* (New York 1957), 39.

Chart 7A: IBT Membership in Canada and the US, 1929-1942⁴

4 Data based on statistics provided by the union. The figures from Table 7A are from the Department of Labour's *Report on Labour Organizations in Canada*. The numerical discrepancy is most likely based on poor reporting by individual locals.

Table 7A: Teamster Membership in Canada and the USA⁵

Year	Canadian Locals	Canadian Members	non-Canadian members	Total Membership*
1923	9	782	85000	
1924	7	647	80913	
1925	9	450	81000	
1926	11	785	93100	
1927	10	1200	90000	
1928	8	909	91000	
1929	14	1185	90000	97632
1930	11	1200	85000	86209
1931	13	950	89500	89937
1932	12	826	78198	77637
1933	13	810	86000	75206
1934	14	1467	111586	112216
1935	16	1454	148546	146035
1936	17	1545	183549	172204
1937	29	3420	300000	277717
1938	29	2155	300000	360694
1939	27	n/a	n/a	417761
1940	23	2655	335000	456589

The Teamsters will most likely remain something of an enigma in Canadian labour history until the existing union records are made available to historians.⁶ The deficiencies of sources on the IBT leave many questions. Why were the Teamsters so capable in organizing cab drivers and coal truckers, but were apparently absent from Toronto's moving industry and long distance transport operating out of the city? The seeming ease with which the Teamsters maintained their hold on the dairy industry might

5 Source: Department of Labour's *Report on Labour Organizations in Canada*, (1928-41). Source*: Cited in Dobbs, *Teamster's Power*, Appendix 1.

6 Repeated requests for access to the records held by Toronto's IBT Joint Council met with failure.

also be explained by an examination of the union's records, which would also provide some indication of their activities and strength among bakery workers. One might also get a better sense of how the union leadership navigated the regulation of different transportation sectors.

Despite the limited sources available — the records of the Federal Department of Labour, the Ontario Department of Labour, Toronto's Department of Public Welfare, Toronto's Family Court, and newspapers reports — an interesting picture of Toronto's trucking industry emerges. Within this one subdivided segment of the economy, which nonetheless shared a general similarity of conditions and experience (particularly with regard to relief labour, and the strength and strategic positions occupied by different groups and sub-groups of employers and workers), several different responses to the dislocations of the Depression emerged, but by the late 1930s, organized employers and/or organized workers had brought order to the transportation market and made significant headway in raising wages. In the coal industry, organizing efforts were undertaken by the Workers Unity League (WUL) and then transferred to the Teamsters after 1936. After months of wrangling over state regulation of coal distribution, bitter industry-wide strikes erupted in 1938 and 1940, pitting large capital against small capital and the IBT in a battle to set wages, prices and competitive mechanisms. For the duration of the Depression this union (first as an affiliate of the WUL, and then as a new IBT local) was led by an active member of the Communist Party who ran as a Communist

candidate for Alderman in Ward 6.⁷ Despite radical leadership the union followed a path of (albeit militant) regulatory unionism that self-consciously cultivated an alliance with small operators and ultimately turned to the state to cement working-class gains.⁸

In their successful effort to organize the cab drivers of Toronto, many of whom were on relief as well as employed full time, the Teamsters first relied upon the regulatory power of the city's police commission, and then focused their efforts on the Industrial Standards Act to transform one of the lowest paying, lowest status jobs into an occupation boasting a living wage. Teamsters in the milk industry were already organized by 1929 and seemed to successfully prevent significant wage reductions; they quickly launched strikes against any attempt to introduce an open shop for the duration of the Depression. Surprisingly the IBT did not organize long-distance truckers operating out of Toronto, and there is no evidence that they (or even the WUL) attempted to organize the numerous men who worked in Toronto's moving industry. Ironically, large moving companies banded together to secure the same sort of regulated economy that small

7 Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part IV, 1937* (St. John's 1997), 478-9. Haysey won 1417 votes in 1938; Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part III, 1936* (St. John's 1996), 534.

8 A reference in the 1936 RCMP files to the "Communist controlled Toronto local No. 688, [bread delivery] of the Teamsters and Chauffeurs International Union," provides one indication of Teamster politics in Toronto in the 1930s. Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part III, 1936* (St. John's 1996), 400. However, in 1940 the 'Teamsters and Truckers Union' delegate on the Toronto District Trades and Labour Council was an anti-Communist. Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The War Series, 1939-41* (St. John's 1989), 146. Certain Teamster locals seemed to spring directly from WUL organizing efforts (in Winnipeg as well as Toronto). In 1933 the WUL organized teamsters hauling coal and wood in Winnipeg, winning a wage increase and the recognition of a shop committee: *Labour Gazette*, Nov. 1933, 1077. For a discussion of regulatory unions see Colin Gordon, *New Deals: Business Labour, and Politics in America, 1920-1935* (Cambridge 1994), esp. 108-9.

operators and unions fought for in the coal industry (premising their plans upon a professed desire to raise wages). Their successful push to standardize wages, control licensing, and set prices was at the expense of casual and disorganized small operators and their employees, many of whom were on relief.

The following chapter explores the various factors which conditioned the class struggle in Toronto's transportation industry, and steered it between militant confrontation and protracted accommodation. Central to understanding the experience of those who worked on the trucks, or drove taxis, in Toronto, is the structure of capital, and particularly the sub-division of the capitalist class. This was most evident in the coal industry, and for that reason it is a natural starting point for a history of Toronto's transportation workers in the Great Depression.

Toronto's Coal War: 'give a man a honest days pay'

I have two boys out of work. One has been out 3.5 years and the other 2 years. The first one is a machinist and served his 7 years with the CNR as [an] apprentice, the other boy is handy with cars and anything in that line. A few weeks ago the youngest one, 22 years old, whilst out looking for work, went into Dunlop Coal company on Dublin St. and asked if they needed any help. They took his name and address. Two weeks ago they said they could give him a job driving a Coal Truck. After doing this for a whole week from 7 in the morning till 5 at night ... they paid him the sum of five dollars. When he complained they gave him six dollars and fifty cents and told him he was fired, and should take what was given him and say nothing.⁹

Stories of long days and low pay in the coal industry in Toronto were frequently recounted in letters to the government, although many workers probably learned the value

9 AO, Labour, RG 7-15-0-15, Mrs. Emily Chapman, Toronto, to Arthur. Roebuck, 26 Oct. 1935.

of 'taking what they were given' without objection. There was ample grounds for complaint as the vicious and uneven competition between large and small operators generated sweatshop conditions that fed upon the ever widening stream of unemployed men seeking at least a relief wage on the coal trucks. Driving a truck or shifting coal quickly became the refuge of many an unemployed man and relief wages became the norm rather than the exception. Unlike other industries in which long hours and low wages prevailed, the coal industry was more intimately shaped by the emergent welfare state because of the city's role as a large purchaser of coal for relief recipients, and its discretionary power in licensing coal retailers through the Police Commission.

Understanding the labour struggles which surfaced in the coal yards in 1935, and then erupted in 1938 and 1940, requires an appreciation of the structure of the coal delivery business, the ways in which both small and large coal dealers struggled to secure business delivering coal to Toronto's unemployed, and an understanding of how the social proximity of the small coal dealers to their workers fueled the unionization drives that aimed to tightly regulate the market and secure adequate profits for small dealers and living wages for coal workers. The process of uncovering the roots of this particular struggle reveals the strikingly similar economic position of workers and small owners, and their shared opposition to the large coal companies and the state which supported them.¹⁰ Owning a truck capable of moving heavy loads of coal did not guarantee affluence, or even a 'living profit.' Numerous truck owners and small delivery company

10 Metro Archives (MA), Commissioner of Public Welfare Records (Welfare), Box 17, File 7, Vol. 3, "Fuel Supplies" Jan/38 - Dec./38, H. Wilson, Director of Relief to A.W. Laver, 24 Nov. 1938.

operators were on relief or, if staying off the dole, did so through frugal living. A particularly acute example of the social proximity of a small operator and his hired help is found in the report of a probation officer for Toronto's Family Court who observed that:

Mr. ___ gets the business, drives a truck and also builds blowers for furnaces as a sideline. He has a habit of taking rather disreputable men in and trying to give them a chance. He allows them to sleep in the cellar, eat with the family and help with the cartage business. This is partly to save on wages but it aggravates the already overcrowded condition of the home and the present one drinks excessively and encourages Mrs. ____ to do so. A large dog and a ferret add to the confusion in the home.¹¹

Capitalism's Welfare: The Wages of Poverty

The relationship between small operators and hired help was structured by two distinct features of Toronto's welfare system: partial relief for working men and government purchases of goods and services for welfare recipients. Food distribution under Toronto's emerging welfare scheme was designed to provide assistance to the city's many small businesses which relied upon workers' ever shrinking purchasing power. Toronto's fuel companies were treated in much the same fashion as food shops, and shared a reliance upon the state for survival during the Great Depression. The growth of unemployment in the early 1930s meant that more customers were getting their fuel through the charitable House of Industry rather than from one of the 150 small fuel dealers, or the 35 larger companies.

11 AO, RG 22-5836, Ontario Provincial Court, Family Division (York), General Case files, 1931-1939, (Family Court), file 27,444, 5 Jan. 1939.

Both large and small dealers felt the effects of declining sales and were finally granted relief in 1934 when the city instituted a voucher system whereby half of the coal, coke and fire wood required by relief recipients was distributed through fuel dealers (the other half was distributed by one large company). The cost of relief coal topped \$1,000,000 by 1935, representing a significant portion of business for dealers.¹² The city felt compelled to subsidize capital by foregoing the \$100,000 savings it would have enjoyed by purchasing from one large company, or ordering wholesale directly from producers. F.C. Jackson, the Chief of Accounting for the Department of Welfare, noted that it was “cheaper for us to buy wholesale and distribute but this [is] not the policy of the administration.”¹³ Welfare Commissioner Bert Laver justified the expense by pointing out that the voucher system was a “fixed policy to maintain such trade as far as possible in its usual retail channels” because any “direct monetary saving would have been more than offset by the loss of trade the voucher system has meant to large and small retail establishments.”¹⁴

At a time when municipalities were attempting to control welfare costs, Toronto deliberately increased its burden by using a voucher system explicitly designed to meet the needs of Toronto’s business class. If all involved with this arrangement had been satisfied, this episode would be merely one more example of the role of the welfare state

12 MA, Welfare, Box 16, File 7, Vol. 2, Fuel Supplies, Jan./37 - Dec./37, “Fuel Supplied to Relief Recipients Winter Season 1935-1936.”

13 MA, Welfare, Box 17, File 7, Vol. 3, “Fuel Supplies” Jan./38 - Dec./38, Memorandum from the desk of F.C. Jackson, Chief Accounting, Welfare Department, 28 Mar. 1938.

14 MA, Welfare, Box 16, File 7, Vol. 2. Fuel Supplies, Jan./37 - Dec./37, A.W. Laver to K.S. Gillies, Commissioner of Buildings, Toronto, 4 Nov. 1937.

in subsidizing (and stabilizing) capitalism; but the business class was divided and enjoyed the benefits of this new system quite unequally. The small fuel dealers felt increasingly squeezed by competition from the large dealers who controlled the coal docks and had the power to set the price of coal at a rate which did not provide adequate profits for their small operations. Attempts to increase business by soliciting relief voucher trade were thwarted by an advertising ban pushed through city council by the large dealers.¹⁵ Shortly thereafter the large dealers succeeded in pressuring the city to appoint a coal inspector to check up on dealers, with a focus on the small operators.¹⁶

The resulting crackdown on delivery trucks revealed a host of illegal cost-cutting methods, including short weight deliveries, coal grade fraud, bootleg drivers without proper licenses, and unsafe or improperly registered trucks.¹⁷ The small dealers, however, felt they had been singled out for prosecution by the police, and when charged received biased treatment in the courts. William L. Haysey, who represented both the nascent organization of coal workers and the small coal dealers in the early 1930s, sent city council a list of complaints on behalf of the small coal dealers, including details of large companies, with a history of charges against them, receiving favorable treatment from the courts, while small dealers, with clean records stretching over decades, were fined or had

15 MA, Welfare, Box 16, File 7, Vol. 1, "Fuel Supplies," May/33 - Nov./36, The Fuel Protection Association in Affiliation with the Board of Trade of the City of Toronto to A.W. Laver, Commissioner of Public Welfare, 21 Nov. 1934, Box 16, File 7, Vol. 1, "Fuel Supplies," May/33 - Nov./36.

16 AO, Ministry of the Attorney General, RG 4-32, 1934 - 3854, re: prosecution of coal dealers for short weight, .D. Chrisholm to Mayor W.J. Stewart, 7 Nov. 1934.

17 MA, Welfare, Box 16, File 7, Vol. 2, "Fuel Supplies," Jan./37 - Dec./37, E.R. Lockyer, Pres. Toronto Retail Fuel Dealers Association, 68 King St. E. to A.W. Laver, 19 Oct. 1937.

their licenses canceled.¹⁸ Haysey's evidence was very strong, including the testimony of those who once held contracts with the dock owners. One dealer swore an affidavit that he and his drivers had "been compelled [by the large dock owners] to mix various grades, and take the blame in many cases when customers complain ... I declare that I have been threatened by blacklisting if I dare reveal what has been going on."¹⁹ Haysey also recounted how large coal companies would strike deals with maintenance men at factories, schools and hospitals to have them sign for a delivery that was less than the amount on the invoice. In some cases the maintenance man would get coal delivered to his house as a kick-back.²⁰ When Haysey attempted to direct the police to the fraud committed by the large companies by supplying names, adulterated samples and fraudulent vouchers, the police inspector responsible for enforcement claimed that if he went after the big firms he "would lose (his) job the same day." Consequently, the selective prosecutions were seen by Haysey and the small dealers as part of a campaign by large coal dealers to drive them out of business "now that times seem to be turning for the better."²¹

This harassment was paired with an economic arrangement that in some senses proletarianized small dealers — either by forcing them out of business and back into wage labour, onto relief while running their business, or into makeshift accommodation

18 MA, Welfare, Box 16, File 7, Vol. 2, "Fuel Supplies," Jan/37 - Dec./37, William L. Haysey to the Mayor, Board of Control, and Members of City Council, 9 Nov. 1937.

19 AO, Labour, RG 7-1-0-403, Statement of William Cruise, [1937].

20 *Ibid.*, Statement of William L. Haysey, Statement of Harry King, [1938].

21 MA, Welfare, Box 16, File 7, Vol. 2, "Fuel Supplies," Jan/37 - Dec./37, William L. Haysey to the Mayor, Board of Control, and Members of City Council, 9 Nov. 1937.

in their offices. Downward profit margins orchestrated by large companies closely linked to the dock owners created unrealistically low coal rates, (including those set by the city) pushed small dealers to desperation, and drove down wages. It is not surprising that small dealers should ally themselves with their workers against the large companies who were making life so difficult for both of them, even if that meant supporting a union. In fact small dealers boasted that they consistently paid higher wages than the large companies and claimed that they were “prepared to pay better and establish a uniform wage for the city, but the large dealers have ... blocked any such move.”²² Despite the sympathy and good intentions of the small dealers, in the absence of a regulated industry, the sweatshop conditions of Toronto’s coal workers became entrenched. One individual writing to the Minister of Labour voiced what many in the coal industry undoubtedly felt:

Isn't it about time that these coal dealers should be made to pay their help a fair living wage, and cut out this sweatshop labour. You can't support a wife and family on the present scale of wages ... the coal dealers makes lots of profit ... his profit is \$3.75 a ton and his poor driver 30 cents ... give a man a honest days pay.²³

The plight of the coal workers, and in particular their reliance on relief, was widely known. L Cummings, a business man who was also involved in the coal business, lamented to the Minister of Labour that he knew “only too well how the unscrupulous employer is imposing, not only on his employees, but is actually expecting the public to subsidize his business at the expense of his opposition by the payment of relief to some of

22 *Ibid.*

23 AO, Labour, RG 7-15-0-15, A.W. B., Toronto, to Arthur Roebuck, 21 Nov. 1934.

his employees in order that they might keep body and soul together.”²⁴ One of the key goals of the union, as acknowledged by the solicitor of the association of small employers, was to raise wages to the point where coal handlers and coal truckers would not have to go on relief.²⁵ This position received persistent media coverage in local papers. When a reporter from the *Toronto Telegram* visited the home of Ernest Cooper, Vice President of the Teamsters Coal Handlers and Truckers Union, he not only played up the family’s poverty and grim living conditions — children covered with bed bug bites, freezing rooms and no food in the house — he also made an explicit connection between the coal workers’ wages and the inevitability of the working poor ending up on relief. The conditions which the reporter described were not untypical of coal drivers, or the many families who relied on relief wages in other industries:

Wallpaper hung loosely from the walls flapping as drafts of cold air struck it from all sides. You could see your breath in every one of the three two by four rooms. Yet in colder weather than this, three weeks ago, Mrs. Cooper had given birth to a child in one of these frigid rooms. A few days before her baby came into the world Cooper had been sure they would be able to keep one room warm for his wife at least. A gas stove he had hooked up in the hall filled one room with heat and of course the sickening gas fumes. Then a day before his youngest child was born the gas company shut off the gas because he was unable to pay a back bill.²⁶

But the problem of poor working conditions was not the fault of all employers. Cooper unequivocally stated that the small coal dealers, for whom he worked, were also the victims of the coal sales scheme in Toronto, and were generous when they could afford it. He

24 AO, Labour, RG 7-1-0-112, L. Cummings, manager of the Lumsden Building, to David Croll, 5 Feb. 1936.

25 “Coal Dealers Request Code for Truckers,” *Toronto Telegram*, 29 Jan. 1938.

26 “Coal Handlers Work Hard Filling Bins in Week-End So Citizens Can be Warm,” *Toronto Telegram*, 21 Feb. 1938.

stressed to the papers that “they have done me many good turns. They have been good bosses.” But good bosses in competition with bad bosses don’t pay living wages, and Cooper admitted that he would probably have to go on relief. Once again the argument against low wages ultimately rested upon the relationship between work and relief.

‘Bullets for Being Fools’: Organization and the Balance of Class Forces

With conditions deteriorating despite government intervention as both a provider of relief and a purchaser of coal, it was only a matter of time before the organization of a coal union would spawn a series of bitter strikes. The WUL organized pockets of coal workers in the early 1930s and led at least one successful strike as early as 1935.²⁷ Louis Fine, who investigated the eruptions, warned the Minister of Labour that trouble was on the way and a new industry-wide “strike will take place and it will be one of the bitterest ones in the history of Toronto.”²⁸ His prediction, while accurate in some respects, was three years premature, for little progress was made after the initial organizing effort due to the big coal companies’ refusal to negotiate with Haysey and his WUL-affiliated union. Efforts to organize the workers were further complicated by the union’s attempt to move back into the mainstream of the labour movement, thus weakening Haysey’s resolve to fight for recognition. The workers waited as the WUL negotiated the entry of

27 “Coal Handlers Win Strike,” *The Toronto Worker*, 10 May 1935, copy in National Archives of Canada (NAC), Records of the Department of Labour, Strikes and Lockouts Files (Labour), RG 27, Vol. 368 (62) Coal Handlers & Truck Drivers, May 1935 (MNF T-2978).

28 AO, Labour, RG 7-2-1-27, Louis Fine, Industrial Standards Officer, to David Croll, 19 Dec. 1935.

its coal drivers into the IBT, delaying concerted action past the 1935-36 coal season. The next year the union was pre-occupied with the promise of the Industrial Standards Act (ISA), (which Communist unionists felt no reservation about exploiting) and devoted considerable energy to drawing up a boundary for the fuel board of the ISA. When this was completed the coal companies could delay no longer and their refusal to raise wages, increase prices, and regulate the industry led Lewis Haysey (now leader of the Teamster's Coal Handlers and Truckers Union) to commit to a strike against the large dealers who, in his words, were "engaged in a war of extermination of the small dealers, exploiting the workers, and cheating the consumer."²⁹

For reasons most likely attached to the timing of the protracted negotiations between the dealers and the unions under the ISA, the much anticipated winter strike of 1936-37 failed to materialize. By the following January, however, the union had begun to act with limited strikes designed to test the resolve of the large companies and shore up the support of the small companies. On 19 January 1938, about 175 truckers and helpers struck for a half day against some of the small dealers in a dress rehearsal designed to push forward the price increases and regulation desired by both.³⁰ Ten days later, on 28 January, Mr. Gunn, who represented the small dealers organized in the Toronto Retail Fuel Dealers Association, publicly demanded a code under the ISA which was "more than a glorified minimum wage." Gunn's smaller dealers had already formulated a "tonnage rate and the

29 *Ibid.*, L Haysey to M.F. Hepburn, 19 Oct. 1936.

30 NAC, Labour, RG 27, Vol. 395 (12) Coal Handlers and Drivers Jan. 1938 (MNF T-3003).

hourly rates of pay, which ... w[ould] raise the minimum rate now paid by 100 percent.”³¹ When the coal drivers finally went on strike many small operators actively supported them. The president of Holland Coal argued in a letter to the government that “we cannot blame the men because they do not receive enough to buy food and clothing let alone support a family or do more than merely exist.” He recognized that the coming strike was called to “maintain their self respect instead of eking out a mere existence and then having to depend on relief.”³² James W. Harris, owner of Harris Trucking, resented the shut down because he was already paying union rates, but ultimately approved of the strike, stating to the press that, “I don’t blame these men for going on strike ... I say ‘more power to them.’”³³

It is unclear how far this support went and there is no indication that smaller operators actually joined the union, but there was a practical alliance formed between the small operators, the owner operators and the workers that bore some resemblance to an alliance in Minneapolis in the second half of the 1930s. Farrel Dobbs, a Trotskyist Teamster organizer, has described how the radical leadership in Minneapolis organized the owner-operators by identifying their particular difficulties and their shared grievances with regular wage earning employees.³⁴ These owner-operators often became active

31 “Coal Dealers Request Code for Truckers,” *Toronto Telegram*, 29 Jan. 1938, copy in NAC, Labour, RG 27, Vol. 395 (12) Coal Handlers and Drivers, Jan. 1938 (MNF T-3003).

32 AO, Labour, RG 7-4-0-2, Mr. Holland, to M.F. Hepburn, 30 Nov. 1937; Mr. Holland, Holland Coal Company, to MacBride, 21 Dec. 1937. Holland pointed out what many already knew: “Mr. Tolchard does not represent the Employers of Labour in the Coal industry but principally the Dock Owners.”

33 “Mounted Police Push Strikers From Road But Trucks Can’t Pass,” *Toronto Star*, 18 Feb. 1938, copy in NAC, Labour, RG 27, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

34 Farrell Dobbs, *Teamster Politics* (New York 1975), “Appendix: How the Teamsters Union Organized the Independent Truckers in the 1930s,” 241-9.

unionists, shaped demands in negotiations with employers, and provided invaluable assistance during strikes by offering their trucks to transport pickets and patrol the yards. Whether or not the small operators joined the union in Toronto, they did join their struggle to that of the trucking company employees, shaped the demands of the union and provided their trucks for the coming battles on Toronto's waterfront.

On 18 February 1938, 1,500 coal drivers and helpers struck for a 33 % pay increase and a regulated industry. Within a few hours they had demonstrated their power over their employers. As the waterfront came to a standstill, Haysey boasted that the coal "companies will have to toe the line."³⁵ In the first day of the strike the Simpson Knitting Company was forced to close through shortage of coal supplies, as tough pickets were set up along the waterfront and roving bands of strikers cleared the streets of scab coal deliveries. The strike rapidly took on the dimensions of a minor military campaign, as each break out from the coal yards was met by re-enforcements and new obstacles. One company after another conceded defeat and told the police that they had given up trying to deliver coal because "it would be too hazardous."³⁶ The pickets had indeed made the coal business more dangerous than usual. The striker's command of the dock became more evident and their use of heavy trucks proved more than a match for Toronto's mounted police unit. Police Inspector Johnson refused the coal company's request to have an officer on each truck — noting that

35 "1,500 Coal Handlers On Strike Prevent Shipments by Scabs," *Toronto Clarion*, 19 Feb. 1938, copy in NAC, Labour, RG 27, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

36 "Mounted Police Push Strikers From Road But Trucks Can't Pass," *Toronto Star*, 18 Feb. 1938, copy in *Ibid*.

there “weren’t enough police in the City of Toronto for that.”³⁷ Groups of scab workers were reported to be crossing over the picket line, signing union cards and joining the strike.

The coal workers sensed victory in their battle with the large coal companies. At a meeting held on the night of the first day of the strike emotions were running very high. M.M. MacBride was shouted down by the workers when he attempted to get them to accept the deal he had brokered with the large dealers organized in the Fuel Protection Association. The wages he offered prompted a deafening chorus of “no compromise.” “Haysey stood with one hand raised while the chairman banged with a carpenter’s hammer until order was restored.” Haysey tried to explain that this was only a temporary agreement, MacBride was on their side, and that if either of the employer groups balked “the government will do their agreeing for them.”³⁸ However, when he reiterated the 45¢ an hour offer, which fell short of the workers’ demands, there was more booing, cat calls and shouts of “50 cents or nothing.” When the noise died down Haysey promised to get 50¢ by the time they finished negotiations, but the members shouted that they wanted it before any temporary agreement put them back to work. When Haysey turned the meeting over to the workers John Logan, a striker, leaped to the platform: “We can stick it out, men!” he cried. “We’re fighting for our wives, and families, and better conditions! We’re going to stick to the end!” This time the applause was deafening. Hearing this, Haysey said with a smile that they had made their decision and they “had a fight on” and “a

37 “Walk-out of 1,500 Men Ties up Coal Delivery: Dealers Put on Quota,” *Toronto Telegram*, 18 Feb. 1938.

38 “Truce Offer Shouted Down at a Meeting Last Night,” *Toronto Star*, 19 Feb. 1938, copy in NAC, Labour, RG 27, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

job to do” early in the morning at the docks, to which the workers responded “down to the docks tonight.” Feeling the mood in the room, Haysey promised MacBride that what he “saw on the picket lines today will be a picnic compared with tomorrow.”³⁹

Faced with the looming paralysis of Ontario’s largest city, and clearly shaken by the militancy and effectiveness of the strikers, the Government imposed a temporary 15% wage increase with a corresponding increase in the price of coal by 25 cents the following day at 2:00 in the afternoon. Rumors circulated that the state had threatened to bring in the militia, armored vehicles and machine guns if the strike wasn’t postponed for fifteen days while a final contract was negotiated. Mitch Hepburn denied making this threat but publicly proclaimed that he would intervene to ensure coal deliveries. Toronto’s Mayor Day, following in Hepburn’s shadow, promised police protection for coal dealers if the strikers resisted the truce.⁴⁰ In response to the tough words of the provincial and municipal governments, plans were apparently made for a general transport strike involving bread drivers, milk drivers, and all other transport workers, but a clearly rattled Haysey decided to sell the temporary deal to his membership, rather than risk a direct clash with the military power of the state.⁴¹ In his speech to the strikers, he claimed he was told that the strike must be settled quickly or the province would call out the militia to escort trucks through the picket lines, and argued that “If you had let them bring machine guns and armored cars out against you, you would have wrecked everything you

39 *Ibid.*

40 “15-day Truce Brings Respite in Coal Strike,” *Toronto Star*, 19 Feb. 1938, copy in NAC, RG 27, Labour, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

41 “Strikers Should Not Injure Welfare of the People,” *Canadian Labor Press*, 15 Mar. 1938.

built during the past three years.” Answering charges that the union had failed to get increases for the yardmen, Haysey lashed out defensively: “You men don’t know the exact conditions under which this agreement was signed. I was forced to make a quick decision. Did we want bread and practically a 100 percent agreement or bullets for being fools.”⁴²

While the workers were bullied back to work by a state determined to prevent homes and hospitals going cold and factories closing, the battle between the large and small coal dealers was not resolved. F.D. Tolchard, Secretary Treasurer of the Fuel Protection Association representing the 75 largest coal dealers in Toronto moving 75% of all coal in the city, faced off against Mr. Gunn and the Toronto Retail Fuel Dealers Association, who represented 150 small dealers. Gunn had insisted that group buying and price cutting be abolished by the Ontario Government before any wage agreement was put in place. He argued that the current wage increases without an end to group buying and other sales techniques used by the big dealers will mean that “85 per cent of the small coal dealers will be driven to the wall.”⁴³ Gunn’s demands for a price increase were temporarily granted but the government failed to devise a lasting solution to the crisis in coal and 1940 would witness a re-enactment of the 1938 strike.

42 “Charges Threat of Bullets Forced Coal Strike Truce,” *Toronto Telegram*, 23 Feb. 1938, copy in NAC, Labour, RG 27, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

43 “Coal Dealers Request Code for Truckers,” *Toronto Telegram*, 29 Jan. 1938, copy in NAC, Labour, RG 27, Vol. 395 (12) Coal Handlers and Drivers, Jan. 1938 (MNF T-3003).

Toronto's 1940 Coal Strike

Bins empty, homes cold, sick people appealing for coal and getting it, officers of coal dealers, newspapers and strike headquarters besieged with phone calls for coal — this was the picture of the three day strike ... From daybreak the union office on Mill street, near Cherry street, has been thronged by persons carrying doctors certificates guaranteeing that there is illness in their families, seeking a union order to get coal.⁴⁴

The tenuous peace won in 1938 was extended for another year when the ISA was applied to the coal delivery industry in Toronto in 1939; but issues of union recognition, competitive rivalry, and fair prices went unresolved. Consequently, on 19 February 1940 1,260 coal drivers struck 220 employers (after a 98% strike vote) for a union agreement, a closed shop and higher wages to off-set the seasonal nature of their employment. The strike scene was reminiscent of 1938, but no coal deliveries were attempted in the city, except those authorized by the union as emergency orders. (Deliveries were allowed to hospitals and war order factories). Most of the conflict shifted to Toronto's suburbs. Coal deliveries were undertaken by Police Convoy in Weston, and skirmishes broke out in the suburbs of Mimico and New Toronto. Strikers in cars and trucks patrolled these suburbs, playing hide and seek with police, dumping coal from trucks and occasionally getting arrested, returned to Toronto in the back of a police cruiser.⁴⁵

After two days the situation had become critical: 2,400 relief recipients were without coal, the dairies were down to their last day of fuel, one factory had already

44 "Settlement of Coal Strike Now Rests With Dealers," *Telegram*, 21 Feb. 1940, copy in AO, Labour, RG 7-1-0-403.

45 AO, Labour, RG 7-1-0-403, "Strikers Play Hide and Seek with Police Men, TS, 19 Feb. 1940; "Truck Upset by Strikers Outside City," "Coal Dumped After Pickets Pursue Truck," *Toronto Telegram*, 19 Feb. 1940, copies in AO, Labour, RG 7-1-0-403.

closed, Hunts claimed it would have to lay off its 500 workers and close if the strike lasted another day, and other factories were in the same situation, meaning that thousands would be thrown out of work as coal supplies became exhausted. In response, Toronto's Mayor Day finally ordered full police protection, while the coal union asked the Teamsters Joint Council to vote on a general teamsters' strike to paralyze Toronto's bread, milk, taxi and general deliveries.⁴⁶ Crisis was averted and the strike ended on 22 February after conciliation by the province provided for union recognition (but not the closed shop), grievance committees and reference of disputes to conciliation if negotiations failed. Evidence of a lasting alliance between the small dealers and the union workers was expressed in the union's demands for changes to industry practices (such as discount coupons, seasonal discounts, and group buying) which were orchestrated by large companies to depress prices.⁴⁷ The 1940 strike clearly positioned Haysey and the IBT at the center of Toronto's regulated coal industry.

Fare Wages: The State and the Organization of Taxi Cab Drivers

Taxi drivers in Toronto were in the same general malaise as many other transportation workers, and moves to regulate the industry and raise low wages unfolded along a similar axis to the coal industry. The taxi industry was distinguished, however, from the coal

46 "Coal Strike Pact Hangs in Balance," *Globe and Mail*, 23 Feb. 1940, copy in AO, Labour, RG 7-1-0-403

47 "Mayor Banning Coal Delivery Over Sabbath," *Toronto Telegram*, 1 May 1940, copy in NAC, Labour, RG 27, Vol. 404 (13) Coal Handlers, Feb. 1940 (MNF T-3012).

industry because employment tended to be year round rather than seasonal, and taxi drivers were formal employees rather than interlopers driven there by the depression, a condition reinforced by the long-standing municipal licensing of taxi cabs and drivers.⁴⁸

Despite (or perhaps because of) the year-long nature of taxi cab employment the prevalence of relief wages was more pronounced among the city's 800 cab drivers than any other occupational group, making driving a taxi cab one of the lowest paid occupations in the city. When the provincial government began investigating working conditions in this sector in 1935, it discovered instances of men making two or three dollars a week, with the average being eight to nine dollars a week for six twelve hour days; many cab drivers, particularly those with larger families, were on partial relief.⁴⁹

Independent operators suffered because they had to compete directly with companies that hired men on relief. As one owner-operator argued, the larger companies employed "drivers at starvation commission, [and] said Drivers [are] receiving City Relief, while the Company buys new cabs with the money earned at the expense of the taxpayers. As an individual owner and Taxpayer, I would like to know how much longer we are expected to tolerate this farcical condition."⁵⁰ Eight years would have been the correct answer.

48 The number of licenses was limited to 772 for owners and 785 for drivers, but licenses for drivers were discontinued. "The Annual Report from the Police Chief," Toronto, 1935, p. 42, copy at Police Headquarters, Toronto. Very little has been written on the taxi industry, but an interesting account of taxi drivers in Montreal in the 1950s can be found in Edmund W. Vaz, "Institutionalized Stealing Among Big-City Taxi Drivers," in Audrey Wipper, ed., *The Sociology of Work in Canada*, (Toronto 1984), 75-91.

49 AO, Labour, RG 7-70-0-3, Warren [Marion?] Findlay, Senior Investigator, "Memorandum re: Wage Earners on Partial Relief," 18 Mar. 1935.

50 AO, Labour, RG 7-1-0-133, Mel C. Gammong, Toronto to Arthur Roebuck, 21 Sep. 1935.

Early efforts to secure higher wages for cab drivers were centered on the licensing powers of the Police Commission, but they lacked the power to impose uniform wages. In June 1932 the Secretary of Toronto's Police Commission wrote to the Minister of Labour to see if there was any way of regulating the wages of taxi drivers: "the Board desires to take some action if possible to see that a reasonable wage is paid by all employers to all employees in the taxicab business. It is the boards desire that no taxicab driver should feel compelled to work for unreasonable hours at an insufficient wage."⁵¹ The minister granted a private meeting to discuss the problem but refused to take action, leaving the Commission to unsuccessfully attempt some sort of compromise.

Government intervention was clearly required. The relief wage crisis in Toronto's taxi industry contrasted sharply with efforts in British Columbia, where taxi drivers were brought under the "Male Minimum Wage Act" (administered by the Board of Industry) in June 1934 and granted a wage of \$2.50 a day in Vancouver, Victoria and three other municipalities. The Teamsters union quickly built upon the stability of the minimum wage, organized a majority of taxi drivers by December 1934, and won a non-discrimination, closed-shop union contract (and an arbitration clause for dispute settlement) with a majority of cab companies in these cities. Wages were raised to \$3 a day, or 35% of commission (whichever was greater), split shifts were prohibited and an overtime rate of 50 cents an hour was granted.⁵² The only comparable legislation in

51 AO, Labour, RG 7-1-0-61, J. Palmer Kent, Secretary, The Board of Police Commissioners, Toronto to J.D. Monteith, Minister of Labour, 17 June 1932.

52 *Labour Gazette*, Jul. 1934, 642; Dec. 1934, 1150.

Ontario was the Industrial Standards Act (ISA), yet despite evidence of a taxi drivers' union in Toronto in the early thirties (most likely organized by the WUL) it was not sufficiently strong or established to invoke the act's provisions and negotiations continued (ineffectively) under the rubric of the Police Commission.

With little warning, the Teamsters emerged as a major force among cab drivers in 1938 and apparently succeeded in organizing 679 of 720 licensed drivers in the city.⁵³ The union, led by M.H. Nicols and organized as the Teamster's Taxi Drivers Local 488, issued an ultimatum to the taxi companies, organized as the Toronto Livery Owners Association, giving them until 31 March to begin negotiating a contract.⁵⁴ When negotiations failed, on 7 April, all 720 cabbies, working at 63 companies, struck for higher wages, shorter hours and union recognition. Twenty-five smaller firms signed agreements with the union in the first few hours of the strike, (most likely indicating a similar alliance to that in the coal industry), after which the union applied for mediation through the Police Commission, but efforts here failed. On 11 April cabbies voted against a compromise of no increase pending negotiations, and two more companies signed as cars loaded with men cruised the streets looking for taxis with scab stickers glued firmly to their windshields.

On 12 April, emboldened by their early success, the 500 cabbies who were still out voted down an offer of \$10 a week minimum wage. Four days later, the taxi cab companies asked the Mayor and the Police Commissioner to help establish a code under the ISA for the taxi industry in Toronto. By 17 April half of the cab drivers were back at

53 "600 Taxi Drivers Will Strike Today, States Union Head," *Globe and Mail*, 7 Apr. 1938.

54 NAC, Labour, RG 27, Vol. 396 (53) Taxicab Drivers, Apr. 1938 (MNF T-3004).

work as more firms signed union contracts, and finally (after union officials were threatened and a union cab driver was assaulted) the strike ended with almost all of the cab companies signing agreements on 25 April. Drivers who had previously made a few dollars per 72-hour week won an 11-hour day, minimum shift length of 4 hours, limited accident liability, guaranteed minimum wages of \$12.50, rising with commission (or 25% of gross), a closed shop, and a provision that all drivers join the union within 15 days and remain in good standing. When the contract expired the following year, most firms raised wages to \$14 a week and renewed their contract with little fuss. The few companies that resisted were easily crushed by determined union drivers who pushed one car into the Cherry Street ship canal, slashed a few tires, and took car keys from drivers who were slow to realize that the union "meant business."⁵⁵ In 1940, only 30 drivers at 11 small firms struck successfully, while the other cab companies all signed and raised the minimum rate to \$16 a week, without job action.⁵⁶

With the success of the 1940 taxi strike the IBT transformed a sweatshop struggle into an unequivocal union victory. Unlike the delivery and moving industry, which was regulated by the companies, and perhaps like the coal industry, which was regulated by the union and the small operators, the taxi drivers were able to build a strong union and regulate the industry by winning over the numerous small operators who stood to gain by leveling competition through increased and standardized wages.

55 "Taxi Strike Looms on Anniversary," *Toronto Telegram*, 6 Apr. 1939.

56 NAC, Labour, RG 27, Vol. 407 (127) Taxicab Drivers, Aug. 1940 (MNF T-3014).

Teamster Staples: Milk and Bread

The IBT had a long established presence in Toronto's baking and dairy industries yet very little is known about how the union operated. The IBT's Toronto bread delivery local No. 688 came under Communist leadership in 1936 but agitation seemed to center around the organized bakery workers rather than the delivery men and there is no indication of how their members navigated the Great Depression.⁵⁷ Toronto's dairy industry, about which relatively more information is available, followed a path that differed from other industries organized by the Teamsters, and of all of the case studies in this chapter appears to be the only one with a sustained union presence that pre-dated the Great Depression. The percentage of milk truck drivers who were unionized before the Depression is unclear, but government correspondence from 1935 indicates that the Teamsters were established in the larger dairies, and had unionized many of the smaller units.⁵⁸ The Teamsters' standard contract, such as the one it signed with the Harris Dairy company in 1935, provided for a closed shop, one week paid vacation, one week notice, and a six day work-week. The wages, while not as high as in the unionized building trades, were around \$18 for a 65 hour week.

Many dairies appear to have renewed contracts with the IBT without a strike. The first recorded dairy strike in Toronto did not occur until August 1935 when workers and

57 Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins: The Depression Years, Part III, 1936* (St. John's 1996), 400; NAC, Labour, RG 27, Vol. 367 (13) Bakery Workers, Jan. 1935 (MNF T-2977); *Ibid.*, Bakery Workers, Feb. 1935. The taxi industry was not brought under the ISA until 1943. Wages rose again in 1941.

58 AO, Labour, RG 7-15-0-16, P.C. Auditor, Minimum Wage Board, "Memo to Mr. Marsh re: Harris, Toronto," 12 July 1935; AO, Labour, RG 7-1-0-107, J.L. Prentice to David Croll, 27 Dec. 1935.

drivers at one milk company succeeded in renewing their collective agreement and resisting wage cuts with a four hour work stoppage.⁵⁹ There is no evidence of renewed labour unrest in the dairy industry until 1937, when an employer push for an open shop unfolded in Toronto. A string of strikes began in January when 11 members of IBT Local 647 picketed the small Runnymede Dairy after the employer refused to sign a union contract.⁶⁰ The strike ultimately failed but the following April the Teamsters moved in to replace a company union (formed a year earlier) at the Valley View Dairy. Thirty five drivers successfully struck for four days, reinstated fired union activists, and stopped the sales manager from “using oppressive measures in dealing with the men.”⁶¹

It is difficult to assess the seriousness of the 1937 challenge to the IBT’s organization of the dairy industry without more information, but the Dairymen’s Association was pressuring their member dairies to break the union and avoid settling strikes, even if it meant conceding wage increases. It is equally difficult to discover the undoubtedly complex relationship between Ontario’s Milk Control Act, which regulated milk prices in 1937, and the regulatory efforts (if any) of the IBT’s dairy local. Apparently milk price increases, negotiated between the Toronto Milk Producers Association, the Toronto Milk Distributors Association and the government, were partially premised on establishing a minimum wage for dairy employees.⁶² Regardless of

59 NAC, Labour, RG 27, Vol. 371 (129) Dairy Employees, Aug. 1935 (MNF T-2980).

60 “Dairy Officials Call in Police,” *Toronto Telegram*, 15 Jan. 1937, copy in NAC, Labour, RG 27, Vol. 381 (9) Dairy Employees, Jan. 1937 (MNF T-2989).

61 “Valley View Dairy Strike,” *The New Commonwealth*, 17 Apr. 1937, copy in NAC, Labour, RG 27, Vol. 385 (82) Milk Wagon Drivers, Apr. 1937 (MNF T-2994).

62 AO, Labour, RG 7-4-0-7, “Statement re: Milk Prices in the Toronto Market,” 30 Oct. 1937.

the finer nuances of the relations between employers, workers and the state, the union began to perceive attempts to resist the union as a repudiation of collective bargaining. Consequently, when 35 workers struck Canada Dairies in June 1937 they constructed their battle as a fight for union recognition. The company initially backed down, reinstated a fired activist, suspended individual contracts and settled into contract negotiations, but in September, when the eighteen inside workers joined the union, the company immediately hired replacement workers at prevailing union rates.⁶³ On 20 October the IBT called a general strike of its 1,200 members in Toronto's dairy industry.⁶⁴ Violence erupted on picket lines, men were arrested and convicted of intimidation outside the plant, and scab milk deliveries were sabotaged;⁶⁵ the IBT called off the general strike after the provincial government sent in a mediator and let it be unofficially known that it would investigate the rates of profits in dairies, and impose a minimum wage in the industry.⁶⁶ Although the workers were still out on strike two years later — reportedly costing the union \$20,000 in strike pay with no indication that a minimum wage had been established in the industry⁶⁷ — the fact that the dairy drivers were able to call 1,200 workers out on strike indicates the

63 AO, Labour, RG 7-4-0-7, J.A. Kellythorne, Sec. Milk Drivers and Dairy Employees Union, Local 647, IBT, to M.M. MacBride, 2 Nov. 1937; NAC, Labour, RG 27, Vol. 388 (178) Dairy Drivers, June 1937 (MNF T-2997); NAC, Labour, RG 27, Vol. 392 (281) Dairy Employees, Sep. 1937 (MNF T-3000).

64 "Milk Drivers Plan Strike," *Toronto Telegram*, 20 Oct. 1937, copy in NAC, Labour, RG 27, Vol. 392 (281) Dairy Employees, Sep. 1937 (MNF T-3000).

65 "Milk Drivers Threaten Strike," *Ottawa Morning Journal*, 21 Oct. 1937, copy in NAC, Labour, RG 27, Vol. 392 (281) Dairy Employees, Sep. 1937 (MNF T-3000); AO, Labour, RG 7-4-0-7, Striking workers apparently removed the tops from over 1000 milk bottles so that they would be ruined.

66 "Plans Survey of Profits Before Setting Wage Rate," *Toronto Telegram*, 2 Nov. 1937, copy in NAC, Labour, RG 27, Vol. 392 (281) Dairy Employees, Sep. 1937.

67 "Vote to Continue Strike at Dairy," *Toronto Telegram*, 13 Jan. 1939.

extent to which the Teamsters had maintained their union locals through the Depression. It also speaks to the diversity of character and experience among the different IBT locals.

The Moving Industry: Ending Relief Labour from the Top Down

we are helper on the trucs and we do work 10 hours and more each day and we earn only from \$1.00 a day and after those working hours he the boss Dedire Vachon wants us to do extra work after our day is over but he doesnt want to pay any extra. So that why I do write to you because I think you can do something for us we do like to have more wages and please if you do something for us will you be kind enough to not mention my name because I might lose my job.⁶⁸

The statement above, taken from a letter to the provincial government in 1935 by a French Canadian helper on a truck in Ottawa, is similar in tone to many letters written by transport workers during the Great Depression. All sub-sections of the industry became magnets for unemployed men seeking to supplement their relief allowance and were inundated with fly-by-night operators and cut-rate competition. General trucking became so poorly paid that Dr. McAmmond (an intern in the Sick Children's Hospital who ran a fruit basket recycling business to pay for his medical school and help set himself up in business after his internship) felt no embarrassment in running an ad for a truck driver in the *Evening Telegram* offering "long hours and low wages."⁶⁹

68 AO, Labour, RG 7-15-0-41, Donat Charron, Ottawa, to the Minister of Labour, 29 Aug. 1935.

69 AO, Labour, RG 7-1-0-145, James Marsh to David Croll, 28 Jan. 1937. The government attempted to shame the doctor into paying higher wages by asking "how he expected a man to pay his living expenses and cloth himself and look after his health on \$10 per week." The ad also prompted several angry letters from indignant citizens: "What is wrong with conditions to allow a man to boldly advertise so openly such a disgraceful wage. Is this the way to end the depression? ... This country would be good to live in if we got rid of these exploiters of labour." AO, Labour, RG 7-1-0-145, Mrs. L. Mace, Toronto, to the Acting Premiere, 22 Jan. 1937.

Despite the horrible conditions under which many laboured, few efforts were made to organize general truckers (those not involved in the coal, bread or dairy industries). Long distance trucking was almost entirely unorganized for the duration of the depression and appears to have been ignored by the International Brotherhood of Teamsters. Long distance truckers were eventually organized (at least partially) after 1937 by the Canadian Brotherhood of Automotive Transport Employees (CBATE) (based in Toronto and affiliated with the ACCL), but what little evidence of their activities is available suggests that they were less than strident in defending their members' rights and focused more on accommodating the employers and their Automotive Transport Association's (ATA) desire for economic regulation.⁷⁰ The CBATE followed the ATA's plan to use "hours of labour and rates of pay for transport employees, with a view to stabilizing the industry."⁷¹ Much more needs to be known about this union and its relation with the organized employers, but in the process of assuming the role of regulatory unionism, it took on the appearance of a company union.⁷² The wages and hours that the CBATE agreed to were so poor that the government refused to implement their ISA code unless they lowered hours and raised

70 See the summary of the report by the Ontario Department of Labour on the wages in Ontario's automotive transport industry in *Labour Gazette*, Feb. 1934, 146-9.

71 AO, Labour, RG 7-1-0-133, "report of CBTE and the Automotive Transport Association," 19 Jun. 1935.

72 M.M. McLean, *It Was Never Easy, 1908-1958: A History of the Canadian Brotherhood of Railway, Transport and General Workers* (Ottawa 1961), 145, 195-6, passes only briefly over the CBRTE's organization of truck drivers (which started in Toronto) yet also mentions his union's preoccupation with competition from an unregulated trucking industry.

wages.⁷³ The union attempted to police the industry without state backing rather than renegotiate the code (which was strongly urged by Louis Fine), although the only recorded strike was a successful action by 7 members of CBATE local 245 against K&L Motor Express on 7 November 1938.⁷⁴ How well they were able to police the industry (beyond this one short strike) is impossible to determine, but the union appears to have been quite ineffective. One unionized worker in Toronto worked 121 hours in one week for \$12.00, and all the union did was write a letter of complaint to David Croll.⁷⁵ Another Toronto-based driver, who complained directly to the Minister of Labour in 1937, was clearly never unionized and obviously not protected through any regulatory arrangement between the trucking companies and the union.

I left the Leonard Transport last week on account of working conditions ... These people was expecting 18 hours out of 24 and if I became sleepy on the road I was dangring the lives of others ... One week in fact out of 120 hours I had 15 hours sleep, so you can imagine what I was like on the road. I complained that the hours were too long and that if I got sleepy on the road I was going to stop and sleep but they said it was not necessary ... I figured my neck and drivers licence was worth more than the job which was ill payed at that so I quit last week.⁷⁶

The local moving industry (which was distinct from long-distance transport but overlapped with general deliveries within the city) had absolutely no union organization. Unlike the scenario in the coal and taxi industry, the biggest opposition to the sweatshop

73 AO, Labour, RG 7-1-0-133, L.S. Leifso Grand President, CBATE to Louis Fine, 29 July 1935; J.F. Marsh, to Mr. Irwin, Sec. Minister of Welfare and Labour, 2 Dec. 1935.

74 NAC, Labour, RG 27, Vol. 399 (169) Truck Drivers, Nov. 1938 (MNF T-3007).

75 AO, Labour, RG 7-1-0-133, M. Bobyk "statement," 13 Sep. 1935.

76 AO, Labour, RG 7-1-0-153, censored name, Chatham, to [S.D. Cushen, Probation Officer, Toronto] [Dec. 1937].

system in the moving industry came from organized capital. Large operators became the driving force behind regulatory efforts aimed at fixing prices and ensuring adequate profits.⁷⁷ In the absence of union organization among their employees, cartage companies in Toronto moved quickly to drive out cut-rate competition from the numerous men on relief who either supplemented the dole with the meager pay from desperate fly-by-night movers, or who grouped together to buy dilapidated trucks, and then offered their services for a pittance. Despite the absence of union organization, the focus upon relief wages forced the organized movers of Toronto to frame their drive for price controls within the pretext of living wages for all employees. It is somewhat ironic that the actions of the company owners were not much different than that of militant unions in other sectors of the economy, such as the plumbers' or coal drivers' unions, which sought a regulated industry as a necessary pre-condition to their demands for living wages.

Organized capital acted to regulate industry from the top down just as unions attempted to regulate industry from the bottom up. The moving industry witnessed no pact between the small operators and the unions. The large companies pushed for regulation; and it was the small operators who might have opposed it had they been organized. As it was, the voice of the small operator is silent in the records — perhaps confirming the claim by the large companies that these men were true interlopers, driven into trucking by unemployment and held there by the welfare department, which seems to have been the biggest purchaser of their cut rate services, and 'defender' of their 'right' to

77 For a discussion of the move towards "business collectivism" see Michael Bliss, *Northern Enterprise: Five Centuries of Canadian Business* (Toronto 1987), 424-8.

work for relief wages. Had these small operators only serviced the welfare department, reaction from other trucking companies would have probably been muted (although eviction made relief moving work a bustling business). The movement of 'relief truckers' into the mainstream, via advertisements in the daily papers, however, alarmed the Toronto Cartage and Warehouseman's Association, which represented 75% of the "responsible moving firms in the city." They initiated a campaign against cut rate trucking, echoing the complaints of organized labour in other sectors that relief labour was a form of state subsidized competition which depressed wages and profits. The Association's investigation of their depressed industry confirmed its belief that their members had "received [the] most serious blow from the recipients of city relief," who purchased old dilapidated trucks for prices ranging from \$25 to \$100 and then offered up to four men with each truck "for rates from 50¢ to \$1 per hour."⁷⁸ These low rates were only possible, the Association asserted, because "drivers and helpers are on City and County relief." Apparently these fly-by-night truckers had no insurance, were not covered by Workmen's Compensation, and worked for unrecorded cash on trucks that were unsafe and overloaded. Drivers receiving city relief were paid on the basis of what they were allowed to earn on relief, thus establishing a lower standard of pay for moving, and giving employers of relief labour an opportunity to quote a much lower rate for moving jobs.⁷⁹

78 MA, Welfare, Box 36, File 16, Vol. 1, "Cartage and Storage," April/34 - July/37, P.C. Blackmore, sec-tres., The Toronto Cartage and Warehouse Association to Mayor Stewart, 9 Apr. 1934.

79 *Ibid.* Nor was this situation limited to Toronto, for complaints also surfaced of a similar situation in Hamilton. AO, Labour, RG 7-15, Department of Labour Files, Box 2, file 7-15-0-59.

While other industries faltered in their efforts to fix prices and regulate competition because of splits between large and small producers and the presence of organized labour (with which large capital was often loath to co-operate), the moving industry faced only the resistance of the Department of Public Welfare. In response to overtures from the organized trucking companies to have all relief recipients lose their drivers' licenses and surrender ownership of their trucks, the Department quoted their regulations which stipulated that although vehicles were not allowed to be owned by relief recipients for "pleasure purposes," they were permitted to be owned for business purposes. For relief recipients engaged in the moving business, they argued that although

a number of relief recipients are owners of motor trucks, which they have been using for general trucking, etc., also for hire on relief projects ... in many cases the[y] are able to get along with partial relief, and others accept relief for only a short period. In the majority of cases the relief recipient is able to earn sufficient money to take care of the necessary operating expenses as well as rent and clothing for his family ... Should this Department refuse to grant relief to owners of trucks, who by virtue of earnings can partially support their families, we would find ourselves in the unenviable position of preventing a man from trying to earn at least a portion of his living, and forcing him to the necessity of becoming absolutely dependent upon the state for support.⁸⁰

Despite the obvious desire on the part of relief officials to maintain this arrangement, which had both fiscal and ideological appeal, the organized truckers of Toronto continued their push to regulate the industry, and to enforce business standards and fee schedules. The following year, in November 1935, the General Truckers' Association of Toronto, including its constituent associations, the Toronto Truckers' Associations (dump trucks), the Toronto Cartage and Warehousemen's Association (household movers), and the

80 MA, Welfare, Box 36, File 16, Vol. 1, "Cartage and Storage, April/34 - July/37," General Superintendent to The Toronto Cartage and Warehouse Association, 10 Sep. 1934.

Toronto Cartage & Express Association (representing individual truckers), sent a delegation to the Commissioner of Public Welfare asking for the elimination of advertisements in the daily papers offering particularly low rates, a ban on the employment of men on relief by cartage operators, and the removal of Provincial markers on all trucks owned by relief recipients — effectively disqualifying them from working. They also demanded that city work be distributed evenly to operators in the district where it was required, and demanded that compensation for household moving be paid at a rate that would allow a fair wage to their employees.⁸¹

In their delegation to the city's Board of Control, the following month, the General Truckers' Association elaborated upon its previous points, arguing that its members' taxes were subsidizing competition from truck owners on relief. Men who were supported by the state could afford to charge as little as 60¢ per hour for three men and a truck. These truck owners, they claimed, were sojourners in the trade, driven there by the Depression and aided by the administrative practices of the Department of Welfare which made it possible, indeed necessary, that they work for almost any amount. Furthermore, the Department of Public Welfare was perpetuating the ruin of the trucking industry in Toronto by paying a flat rate of \$3.00 for moving relief recipients regardless of the size of truck used, the amount of men working, or the length of the job, thus encouraging 'legitimate' truck owners to hire relief recipients for low wages. It was not just the low rate, but the payment of a flat rate, which was viewed as contrary to what the

81 *Ibid.*, The General Truckers' Association of Toronto to A.W. Laver, 26 Nov. 1935.

truckers perceived to be their rights. As they correctly pointed out, it was also contrary to the manner in which the city treated the other suppliers of goods and services, such as grocers, butchers and coal dealers who were granted a negotiated 'fair' return for their services.⁸²

The following January, while the Department of Welfare was studying the situation, the Truckers' Association submitted a proposed schedule of fees for household moving, based upon the size of the job. Their proposal met with success and the Board of Control accepted the rate schedule — which ran from \$3.00 to \$12.00 — and restricted this work to movers registered with the Department of Public Welfare. In keeping with its existing policy, the Department also allowed owners of trucks who were on relief to register. This agreement obviously pleased the organized truckers of Toronto, but it raised the ire of the Canadian Truckers' Association, supported by city Alderman MacGregor and William Duckworth, M.P.P, who spoke for truckers who were excluded from the agreement. Their letter of protest charged that the rates agreed upon were much too high; but when the city responded to these charges by ordering a call for tenders for moving, only one operator, located in the East District, underbid the existing price scale.⁸³ In an effort to appease its critics, the city imposed a new rate schedule, setting a maximum of \$6 for a normal-sized house, rising to \$7 for an exceptionally large moving job, and paying an hourly rate for both the truck and the moving men.

82 *Ibid.*, The General Truckers' Association of Toronto to Mayor Simpson and the Members of the Board of Control, 11 Dec. 1935.

83 *Ibid.*, Thomas Collins, The General Truckers' Association of Toronto to A.W. Laver, 30 Jan. 1936; J.W. Somers, City Clerk to A.W. Laver, 13 Feb. 1936; J.W. Somers, City Clerk to A.W. Laver, 21 May 1936; J.W. Somers, City Clerk, to A.W. Laver, 29 Sep. 1936.

The city also bowed to pressure to regulate the employment of men on relief, often for cash, by truck operators, but stopped short of effective enforcement of this regulation. In addition, the Workmen's Compensation Board contacted the police and reminded them that licenses for truckers who employed at least one person could not be issued without certification from the Compensation Board, thus satisfying one of the demands put forward earlier by the Trucking Association.⁸⁴ The end result was a substantially regulated market for welfare work, including the division of the city into operating territories and a rate schedule which the truckers could live with. The average cost of moving a relief recipient's family rose from \$3.10 in 1935, to \$5.22 in 1936, resulting in the expenditure of an additional \$16,000 by the city.⁸⁵

The absence of rate regulation in the 'private sector' then became the focus of the Truckers Association's efforts. On 22 April 1937 the city (through the Police Commission) met its demands and passed by-law 204, also known as the "Cartage by-law," which provided for a standardized rate for all moving within the city.⁸⁶ The new rates represented the culmination of victory for the Truckers Association, but its victory was temporarily halted as by-law 204 was suspended in response to the objections of the

84 *Ibid.*, P. Beach, Assessment Officer, The Workmen's Compensation Board, to Mr. Heron, Dept. of Public Welfare, 21 Jan. 1937.

85 MA, Welfare, Box 36, File 16, Vol. 1 "Cartage and Storage," April/34 - July/37, "Department of Public Welfare, Cartage," 22 Apr. 1937.

86 Despite an extensive search for the actual by-laws I was unable to find them in the City of Toronto archives. This is particularly puzzling because there is reference to the by-law, and a copy of it as passed, in the Department of Welfare Records and the City Council Minutes. It is probable that the by-law number is a Police Commission by-law. Unfortunately I was unable to locate a register of these by-laws.

Industrial Traffic League and the Canadian Manufacturers Association.⁸⁷ The Truckers' Association exerted political pressure and succeeded in having a revised by-law passed in November 1937 which provided for extensive regulation of the industry by re-establishing uniform rates for all trucking within the City of Toronto and the surrounding municipalities. The by-law also banned all unauthorized (by the Board of the Commissioner of Police) advertising — in any form — and forbid the direct solicitation of clients. Drivers were forced to wear metal badges with their driver number conspicuously displayed on their clothing (which was aimed at discouraging casual labour), while trucks were required to have the company's name painted on the side.⁸⁸ Not to be outdone by the organized trucking companies, the Department of Welfare responded by exploiting one of the new by-law's provisions which allowed clients to contract trucks for a period not under one year, at a rate negotiated between the trucker and the client, without reference to the established rates. The Department issued a blanket contract (running just over one year) and then invited all truckers to sign on the condition that work would be rotated among those who agreed to enter into a contract which set aside the tariff schedule. This arrangement continued unassailed until January 1941 largely because the rates, while less than ideal, were livable, and did not lower the cost of moving for families who were not on relief.⁸⁹ That year the Truckers' Association

87 MA, Welfare, Box 36, File 16, Vol. 1 "Cartage and Storage," April/34 - July/37, J. Palmer Kent, Secretary, The Board of Commissioners of Police, to A.W. Laver, 7 May 1937.

88 By-law No. 204 "Relating to Owners and Drivers of Cartage Vehicles" passed 22 April 1937 (as amended to 15 Nov. 1937) copy in, MA, Welfare, Box 36, File 16, Vol. 2 "Cartage and Storage," April/34 - July/37.

89 MA, Welfare, Box 36, File 16, Vol. 2 "Cartage and Storage," April/34 - July/37, Deputy Commissioner Heron to A.W. Laver, 31 Dec. 1940.

succeeded in having rates raised, justifying the move as a valid response to wartime inflation, then at its peak.

The Unorganized

It is probable that the moving industry was not unionized because the presence of a union would have steered the drive for regulation into the administrative apparatus established by the ISA. It is therefore not surprising that amid the intense and protracted struggle by trucking company owners to ensure profits, workers apparently fought only two recorded battles to raise wages and secure union recognition. The first known moving industry strike in Toronto during the Depression, in October 1935, roughly coincided with the initial lobbying effort by trucking companies to raise their rate schedule and only affected 50 truckers and helpers who were attempting to stop a wage reduction on long distance jobs.⁹⁰ The struck moving firm was not a 'sweatshop employer,' but an anti-union business fighting the workers' attempts to organize, although it settled with the union after five days.⁹¹ The following year, on 31 March 1936, thirty-five workers struck against the firing of a union activist during a unionization effort (initially by the WUL's Transport Workers Union, but later organized as an independent union affiliated with the National Trades Council) at Rawlingson Moving and Storage. The employer claimed he resisted the union

90 NAC, Labour, RG 27, Vol. 371 (165) Moving Firm Employees, Oct. 1935 (MNF T-2981). This also involved truckers in Hamilton.

91 "The Truth about the Matter," Company flyer by Hill, copy in NAC, Labour, RG 27, Vol. 371 (165) Moving Firm Employees, Oct. 1935 (MNF T-2981).

“because they were reds and unsuitable employees.”⁹² By June, all but 11 workers returned and were rewarded with a pay increase despite losing the strike.

The significance of the absence of class struggle in an industry plagued by the specter of relief labour is not entirely clear; however when comparing the moving industry with the coal industry, one is struck by the difference in the structure of capital and the way it responded to relief labour. In the coal industry capital was divided, with the smaller operators supporting the workers and their union in an effort to secure a “living profit.” They were prepared to pay more and end relief labour provided they were guaranteed a reasonable price for delivering coal. Large capital, in contrast, controlled the docks, enjoyed the benefits of municipal coal contracts fattened by the availability of cheap relief labour in the early years of the Depression, and clung to underpaid labour when setting coal prices under the voucher system. In the moving industry the smaller operators were themselves often relief recipients operating under a system orchestrated by the Department of Welfare, which encouraged them to under-value their labour. The large firms were more interested in re-establishing the *status quo*, including living wages, because they were just not equipped to compete with men on relief. A firm that wanted to make a profit from its workers, and maintain its capital equipment, could not compete with a ‘self-employed’ mover whose only ‘profit’ was the relief wage he received for his toil. Although mainstream movers undoubtedly had employees on relief, the nature of their protest to city officials — citing the employment of men on relief as the true cause

92 NAC, Labour, RG 27, Vol. 375 (30) Moving and Storage, Mar 1936 (MNF T-2984), E.N. Crompton to W.M. Dickson, Deputy Minister of Labour, 23 Apr. 1936.

of the ruin of their industry, and claiming living wages for the employees as one of their aims — meant that they could not resort to employing relief labour to boost profits once the city had granted their rate schedules, at least not without jeopardizing their cause.

It is not inconceivable that independent truckers on relief could have banded together and demanded better pay from the city, but their dependency upon the Department of Welfare extended far beyond their wages, and turned on their ultimate vulnerability as dependent “clients” of the Department. There is, however, no evidence that independent truckers even went so far as to form an association. Part of the reason moving truck workers did not organize was the shifting nature of employment and unemployment. Although it is impossible to reconstruct the myriad of relations involved when a group of unemployed men got together, purchased a truck and took turns working for enough money to pay the rent or buy clothes (but not working enough to significantly reduce their welfare eligibility) it is probable that any equity in the truck could be transferred to a new partner through wage differentials or some other method. This would mean that an unemployed carpenter might work on a truck for less than the people who owned and worked it but, if over time he contributed to repairs etc., he might become a co-owner and then earn more. If work in his trade became available he might move on and another worker would take his place. There were most likely strong relationships formed around relief work as the unemployed shared strategies of survival and established co-operative arrangements of mutual support, but this did not lead to a sustained union presence, and apparently no concerted effort was made by any union to organize these workers.

Conclusion

The organization of Toronto's coal delivery workers in the 1930s stands as a clear example of the complex relationship between the welfare state, business competition and union power and reveals some of the nuances of economic regulation and regulatory unionism. Colin Gordon's discussion of industrial regulation works through broad interpretative strokes that often fail to adequately express the finer textures of regulatory unionism, particularly in the trucking industry. While IBT official Philip Smith saw his union as "an umpire to promote fair industry practices and rules,"⁹³ Toronto's coal drivers and handlers clearly led and promoted a form of industrial regulation that was more concerned with the needs of workers. Although small operators would benefit from a regulated market, the balance of class forces ensured that the deals that were brokered reflected more the power of united workers than united employers. The activities of the IBT in the coal industry (and to a lesser degree in the taxi industry) shaped not only the relation between capital and labour, but also structured the market in ways which limited competition and passed increased costs on to consumers. While far from a threat to the capitalist system, private property or even corporate profits, the IBT nonetheless positioned workers at the center of economic organization in these industries.

Even where workers were unorganized, economic regulation eventually turned to concerns about living wages and, more particular to Toronto, relief-subsidized wages.

93 Colin Gordon, *New Deals: Business Labour, and Politics in America, 1920-1935* (Cambridge 1994), 108-9. The quote is from 1947 yet is used by Gordon as evidence of IBT perspectives in the 1930s.

Lloyd G. Reynolds observed this relationship between price control and wage control in his 1940 study of competition and regulation in Canada.

The attempt to demonstrate that price fixing is really in the public interest has gone through much the same evolution as the business argument for a protective tariff, and like the latter has now come to rest mainly on a professed desire to protect wage rates. Price cutting, it is argued, leads to wage cutting which reduces the worker's standard of life. This can occur, however, only where the workers are for some reason in a weak bargaining position.⁹⁴

Most workers (both organized and unorganized), were in a weak bargaining position for the duration of the Great Depression. Without a radical alternative to reformist solutions, economic regulation became the limit of labour's collective vision, and a recurrent complement to demands for living wages. When organized moving companies regulated their industry, workers on Toronto's trucks benefited, but at the expense of attempting a solution that actually altered the fundamental structures of the economic order and its debilitating disorder. Economic regulation made sense as a strategy of survival, but it led away from workers' power or socialism by relying much too heavily upon a capitalist state, and left unscathed the basic economic structures of the profit system. Only through challenges to the nature of private property and the prerogatives of the profit system could workers free themselves from the predations of the market and the endless competition that pitted one segment of workers against another. Efforts of workers to organize and assume some control of their economic fate were central to the class struggles of the 1930s, but this persistent conflict was often rooted in economic segmentations that were reproduced in the organization and demands of the working

94 Lloyd G. Reynolds, *The Control of Competition in Canada* (Cambridge Mass. 1940), 102.

class, cutting against broader working class solidarity and narrowing the vision of insurgent labor.

Chapter Eight

'Help Abolish Slavery': Service Workers in the Great Depression

Restaurant and hotel workers occupied a distinct space within Toronto's working-class community in the 1930s. Their position as service workers differentiated them from both 'blue collar' factory workers and craftsmen, and 'white collar' workers in shops and offices, yet they followed the same broad patterns of resistance and accommodation seen in Toronto's other economic sectors as workers responded to the general crisis of declining wages, lengthening hours, and partial relief payments. Hotel and restaurant workers shared material conditions, but the difference between the smaller economic structure of their respective industries produced dissimilar obstacles and opportunities for these two groups of workers. Although hotel and restaurant workers were ultimately represented by the same union, their respective locals pursued divergent paths of organization. The bartenders' local was exclusive and accommodationist while the restaurant local was inclusive and confrontational. The variation in the structure and style of the two locals reflected the gender, marital status, and demography of these two groups.

In the hotel industry — including both the elaborate and large downtown hotels and the smaller establishments that came to be known primarily for serving alcohol — men made up 65% of the approximately 3,000 workers in Toronto and were employed as bell boys, bartenders, beverage room servers, and clerks, while women were largely

limited to working as maids and house keepers.¹ Although hotel workers remained outside of the union fold, bartenders and male beverage room waiters built upon a long union history to organize the industry in ways that were similar to the cooperative pattern concurrently established in the construction industry. While they failed to reach an agreement under the Industrial Standards Act (ISA), Bartenders' Local 280 of the Hotel and Restaurant Employees International Alliance (HREIA) joined with the powerful Toronto Hotel Proprietors Association to raise extremely low wages across the city, and achieved a high rate of unionization (80% of establishments) by the end of the Depression. This 'victory' — won with a minimum of strikes and few incidents of violent or rowdy picket lines — was achieved through a system of regulatory unionism that earned government support in re-establishing a 'family' wage for male workers, at the same time that it ended reckless competition between proprietors.

The restaurant industry, in contrast to the hotel industry, was rocked by explosive class struggle that spilled into the streets in mass picketing, isolated acts of violence, and seemingly endless court battles over labor injunctions that positioned restaurant workers at the center of broader struggles for living wages and union rights in the 1930s. This is particularly significant given the high percentage of female workers in this sector of the economy; over 60% of the 5,254 restaurant workers in 1938 were women.² They were

1 Department of Labour, "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly *Sessional Papers*, 1938, paper 10, p. 120, 122. This is the only year in which separate statistics are available for the hotel industry and the restaurant industry. The statistics for 1939 include the relative number of men and women in these industries, but as a combined total for both restaurants and hotels.

2 *Ibid.*; *Census of Canada*, Vol. 7, 1931, p. 762; p. 235. The exact percentage of waitresses within the restaurant industry for years other than 1938 and 1931 is very difficult to determine because the Minimum Wage Board reported the number of women in the hotel and restaurant industry as a

employed in all occupations, from cooks to managers, but the majority of women worked as waitresses. A large percentage of these female workers were married or separated and were the primary breadwinners for their families. Although technically protected by the Minimum Wage Act, their militancy grew from their need for a living wage and/or a 'family' wage. This need was shared by their male co-workers (many of whom earned even less than their female co-workers) creating an interesting dynamic in which fair wages, living wages, minimum wages, and family wages became relatively synonymous and gender-neutral goals. It is problematic to suggest that the root of conflict in the restaurant industry resulted from a shift in the hierarchy of gendered wages, but it is clear that, in certain sectors of the economy, the minimum wage for women (provided it was buttressed by a nearly immutable feminization of the particular occupation) bestowed a relative economic privilege upon women workers at the same time that it failed to provide them with a 'family' wage. This dynamic was present in other industries where women worked, but it was particularly prevalent among the city's waitresses.

As a result, the unionization of restaurant workers followed a very different path than that of bartenders and beverage-room waiters. Without a sustained or strong union presence before the Depression, female restaurant workers were drawn in increasing numbers to the Workers Unity League's (WUL) Food Workers Industrial Union (FWIU)

combined total. If we compare the 1931 census and the 1931 Minimum Wage Board report we get a total of 2,772 and 3,039 women respectively. Of the 2,772 women listed as working in the industry (and 4,661 men) in 1931, the census enumerated 1,727 waitresses (but only 1,328 waiters). By this calculation 62% of all females in the hotel and restaurant industry were waitresses. This is a misleading figure because the women in the hotel industry did not work as waitresses, so perhaps the figure was closer to 80% of women in the restaurant industry. Although there were significant shifts in employment over the course of the 1930s restaurant waitressing became increasingly feminized.

in the early 1930s. Numerous strikes were waged in restaurants across the city as men and women came together to raise wages and (for the men in particular) reduce hours. Both men and women called for the 'abolition of slavery' and referred to themselves as 'coolie labour' in their attempts to rally public support for their struggles. The merger of the FWIU and HREIA in 1935 did not dampen their militancy, but provided the basis for the rapid growth of restaurant unionism in Toronto in the second half of the decade. Unlike the bartenders, however, this growth was not craft-exclusive — embracing all restaurant workers — and was not predicated on state-assisted regulatory unionism. This was partly due to the high percentage of female workers already covered by minimum wage legislation, but also reflected the highly competitive and fragmented nature of the restaurant industry. Despite the emergence of large, standardized restaurant chains in the 1920s and 1930s, only 4.5% of all restaurants in Ontario were chain-owned by 1941 (although they accounted for 13% of all sales).³ Many other restaurants were run by small operators who could exploit themselves and their family's labor to stay afloat. They were immune to unionization, and would have little interest in establishing pay rates under the ISA.

The only apparent interest in regulating restaurants through the apparatus of the ISA came from employers who had either been unionized or seriously wounded in bitter battles with their workers. Having lost, they wanted to extend their competitive disadvantage to others. Peter Bassel, who was part of an organized attempt to resist unionization as a

3 Ian Drummond, *Progress Without Planning: The Economic History of Ontario from Confederation to the Second World War* (Toronto 1987), 307-8.

member of the Ontario Restaurant Owners Association, wanted the industry regulated through the ISA, and M.P. Georgas, owner of the Biltmore Restaurant, cited “the unfair competition and ruthless price cutting, which continues, to the detriment of the Restaurant Industry in Toronto,” in calling for the establishment of a restaurant code. The government ignored their interested pleas, and did not even attempt to call an initial meeting to establish codes, claiming there was “not sufficient interest on the part of employers.”⁴ Due to the absence of a strong employers’ association, the industry was never considered by the government for protection under the ISA. Without state intervention or a union-friendly employer organization, the unionization rate in restaurants would prove to be much lower than the hotel unionization rate; nonetheless the struggles of female restaurant workers stand out as an example of gendered militancy and points to a new direction taken by Toronto’s labor movement in the 1930s and beyond. Together the narratives of the hotel and restaurant workers provide a tentative history of service workers in the Great Depression and add an important and overlooked dimension to the fabric of Canadian working-class history.

4 Archives of Ontario (AO), Department of Labour Records (Labour), RG 7-1-0-139, M.P. Georgas, to David Croll, 17 Oct. 1935; AO, Labour, RG 7-1-0-145, M.P. Georgas, President, to David Croll, 5 Mar. 1937; AO, Labour, RG 7-1-0-139, David Croll to Peter Basil, Toronto, 6 May 1936; AO, Labour, RG 7-1-0-179, “Petitions under the ISA,” 15 Sept. 1938.

'Maidens, Young and Fair'

Working in a restaurant carried a social stigma for women, casting them as coarse-talking hussies who flirted with male customers in their mercenary quest for tips.⁵ A skilled Welsh-born craftsman described his failing marriage to a family court officer in Toronto, conveying what may have been a popularly held notion of the social position of female servers:

Seven years ago I met my wife in a restaurant at Bloor and Yonge. I thought she was in the wrong place so I took an interest in her. I tried to change her from a waitress to something a little higher up but I found out later it just can't be done.⁶

The idea that waitressing was a low-status and vaguely immoral occupation was rooted in residual Victorian notions of women's proper place. Although this was undoubtedly a barrier to women's entry into the industry, an increasing number of women found employment as waitresses and restaurant workers during the Great Depression. The restaurant industry was one of the few growth areas of Toronto's economy during this period. By 1938, 3,165 women were employed in Toronto's restaurants. This was more than 50% of the number of women working in Toronto's large and economically

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- 5 See Dorothy Sue Cobble, *Dishing It Out: Waitresses and Their Unions in the Twentieth Century* (Urbana 1991), 24-6, 40-6, for a fascinating discussion of the history and perception of tipping in the USA. Although the practice was considered so odious that several states actually criminalized tipping, by the late 1930s tipping was a common practice in 65% of independent restaurants in the USA. Similar statistics are not available for Toronto, but there is reference to a decline in tipping with the onset of the Depression, leaving the impression that the practice was at least as prevalent as it was in the USA.
- 6 AO, RG 22-5836, Ontario Provincial Court, Family Division (York), General Case Files, 1931-1939 (Family Court), File # 26, 087.

significant clothing and needle trades.⁷ Only one Canadian academic study, undertaken by Ester Reiter, deals with food service workers but its focus is upon the rise of franchise fast food outlets in the 1970s and 1980s.⁸ Dorothy Sue Cobble's *Dishing It Out: Waitresses and Their Unions in the Twentieth Century* is the only book-length historical work on the restaurant industry in the United States.⁹ Her findings and arguments offer some insight into the subsequent narrative and analysis of restaurant workers in Toronto in the 1930s. Cobble's focus upon the relationship between gender and union organization is particularly instructive. In this neglected corner of labor history Cobble finds a working-class female subculture dominated by married, separated, and divorced women that expressed itself in common values, collective action, and labor militancy. This militancy was built upon waitresses' shared social and occupational identity as both primary breadwinners and long-term labor market participants. According to Cobble, most waitresses viewed their occupation as more than just a "job," and instead felt an enduring "commitment to their trade and their community of co-workers" that led them

7 Dorothy Sue Cobble, *Dishing It Out*, 24-6. See also Sheila Rowbotham, *Women's Proper Place: A History of Changing Ideals and Practices, 1870 to the Present* (New York 1978), 114-38 for a discussion of public perceptions of suitable employment for women; Department of Labour, "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly *Sessional Papers*, 1940, Paper 10, pp. 67, 122.

8 Ester Reiter, *Fast Food; From The Frying Pan into the Fire* (Montreal 1991), 26-34. Reiter's discussion of the restaurant industry in the 1930s is relatively brief. Wayne Roberts, *Honest Womanhood: Feminism, Femininity and Class Consciousness Among Toronto Working Women, 1893-1914* (Toronto 1976) provides a short description of unsuccessful organizing campaigns and the frenetic work rhythms of a Toronto restaurant drawn from a semi-autobiographical novel, F.P. Grove's *A Search For America: The Odyssey of an Immigrant* (Toronto 1971), 52-4.

9 Dorothy Sue Cobble, *Dishing It Out*. Several sociological studies have been undertaken: Frances Donovan, *The Woman Who Waits* (Boston 1920); William Foote Whyte, *Human Relations in the Restaurant Industry* (New York 1948); James Spradley and Brenda Mann, *The Cocktail Waitress: Women's Work in a Man's World* (New York 1975).

towards collective action aimed at establishing and improving their place in the world of work.¹⁰

Cobble uses a rich tapestry of sources to reconstruct the waitresses' working culture, and the shifting roles and structures these women moved through over the course of the twentieth century. Common patterns and experiences united waitresses as they drifted from one employer to another in search of a job that offered the right combination of good wages, generous and civil customers, a respectful owner and an acceptable pace of work. Few would find this ideal, but at each restaurant they formed intimate relationships with their co-workers. They shared the tempo of long days, aggravated by split shifts that tied them to their employer from morning to night, and the common experience of dealing with an often unpredictable (if not outright offensive) clientele. Often they ate as a group, shared apartments or passed the time between split shifts together. They navigated the stresses of the work day and dealt with employer derision (and sexual impropriety) by reinforcing their collective sense of skill and self worth.

Waitresses' consciousness of their own worth, collectively and individually, led Cobble to compare their work culture to the "militant craft work culture of male printers and cigar makers as much, if not more, than the domestically rooted work cultures attributed to other female-dominated trades."¹¹ Certainly waitresses shared a pride in their skill at making a restaurant work, memorizing numerous orders, drawing in customers with their efficiency, good manners and charm, and negotiating the solicitation of tips.

10 Dorothy Sue Cobble, *Dishing It Out*, 15.

11 *Ibid.*, 52-4.

But what drew waitresses together most was their status as primary wage earners.

Although the American statistical evidence is sketchy and somewhat contradictory, the majority of waitresses either lived away from home, if they were single, or supported their children (and sometimes their husbands) if they were married.

The situation in Toronto in the 1930s was remarkably similar to the condition of waitresses in the United States in the same period. Many of Toronto's waitresses were young (indeed younger than female factory workers in the garment, textile and shoe industries), but one-third were married or separated (see Tables 8F and 8G). The following table shows the percentage of women who were married (including married but separated) in various industries in Toronto. The figure for restaurant and hotel workers was either the highest or the second highest for all of the years from 1926 to 1932. Because there are no separate figures for waitresses (or even restaurant workers), the figures include the predominantly single hotel maids. When these women are removed from the total it is highly likely that the percentage of married and separated waitresses becomes closer to the rate in the United States, where 50% of waitresses were married, widowed, separated or divorced.¹² While it is somewhat problematic to draw inferences about Toronto in the 1930s from an American study that covers several decades, there appears to be a good deal of continuity between the experience of waitresses in the United States and Toronto, particularly in terms of their working conditions, age, and marital status.

12 *Ibid.*, 211.

Table 8A: % of Working Women in Toronto who are Married by Industry¹³

	Restaurant & Hotel	Rubber	Boot & Shoe	Needle trade	Textiles	Dept Stores	Retail Stores	Jewelry	Electrical
1926	35.60	24.80		19.80				8.80	
1927	33.40	28.60	20.80	18.90	19.80	20.20	8.10	12.50	15.60
1928	40.80	29.90	11.90	22.60	21.10	19.30	15.50	14.20	14.20
1929	34.40	30.90	24.50	22.80	25.30	12.50	16.50	12.70	7.20
1930	35.40	30.70	22.40	24.10	24.10	8.70	18.80	12.70	12.40
1931	35.00	35.10	25.00	25.00	25.00	21.10	16.08	13.30	9.50
1932	33.00	37.10	27.00	24.90	24.30	17.90	15.70	18.20	8.40

Married waitresses, like other married women in the 1930s, most often worked from economic necessity, either to supplement or replace the wages of their spouse. This was not a particularly new phenomena. Michael Piva has observed, in a study of Toronto in an earlier period, that male “blue collar” jobs rarely provided enough income to keep a family above the poverty line. The Depression exacerbated this condition and more married women entered the work force in Toronto after 1929. In 1930 the Minimum Wage Board noted that the increased participation of married women in wage labor was partly because “wives have gone to work when their husbands jobs failed.” This was also noted by the employment services of the YWCA which helped to place women in waitressing jobs.¹⁴ Women married to ex-servicemen were also driven to find work when

13 Source: “Annual Report of the Minimum Wage Board,” in the Ontario Legislative Assembly’s *Sessional Papers*, 1928, paper 40; 1929 paper 40; 1930, paper 14; 1931, paper 38; 1932, paper 47. Prior to 1928 the figures refer only to women who are under 50 years old.

14 Michael Piva, *The Condition of the Working Class in Toronto, 1900-1921* (Ottawa 1979), 39-43; “Annual Report of the Minimum Wage Board,” in the Ontario Legislative Assembly’s *Sessional Papers*, 1931, paper 38, p. 5; AO, Labour, RG 7-1-0-161, “Brief prepared by the National Council of the YWCA,” p. 4., 18 Sept. 1938.

their husbands health faltered or failed. Mrs. M.F. Coleman, for example, was married to a twice-wounded ex-soldier who had served in the Boer War, in India, and with the Canadian Corps in World War One. He had managed to work as a civilian until 1934 when, like many of his comrades, he succumbed to the physical stress of his youth and became a “burnt out pensioner.” Military pensions were rarely enough to support a family, so Mrs. Coleman began to work as a waitress in a tea room.¹⁵

While stories such as these explain why more married women were working during the Depression, the economic necessity that pushed married women into waged labor was also contextualized by particular family dynamics. Given the youth and marital status of waitresses there is a good probability that a relatively large number of female restaurant workers were in troubled relationships or separated, and possibly the sole supporter of their children. There is no statistical base upon which to draw so precise a conclusion, other than the general observation made in a previous chapter that young couples were vastly over represented in family court and were far more likely to be separated than older couples. Qualitative evidence from Toronto’s Family Court also points to marital dysfunction as an incentive for women’s waged labor in the restaurant industry. Mary S., for example, worked as a waitress for \$7 a week because her husband, a butcher at A & P earning \$25 a week, refused to provide any money for food or clothing for her and their three children. Other women turned (or returned) to waitressing to support themselves and their children after a separation from their husbands, or during

15 AO, Labour, RG 7-1-0-153, Mr. M.F. Coleman, Toronto, to Mitchell Hepburn, 26 Nov. 1938.

difficult periods in their marriage. Colleen B. continued to work as a waitress after she got married because her husband (who worked as a restaurant counterman for \$17.50 per week, and then as a waiter for \$12.00 per week) spent most of his income gambling and drinking. When she became pregnant and quit her job he promised to support her and the baby, but within four years Colleen had been evicted from several homes, forced onto relief, and finally deserted. With her relief payments delayed, and then denied (because her husband was working elsewhere although not supporting her), she finally returned to waitressing.¹⁶

The statistical and qualitative evidence does not definitively explain *why* women worked as waitresses; the prevalence of women as breadwinners, however, affected unionization drives and the nature of the demands that were articulated. During the 1938 Childs restaurant chain strike, an appeal for public support was premised on the position of waitresses as primary income earners and single parents. Mildred Stern's article in *The Clarion* focused on the breadwinning status of female restaurant workers, with particular attention paid to the double burden placed on working mothers in the restaurant industry:

Before the strike she and Billy lived in one room on Sullivan Street. His mother used to come home worn out and tired after the strain of a working day to cook Billy supper and to mend his clothes. His mother earned \$8.50 a week.¹⁷

Yet, for women who needed to support themselves and their families, waitressing offered a reasonable income (once tips were included) that was consistently above

16 AO, Family Court, RG 22-5836, File # 25,141; 26,328.

17 "Rose Henderson Camp Receives Children of Strike Pickets," *Toronto Clarion*, 19 Jul. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85), Restaurant, Jun. 1938 (MNF T-3005).

minimum wage and initially higher than wages for female workers in other industries. This changed significantly in the first few years of the Depression as wages and tips dropped, and employers began to claw back earnings even further by charging for uniforms and other incidentals. The legislated minimum wage for women of \$12.50 per week in Toronto (26 cents per hour) could be legally lowered by restaurant owners by deducting up to \$5.25 per week for meals (at the rate of 25¢ per meal), and \$7 if the women boarded at work.¹⁸ Quantitative evidence from the Dominion Bureau of Statistics, Internal Trade Branch, suggests the magnitude of the wage reduction. Sales in Ontario restaurants decreased by 45% between 1930 and 1933 (partly reflecting a decrease in the cost of food and vicious price-based competition between restaurants), yet wages continued to consume 21% of revenue. Because employment in the restaurant industry actually grew over the course of the Depression, it stands to reason that wages must have dropped by close to 45% (possibly concurrent with the extension of hours for male workers).¹⁹ The following chart clearly shows the downward shift in the wage structure for female restaurant workers (about 60% of whom were waitresses); this shift would be even more dramatic had the government recorded the wages paid after deductions for uniforms, meals, and board.

18 AO, Labour, RG 7-1-0-139, David Croll to Miss N.H. Wark, Assistant Deputy Minister of Public Welfare, 5 Oct. 1936.

19 The Department of Trade and Commerce, Dominion Bureau of Statistics, Internal Trade Branch, "Census of Merchandising and Service Establishments in Ontario, 1933" (1935), p. 12. Sales declined as follows: 1930-\$28,6333,000; 1931-\$23,995,000; 1932-\$19,013,000; 1933-\$17,008,000; 1934-\$18,244,000. Much of this was at the expense of chain restaurants which saw their portion of total sales decline from 20.8% in 1930 to 15.7% in 1933.

Table 8B: Income of Toronto's Female Hotel and Restaurant Workers (\$/week)²⁰

year	12-13	13-14	14-15	15-16	16-18	18-20	20-22	> 22	# of Women
1926	9%	19%	13%	22%	20%	8%	5%	5%	1949
1927	5%	13%	21%	18%	17%	16%	6%	5%	1884
1928	3%	17%	9%	25%	18%	18%	5%	6%	2564
1929	3%	16%	15%	16%	24%	17%	4%	5%	2821
1930	5%	16%	15%	15%	19%	18%	5%	7%	2934
1931	7%	31%	16%	10%	19%	10%	5%	3%	3039
1932	16%	33%	16%	8%	15%	6%	3%	3%	2518

As difficult as the situation became for female restaurant workers, men were arguably worse off. Not covered by minimum wage legislation, male waiters all over the province increasingly complained of long hours and low pay. A waiter at the Princess Cafe in Kingston saw his wages drop from \$10 in 1929, to \$5 in 1933 for an 84 hour week, with which he attempted to support his wife and baby. A waiter in Windsor complained that his pay dropped from 12.5 cents an hour to 5 cents an hour over the course of a few months in 1936.²¹ The Minimum Wage Board's 1938 report, which compared the wages of men and women working in Toronto's restaurants and tea rooms, demonstrates that many men earned far less than women, and worked twenty hours more per week on average. (See Table 8J) The female minimum wage actually created tensions among poorly paid male restaurant workers. As one worker in Toronto recounted in a letter to the Minister of Labour.

20 Source: "Annual Report of the Minimum Wage Board," in the Ontario Legislative Assembly's *Sessional Papers*, 1928, paper 40; 1929 paper 40; 1930, paper 14; 1931 paper 38; 1932, paper 47. The figures are expressed as a percentage to clearly show the relative downward shift. Employers, of course, would be reluctant to report wages below minimum wage, so the bottom end of the chart is deceptive.

21 AO, Labour, RG 7-1-0-139, Lawrence Miller, Kingston, to David Croll, 4 Sept. 1934; Joseph Scott, Windsor, to David Croll, 22 Apr. 1936.

I am working at present at Bowles Lunch and happened to be in need of work very badly ... My wages for 54 hours work with meals for 6 days are \$7.90. There are a great many number of men in the same position as I am who would rather suffer those unfair condition than have to have someone else keep them. ... I am not an agitator by any means and am a full blooded Canadian ... I am married but no family and I ask you 'why should girls get the same money as I, and then work 6 hours a week less.'²²

It is interesting to note that his objection was not based on a belief that as a man he should be paid more than a woman, but that he should not be paid less. While the minimum wage paid to women was too small to support dependents (and the law, as discussed in a Chapter Five, was frequently evaded), it bestowed a relative privilege upon female workers that many men coveted. A restaurant worker in Hamilton voiced his jealousy of the female minimum wage in a letter to the Minister of Labour:

The Ontario Minimum Wage Act has done good work in taking care of female workers, but the male in my opinion is getting a raw deal. Why a man has to work 12 hours a day or night these days is difficult to understand.²³

The difference in working hours for men and women raises some interesting questions about the consequences of the feminization of work and the gendered division of labor. These structures tended to keep female wages low (certainly lower than was required to support a family) and restricted women's access to particular occupations. However, the economic and legal context which required men to work longer hours than women for less pay actually protected women's jobs while providing them with reduced hours and more income per hour. The feminization of work could be reversed, as it was in a few industries such as textiles where boys replaced women, or in banking where men

22 AO, Labour, RG 7-1-0-189, William J. Kelley, Toronto, to Mitch Hepburn, 18 Apr. 1937.

23 AO, Labour, RG 7-1-0-146, A.E. Allen, Hamilton, to M.M. MacBride, 7 Jan. 1938.

replaced female clerks, but in restaurants women's role as the servers of food had become too entrenched. Consequently, the struggles in this industry were intense, and ultimately garnered popular support, as both men and women were compelled to fight for the same goal — a living wage. For men this fight was geared to freedom from the 72 hour week and the correspondingly low wages, while women struggled to turn a gendered job ghetto into a career capable of supporting a family. These goals required collective action, and male restaurant workers eventually joined with their female co-workers in a sustained struggle to unionize their scattered and diverse industry.

Culinary Unions

The Hotel Employees Restaurant Employees International Union (HERE) was the driving force behind the organization of hotel and restaurant workers from 1900 to 1940 in the United States. The Canadian arm of HERE was called the Hotel and Restaurant Employees and Beverage Dispensers International Alliance (HREBDIA) until 1932, when the name was changed to the Hotel and Restaurant Employees International Alliance and the Bartenders International League (HREIA). The union was affiliated with the AFL in the USA and the TLC in Canada, although it claimed to be both a craft and an industrial union — a contradiction which reflected the union's inconsistent organization both along and across craft lines. In certain regions of the US, HERE worked closely with other unions (particularly the Teamsters) to win organizational campaigns, or to shut down non-union restaurants through consumer boycotts and the disruption of food

deliveries. In cities such as San Francisco, HERE was an important player in the local labor scene, and ranked among the top craft unions in terms of prestige and power. In other American cities HERE was limited to male waiters in upscale restaurants who generally did not cultivate supportive relationships with other unions. In some cities separate locals were founded for male and female workers, and often a separate local was formed for (male) bartenders and tapmen. In other areas a single local encompassed all restaurant workers, including waiting staff, cooks and buspeople. Cobble cites this diversity as evidence of HERE's openness to organizing both semi-skilled and unskilled workers, and as proof of craft unionism's "vitality and durability" — a vitality that brought 25% of all restaurant workers into culinary unions in the US, with certain cities such as San Francisco, Detroit and New York registering over 70% unionization rates.²⁴

Cobble's description of HERE as a dynamic craft-industrial union is an appropriate description of the union in many American locales; however the HREIA in Canada was pre-occupied with exclusivity, especially in its efforts to limit or control the feminization of the trade. When HREIA locals in Vancouver, Victoria, Calgary and Edmonton signed with a segment of local employers in 1920, they demonstrated not only the vitality of culinary unionism in western Canada, but its focus.²⁵ The union contract for Vancouver's local 28 stipulated that only whites could work as range cooks, and provided for wage parity between male and female servers (a move designed to slow the

24 Dorothy Sue Cobble, *Dishing It Out*, 7.

25 For a brief discussion of unionized women restaurant workers see Star Rosenthal, "Union Maids: Organizing Women Workers in Vancouver, 1900-1915," *B.C. Studies*, No. 41 (Spring 1979), 48-50.

replacement of male waiters with lower paid female waiters).²⁶ Victoria's local 459 had no formal color ban in its contract with employers, but established different wages for men and women and forbade the preferential hiring of either sex. Calgary's local 597 established gender-specific wages and stipulated that hiring maintain the existing gender balance among the servers.²⁷ While HREIA offered benefits to both its male and female members in western Canada, its outlook was clearly gendered.²⁸

Strikes in Calgary and Edmonton in 1922 seemed to weaken, but not destroy, the union's presence in these cities, while the Vancouver and Victoria locals maintained a presence strong enough to renew contracts with employers through the 1920s and early 1930s.²⁹ The organization of culinary workers in central and eastern Canada was much weaker than in the west. While workers in Vancouver, Victoria and Calgary had signed contracts with significant groups of employers, culinary workers in Ontario only succeeded in signing contracts at the King Edward Hotel in Toronto and the Royal Connaught Hotel in Hamilton. A strike to extend the union beyond the confines of the King Edward in 1920 involved 125 cooks and waiters, but did not result in a union contract with other employers. Consequently, the union was probably limited to certain hotel workers and male waiters in upscale restaurants in Toronto and Hamilton — a

26 *Labour Gazette*, Oct. 1920, 1,387. The desire of food workers to construct their identity as both skilled and respectable included formal (and informal) appeals to whiteness, although this had varying regional articulations. San Francisco's local did not remove whiteness as a condition of membership until 1938, and only small numbers of non-whites entered the union after that. Dorothy Sue Cobble, *Dishing It Out*, 122-5.

27 *Labour Gazette*, Aug. 1920, 1067; Jun. 1921, 839.

28 For a discussion of the use of collective bargaining to slow the feminization of food service see Dorothy Cobble, *Dishing it Out*, 160-5.

29 *Labour Gazette*, Aug. 1926, 822; Sep. 1926, 908; Jan. 1928, 30; Jan. 1929, 16; Oct. 1930, 1162.

situation similar to that existing in New York and Washington in the same time period. There is little evidence of union expansion after this period, and the only recorded strike in Toronto occurred in 1922 when 50 unionized waiters attempted unsuccessfully to prevent the hiring of waitresses.³⁰ The demise of union locals, the steady turn-over of local union officers, and the lack of sustained growth in membership, strongly hints at organizational weakness.

By 1929 none of the original locals in Toronto had survived, although three new HREIA locals were operating. Without access to the union's per capita records it is impossible to know precisely what happened to HREIA locals in Toronto in the first few years of the Great Depression; it is likely that they led the general decline in membership witnessed by HREIA as a whole (see Table 8A). Faced with diminished numbers, the HREIA drifted through the early years of the Depression offering little protection to the few remaining workers it claimed to represent. Ten workers at Ecklers Lunch, for example, struck to renounce the HREIA and affiliated with the FWIU because they were working long hours for low pay. The owner, Mr. Eckler, was convicted under the Minimum Wage Act for working his HREIA unionized female employees 80-90 hours a week with no time off.³¹

30 *Labour Gazette*, Jan. 1921, 91; Jan. 1922, 86-7; Jul. 1920, 842; Mar. 1922, 288; Apr. 1922, 402, 408; Jan. 1925, 22; Dorothy Sue Cobble, *Dishing It Out*, 99-107. It is difficult to determine how strong the union was in Toronto as the 1920s progressed, but a strike by 25 unorganized female maids at the King Edward Hotel in 1924 indicates that the union was not expanding. The women were represented by R.H Russel, the business agent for the union, but in a capacity associated with the Toronto District Trades and Labour Congress. The women were replaced and never received their wages owed under the Minimum Wage Act. See also Margaret McCallum, "Keeping Women in Their Place: The Minimum Wage in Canada, 1910-1925," *Labour/Le Travail*, Vol. 17 (Spring 1986), 54.

31 "Restaurant Workers Continue Struggle," *Toronto Workers*, 21 Jul. 1934, copy in NAC, Labour, RG 27, Vol. 363 (168) Restaurant Employees, Jul. 1934 (MNF T-2974).

The FWIU kept the flame of organization alive while the HREIA was falling apart. The Communist-led body organized new segments of male and female restaurant and hotel workers and introduced them to the difficult realities of class struggle. Hard and bitter battles were waged against restaurant owners that tested the legal limits of picketing, and incited violence and police repression. Although labor injunctions and police action cut into union gains, the acceptance of unions as a necessary vehicle for the protection of workers became entrenched in this period. The FWIU played a crucial role in maintaining restaurant worker unionism during its limited life-span and, after the merger of the HREIA and the FWIU in 1936, transformed the HREIA into a rapidly growing organization capable of initiating broad struggles.

The history of restaurant workers' efforts to organize in the Great Depression does not, however, begin with the FWIU. The first strike by Toronto restaurant workers was waged by non-unionized female waiters at the downtown location of the American-owned Childs Restaurant chain on 28 January 1932. Without any sort of union leadership, twenty-two waitresses put down their trays in the middle of the lunch rush and confronted the manager in a well-orchestrated strike. With such a display of solidarity, the waitresses quickly succeeded in having their old pay (of \$9.12 for a 48 hour week including meals) reinstated. The *Toronto Star* ran an in-depth report on the strike, seeming to find some amusement in the waitresses' militancy. The reporter portrayed the women as "twenty-two maidens, young and fair," playfully hatching their strike plot behind the back of the head waitress, and orchestrating strategy in secret meetings held in the washrooms and the basement of the building. Conceding that "it took a lot of courage to start a strike

these days of unemployment,” the reporter took a table at the restaurant and proceeded to interview the waitresses as they worked, avoiding the watchful gaze of the head waitress. The women told the story of the strike and their lives in a narrative relay. “Listen said one waitress, with eyes shining with excitement, you can't live on \$7.50 a week. We have to work 9 hours a day 6 days a week before we even get that. You try it.” After paying between \$3.50 and \$4.00 for their rooms, and with tips scarce in the early years of the Depression, they were clearly driven to strike in order to secure a living wage. The wage reduction which preceded the strike was the third in a series of cuts that had lowered their pay from 30 to 13.5 cents an hour.

Despite the serious issues raised by the strike, the *Star* reporter turned the event into a patronizing human interest story, closing his article with a joking comment from a patron that “it was quite interesting to get a strike with our bowl of soup to-day ... and at no extra charge either.”³² The Childs strike was, however, serious business. It demonstrated that waitresses were willing to use collective action and fight for a living wage and did not view their employment casually. The strike also showed that the minimum wage, while offering some protection, did not placate working women because it did not provide adequate compensation, particularly after the legally allowed deductions. For the duration of the Depression restaurant workers, including a large segment of waitresses, repeatedly resisted wage cuts and employer charges that reduced their take home pay. The Childs' strike,

32 “Waitresses Down Dishes At Wage Cuts,” *Toronto Telegram*, 28 Jan. 1932, copy in NAC, Labour, RG 27, Vol. 350 (7) Waitresses, Jan. 1932 (MNF T-2761); “Waitresses ‘Down Trays’” Protest Third Wage Cut,” *Toronto Star*, 28 Jan. 1932, copy in NAC, Labour, RG 27, Vol. 350 (7) Waitresses, Jan. 1932 (MNF T-2761).

which was treated so lightly by the press, would have also demonstrated to other women in the restaurant industry that they could organize and resist. Indeed, the subsequent failure of the waitresses to sustain their victory (without the stability of a permanent union) when Childs continued its wage reductions a few weeks later, steered any nascent collective action by waitresses in the direction of formal unionism.³³

'Adolescent Organization': The FWIU

The WUL's interest in organizing waitresses was probably established at the Childs' strike where they spoke of sending in organizers. Rather than start their unionization campaign with one of Toronto's chain restaurants (with immense financial resources), the WUL built upon its base of support among Jewish workers in the Spadina area (much as it had in its unionization of painters and garment workers). By 1934 it had managed to unionize most of the twenty restaurants in and around Spadina and launched a two-day strike in January to coincide with a garment workers strike. Between 50 and 100 employees, organized in the FWIU, struck and signed contracts with employers that raised the wages of waitresses to \$10 a week (after any deductions) and the wages of head cooks to \$15 a week, with a closed shop and the discharge of all strike breakers. From this beachhead on Spadina the FWIU organized seven male cooks, dishwashers, counter-men and waiters, in a successful half day strike in February at Preston Lunch on Queen St. West, and then began an organizing campaign across Toronto from 1 March to 1 May 1934 that boosted membership to 500.

33 NAC, Labour, RG 27, Vol. 352 (95) Waitresses, Jul. 1932 (MNF T-2762).

Many of these small and scattered strikes were too small, or too short, to be recorded in the *Labour Gazette*, and thus do not form part of the official strike statistics; nonetheless numerous restaurants were picketed and approximately fifty signed union contracts.³⁴ Although this number represents a relatively small percentage of Toronto's restaurants, the FWIU created such a public stir with its restaurant drive that the *Financial Post* vilified it as an "adolescent organization" that was "bludgeoning businessmen and industrialists into accepting their agreements."³⁵

The description was harsh, but not entirely inaccurate. The FWIU's tactics were militant, confrontational and reasonably successful. Their methods, including approaching owners when business was brisk, picketing to drive away customers, and ignoring or by-passing injunctions, were too much for small restaurant owners to resist (unless they could fall back on family labor). Ruth Bell, owner of the Rose Cafe, had never been approached by union representatives and didn't even know her workers were organized; she signed with the FWIU when union representatives told her they would call out her staff in the middle of the lunch rush.³⁶ If threats to call out workers were not a sufficient incentive, the FWIU turned to information picketing. Picket signs were not the usual "unfair to labour" pronouncement that was designed to keep good unionists away,

34 John Manley, "Communism and the Canadian Working Class During the Great Depression: The Workers Unity League, 1930-36," (Ph.D., Dalhousie 1984), 305-6.

35 NAC, Labour, RG 27, Vol. 359 (10) Restaurant Workers, Jan. 1934 (MNF T-2970); NAC, Labour, RG 27, Vol. 360 (40) Restaurant Employees, Feb. 1934 (MNF T-2970); "Red Labor Leaders Call Fake Strikes To Upset Industry," *Financial Post*, 5 May 1934, copy in NAC, Labour, RG 27, Vol. 361 (63) Restaurant Employees, Mar. 1934 (MNF T-2971).

36 NAC, Labour, RG 27, Vol. 361 (63) Restaurant Employees, Mar. 1934 (MNF T-2971).

but a provocative call to passers-by to “eat in union restaurants, help abolish slavery.”³⁷

In the restaurant industry in particular, picket lines and picket signs could ruin an employer. The owner of the New London Cafe, who tried to fire “two communist” workers before the strike, signed with the union after picketing drastically reduced his business and court orders against picketing failed to drive them away.³⁸ The FWIU’s defiance of labor injunctions led one restaurant owner to lament that “injunctions restraining individual member from carrying a placard with untrue statements are useless because this association has 1,400 members and will therefore require that many injunctions.”³⁹

The FWIU’s effective campaign drew new recruits to the union, while siphoning off existing members and leadership from the HREIA. Clearly crippled by a steep decline in membership in the early 1930s, the HREIA attempted to move closer to employers that were interested in a tame alternative to the FWIU. During a bitter strike at the Carleton Tea Room, the owner enlisted his replacement workers in HREIA local 168 and told FWIU pickets to leave because he was now running a union shop (this move would have made any picket signs broadcasting that the owner was unfair to labor, or non-union, libelous).⁴⁰

Undeterred by the legal consequences of continued picketing and the owner’s injunctions,

37 Picket sign of the Food Workers Industrial Union (of Canada), in *Dallas v. Felek et al*, Ontario Weekly Notes, 20 Apr. 1934, 247-50.

38 NAC, Labour, RG 27, Vol. 361 (63) Restaurant Employees, Mar. 1934 (MNF T-2971).

39 M.P. Georgan, to Dept. of Labour, 1 Oct. 1935, in NAC, Labour, RG 27, Vol. 371 (147) Restaurant Workers, Sept. 1935 (MNF T-2981)

40 NAC, Labour, RG 27, Vol. 362 (104) Restaurant Employees, May 1934 (MNF T-2972), “Statement and History of the Events with Regard to the Picketing of Carleton Tea Room, Carleton and Jarvis Streets, Toronto.”

the FWIU turned this small strike into a major battle, complete with yelling matches, smashing restaurant windows, mass pickets of 150 people, the arrest of two of the strikers and the organizer, Nick Kiriskopolous, a street brawl in which an off duty waitress was “put on the ground and kicked” by four female pickets, and the organized beating of Nick Argyros (who had left the HREIA for the FWIU).⁴¹ After four bitter months, the FWIU eventually gave in and the HREIA claimed an organizational victory, but the publicity surrounding the strike, and the education and experience it gave to a new segment of workers, would not be lost.

Despite the unscrupulous intervention of the HREIA and the growing resistance of employers, the FWIU continued to organize restaurant workers in 1935. On 19 September the FWIU used a small group of communists working at the Biltmore Restaurant in the business district to lead and win a five day strike for a 9 hour day, increased wages and a closed shop. The fact that the owner was forced to sign with a union that he described as forcing “law abiding Canadian Citizens to join their association and to preach to them communism” was indicative of the FWIU’s continued strength.⁴² The FWIU had demonstrated its ability to win tough battles with restaurant owners and rally other workers in support of its struggles. When the FWIU merged with the HREIA after 1935 the tactics and lessons learned during the FWIU’s organizing campaigns were adopted by the HREIA. Nick Argyros, who was an HREIA union officer until 1932 and then joined the FWIU as a picket line militant around 1934, returned to the HREIA and reassumed his role as a

41 “Hair Seized Says Striker,” *Toronto Telegram*, 27 Aug. 1934, copy in NAC, Labour, RG 27, Vol. 362 (104) Restaurant Employees, May 1934 (MNF T-2972).

42 NAC, Labour, RG 27, Vol. 371 (147) Restaurant Workers, Sept. 1935 (MNF T-2981).

business agent in 1936. Argyros and other FWIU members were no doubt instrumental in the transformation of the HREIA's restaurant local 168 into a militant industrial union local. Within months of the merger the HREIA's tactics and organizational aims were indistinguishable from those of the FWIU; the Communist influence within HREIA's restaurant locals continued well into the 1940s.⁴³ In response to the left-ward shift of HREIA, Isobel Patton formed the competing National Union of Hotel and Restaurant Workers, but it made no serious challenge to HREIA hegemony in Toronto.⁴⁴ With the field largely void of effective competition, the HREIA built upon the foundations and organizational base that were laid by the FWIU, union membership likely climbed in tandem with the general upsurge in HREIA membership across Canada after 1935.

The strikes waged by the HREIA in 1936 and after represented a continuation of the campaign started in 1934 by the FWIU. Picket lines continued to play a central role in union strategy. Indeed, the power of restaurant unions lay largely in their ability to get other

43 Evidence on the politics of HREIA leaders is difficult to obtain but the RCMP security files indicate Communist involvement and leadership in several HREIA locals. William Stewart, president of the Communist group that dominated Vancouver's Local One of the Boilermakers and Iron Shipbuilders Union of Canada, got his start in the trade union movement as a business agent for HREIA in Vancouver. At the TLC meeting in Regina in 1940 he was expelled for "badgering and baiting" A.E. Jameson and Percy Bengough. The HREIA delegate to the Vancouver TLC supported the Communist defense of the Soviet invasion in Finland, and argued against condemning the Soviet Union. In Edmonton, the HREIA affiliated with the Communist-run People's Party in 1941 (Gregory Kealey and Reg Whitaker, *RCMP Security Bulletins, The War Years, Part 2, 1942-45* (St. John's 1993), 234-5; Gregory Kealey and Reg Whitaker, *RCMP Security Bulletins, The War Years, Part 1, 1939-41* (St. John 1989), 103, 162, 374.

44 In fact Mrs. Patton was quickly voted out of leadership and her union expelled from the ACCL, after which she organized the General Workers' Union of Muskoka in Apr. 1937, for the Canadian Federation of Labour, apparently absconding with \$781.35 collected from the 195 workers. A year later, in May 1938, she appears as the General Secretary-Treasurer of the Transport and General Workers of Canada (CFL). NAC, Labour, RG 27, Vol. 376 (47) Restaurant Employees, May 1936 (MNF T-2985); AO, Labour, RG 7-1-0-170, Lloyd Hill, Rec'd Sec., Muskoka Workers' Union, to M.M. MacBride, 15 Mar. 1938.; AO, Labour, RG 7-1-0-208, Isobel Patton, to M.M. MacBride, 20 May 1938.

workers to boycott struck shops. When seven workers at the Tip Top cafe struck in April 1936, they relied almost entirely upon the support of the Tip Top factory workers, represented by the Amalgamated Clothing Workers Union, who boycotted the cafe until the owner gave in, re-hired fired union activists, raised wages and lowered hours.⁴⁵ Some employers were so concerned about the danger of a picket line outside of their restaurant that they had their workers promise not to picket as a condition of employment. Peter Basil, the owner of Basil's Lunch, had all of his workers sign contracts that completely prohibited their participation in any form of picketing, or any other action that could hurt his business.⁴⁶

As effective as pickets and boycotts could be (or because of how effective they might become), determined owners made increasing use of the police and labor injunctions to break picket lines. During a strike against the Queen's Tea Room in Toronto's east end in August 1936, the owner not only filed injunctions, but had a squad of ten policemen stationed in his restaurant. In his statement to the Department of Labour's strike investigator, the owner stated that he broke the strike by court injunction, "arrested several of the union members and have papers ready to have them placed in jail if they return." This employer was determined to drive the union out because he

could not dictate to our employees what they were to do in their own time nor could we force them to attend to Communistic meetings in the Union premises and told the

45 NAC, Labour, RG 27, Vol. 375 (37) Cafeteria Employees, Apr. 1936 (MNF T-2985).

46 *Basel's Lunch Ltd. v. Kick et al* [1936] Ontario Weekly Notes, p. 404-5. A long excerpt from the employment contract is contained in the report. The term "yellow dog contract" is usually used to refer to a contract that prevents employees from belonging to a union. In this case, union membership itself was not prohibited.

union so, but they insisted that we replace them with help that they would supply, and our experience has been too many non-English speaking persons.⁴⁷

With court injunctions backed by the force of the police, the HREIA abandoned this strike after two months. A similar pattern emerged in a failed strike by five workers at the Lucky Strike Sandwich Shop in Toronto's west end on 1 February 1937 when the owner moved to break the union contract. Police apparently threatened to knock down pickets if they passed too close to the front door.⁴⁸ Increased use of injunctions and police interference began to turn the tide in the battle against restaurant sweatshops. At the Willow tea room on Queen Street west, four workers failed to win a strike when the owner simply refused to negotiate, and picketing was prevented by injunction. At the Royal Cafe three workers were discharged (but not replaced) and the union pickets were thwarted when the family took over full operation.⁴⁹ This downward trend came to a head in 1938 during one of Toronto's most controversial strikes of the decade.

Childs Revisited

On 16 June 1938 sixty-five male and female workers in Toronto's three Childs Restaurants launched a strike that would turn into a popularly supported crusade for union rights and position restaurant workers at the front of the struggle against relief labor

47 NAC, Labour, RG 27, Vol. 378 (138) Restaurant Employees, Aug. 1936 (MNF T-2987), statement by owner; Dept. of Labour report form.

48 "Police Threaten To Injure Pickets," *Toronto Clarion*, 24 Feb. 1937, copy in NAC, Labour, RG 27, Vol. 381 (29) Restaurant Employees, Feb. 1937 (MNF T-2990).

49 NAC, Labour, RG 27, Vol. 393 (358) Tea Room workers, Nov. 1937 (MNF T-3001).

and sweatshops. From the beginning of the conflict Nick Argyros, the business agent of HREIA, repeatedly stressed that Childs' employees were forced to accept partial relief because of their low wage scales. Ida Martin, a registered nurse, who took up waitressing because of difficulties getting work in her field, went further and told the press that full relief was better than the wages she received from Childs. This attack upon relief wages met with general approval. A committee of the Toronto District Trades and Labour Council echoed the assertions made by the strikers and argued that "the present system of relief which permits workers with full or part-time jobs to have their wages supplemented by relief measures is a menace to wage rates" and pointed out that "as long as workers had their wages supplemented by relief ... wages would be kept at rock bottom by the employers." Richard Baker of the Plumbers and Steamfitters Union, prophesied that "the time will come when relief will be cut off altogether and then the barons of Montreal and Toronto won't be able to sit on their thrones."⁵⁰

The plight of the workers also earned the support of a voluntary committee of Toronto churchmen, who took it upon themselves to investigate the strike. Their actions were instigated by a gathering of the world churches in Oxford in 1937, at which it was proclaimed that the "message of Christianity should throw a search-light on the actual facts of the existing situation, and in particular should reveal the human consequences of the present forms of economic behavior." These churchmen, upon discovering that the workers had been fired for union activity alone (the strike started after Childs fired HREIA activists,

50 "Says Relief Better Than Childs Wages," *Toronto Clarion*, 23 Jul. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005); "Termed Menace," *Toronto Telegram*, 17 Jun. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005).

claiming it was because of “revised hours”) asserted that “the right to belong to a Union is a principle vital to British citizenship and to economic freedom, and is advocated by all leading churches of Christendom. For any employer, directly or indirectly, to seek to prevent his employees from effecting suitable organizations is reprehensible.” The Mayor of Oshawa, Alex McLeese, followed suit and publicly proclaimed his support for the workers at Childs, noting that they had been persecuted for nothing more than participating in a union.⁵¹ The centrality of the twin issues of relief labor and the right of workers to organize made this particular strike emblematic of the struggles not only in the restaurant industry, but of workers’ struggles in all industries.

Although the public attention given to this strike prompted the federal and provincial governments to intervene as conciliators, the company steadfastly refused to negotiate with the union. In July, Alderman Salsberg and Rev. W.E. Long, pastor of Evangel Temple, joined the picket lines; in early August Hugh Edmonson, a long time trade unionist and Great War veteran, entered each of the three cafes “wearing his baret, Canadian Corps Reunion badge and medals” and urged patrons to support the striking workers; “military” pickets of ex-service men paraded outside each of the restaurants with small union jacks painted on the placards (apparently shaming the owner into an embarrassed silence).⁵² The escalation of strike tactics clearly aggravated the police who,

51 NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. (MNF T-3005) 1938, “Statement Re Strike at Childs Restaurant - Toronto, 24 Aug. 1938”; “Mayor Refuses to Help Strikers,” *Toronto Telegram*, 13 Jul. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005). Toronto’s Mayor Day offered only moral support, leading one striker to note that “restaurant employees are not receiving the same protection as dogs and cats.”

52 There was an ugly dimension to the picket line antics that had a distinct racist tinge. The union jacks on the vets’ picket signs were matched by “girl pickets” wearing “coolie” hats and carrying signs proclaiming they had worked for “coolie wages.” “Vet Walks in Tells Patrons About Strike,” *Toronto*

nonetheless, held back until 5 August when they seized picket signs, claiming they were too large and thus in violation of a new traffic by-law that Mayor Day had previously claimed would not curtail the right to peacefully picket. Perhaps in response to a clear signal that the police would interfere, the strike turned violent. Two days after the seizure of the signs a picket was attacked and his placard destroyed, while four strikers beat Victor Moshuk, the chef of Childs restaurant, with a lead pipe while he was walking home from work, hospitalizing him for two weeks with face and head wounds. Hugo Elkie, President of the union local, provided \$3,000 bail for the accused.⁵³

This vicious attack was a desperate attempt to turn a losing tide. Despite strong picket lines, broad trade union and political support, and the active intervention of church groups, the strike ultimately failed and Childs restaurants remained non-union sweatshops. Even the success of local 42 of the Chain Service Restaurant Employees Union in the US, which had signed an agreement with the entire Childs chain and raised wages for the lowest paid workers, averting a strike by their 3,200 Childs workers, had no effect on the Canadian situation. The management of Childs in Canada (which was in fact totally beholden to the owners in New York) steadfastly refused to negotiate, repeatedly spurning renewed offers of mediation from the provincial government. While the loss of the strike at Childs restaurant was a major set back for HREIA and its left leaning leadership, it

Clarion, 1 Aug. 1938; "Conciliation Effort Fails After Week," *Toronto Telegram*, 24 Jun. 1938, copies in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005).

53 "Again on Job," *Toronto Telegram*, 5 Aug. 1938; "Jailed 10 Days for Attacking Childs Pickets," *Toronto Clarion*, 8 Aug. 1938; "Picketeer is Accused of Assaulting Chef," *Toronto Star*, 20 Sept. 1938; "Released on \$3,000 Bail In Strike Assault Case," *Toronto Telegram*, 26 Aug. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005).

did not break the union, or apparently reduce its effectiveness in organizing workers at other restaurants. In 1939 HREIA local 168 forced the Homestead Restaurant to accept arbitration to settle a contract dispute after a two week strike. The owner had attempted to break the picket line with injunctions and the police attempted to limit the number of pickets, but the union ultimately succeeded in its demands.⁵⁴

Although waitress and other restaurant workers occupied a distinct place in Toronto's service sector, and were differentiated from other workers by their particular demographic and marital profile, their experiences and struggles were shared by other groups of workers on two related levels. First, the struggles of restaurant workers invariably involved the wider community because restaurants were central to the public space of working-class neighborhoods. Many workers ate in restaurants (in fact this undoubtedly fueled the expansion of the industry during the Depression) and established relationships with the workers who served them. This created a community interest in restaurant struggles and forced other workers to think twice before crossing picket lines. Second, many workers shared the grievances of restaurant workers in their own jobs, particularly the fight for living wages and the end of relief 'subsidization' of sweatshops. Picket lines in front of struck restaurants drew attention to and were a key part of the broad struggles being waged in this difficult decade. Restaurant workers, in particular, bore the brunt of the fight against labor injunctions because they turned pickets into

54 "Wage Increase in Chain Restaurant," *Montreal Labour World*, 28 Oct. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005); "Labor Questions Actions of Police," *Toronto Telegram*, 26 Aug. 1939, copy in NAC, Labour RG 27, Vol. 401 (84) Restaurant Employees, Aug. 1939 (MNF T-3009).

effective economic boycotts and made no apologies for threatening to put resistant owners out of business. They may not have turned the majority of workers into permanent union supporters, but at significant and strategic moments they forced their fellow workers to decide which side they were on.

Men's Work in the Service Industry: Tapmen and Beverage Waiters

The situation in Toronto's hotels, a term that referred to establishments offering lodging and establishments offering beer and liquor, was different in some important respects from the situation in the city's restaurants and cafes. The hotel service workforce was predominantly male, older, and probably viewed waiting on tables or tending bar as a career capable of supporting a family.⁵⁵ The pattern of hotel waitering as a career is reflected in the demographic profile of male restaurant and hotel workers contained in Table 8G. Other waiters, however, found their way into the industry as an alternative to their marginal occupations. For example, one waiter whose basic life story is contained in the Family Court records, had previously worked as a canvasser for \$5 a week, while one 24 year old laborer ended up as a waiter at the Monroe Hotel after two years of unemployment. Despite the attempts of bartenders and waiters to construct their occupation as skilled, it was a profession that did not require formal training beyond job experience. As a

55 The Department of Trade and Commerce, Dominion Bureau of Statistics, Internal Trade Branch, "Census of Merchandising and Service Establishments, 1931," Table 3, p. 4. Of the roughly 1,297 male workers in Toronto's hotels in 1930, 773 worked in the dining room and kitchen (later to be the bar).

consequence, many of these workers had their wages pushed down to relief levels in the early years of the Depression. One 20 year old waiter saw his weekly pay drop from \$14 a week in 1931 to \$8 in 1933, throwing him and his small family onto relief, while another 42 year old waiter took a position at \$4 per week in 1933, and had to stay on relief.⁵⁶

The legalization of beer and wine sales by the glass in licensed establishments in 1934 (usually hotels) resulted in an increase in the amount of employment in the service industry, and hotel owners reaped greatly increased profits. The sale of all beverages in hotels brought in only 14.1% of total hotel revenue in 1931, while beer and wine brought in 60.1% by 1941, effectively “floating the hotel industry back to a prosperity it cannot have enjoyed since 1916.”⁵⁷ While those fortunate enough to receive a government liquor license prospered (about 1,762 in all of Ontario in 1941), conditions did not improve for the men who worked in Toronto’s beer parlors. As one angry Liberal pointed out to the Minister of Labour, “when you were to be elected you promised fair wages and beer by the glass with a dime in the pocket. Well we got the beer by the glass but no dime in the pocket.”⁵⁸ In fact hotel workers were more likely to get a kick in the pants than a dime in their pockets. When the FWIU organized 36 male and female workers in all occupations at the Walker House Hotel on Front Street, and led a strike on 12 November 1935 to raise wages and reinstate a fired union activist, the police broke up the picket line, beating one woman on the

56 AO, Family Court, RG 22-5836, File # 26,936; 26,459; 25,858; 28,361.

57 Ian Drummond, *Progress Without Planning: The Economic History of Ontario* (Toronto 1987), 293-9. Hotel revenue in Ontario was \$21,579,099 dollars a year in 1930, but had risen to \$63,429,136 by 1941. That latter number included \$39,393,864 in wine and beer sales. The Department of Trade and Commerce, Dominion Bureau of Statistics, Internal Trade Branch, “Census of Merchandising and Service Establishments,” Hotel Operations in Ontario, 1931 and 1941.

58 AO, Labour, RG 7-15-0-41, Katie Wilczynski, Toronto, to Arthur Roebuck, 27 Dec. 1934.

back of the head in an unprovoked assault. The strike dragged on for months with only one worker crossing the line, but the opposition eventually collapsed; the strike leader (who had worked at the hotel for 15 years) was fired for nothing more than “his union activities.”⁵⁹

Hotel strikes were a rare occurrence; the 1935 FWIU organized strike at the Walker House was the first disruption in this sector during the Great Depression. The lack of agitation among hotel workers before 1935 is difficult to explain. The wages reported at many hotels indicate that labor was certainly among the most poorly paid of all male workers and was also likely to be on relief;⁶⁰ this would be especially true of those with a family to support. The demographics of male hotel workers in the 1930s (the majority were 25 to 45 years old) indicated that many were probably married men attempting to support a family on their meager wages.(see Table 8C) These factors lead to two possible conclusions. Either their passivity was rooted in economic vulnerability as primary breadwinners with dependents (a conclusion which would invalidate the arguments made in the preceding section), or else they were better situated to adapt to the rise of relief wages by having a ‘soft’ cash income in the form of tips. Waiters may have been able to combine low wages, relief, and (virtually undetectable) tips to boost their net income; moreover, their gender and marital status would have ensured an uninterrupted flow of relief. While these

59 “Police Smash Picket Line,” *Toronto Worker*, 17 Dec. 1935; “Walker House Help Are Out on Strike,” *Toronto Mail and Empire*, 13 Nov. 1935, copies in NAC, Labour, RG 27, Vol. 371 (172) Hotel Employees, Nov. 1935 (MNF T-2981). The wages were between 11-20 cents per hour. Hotel employers could get around paying minimum wage by deducting money for meals, rooms, uniforms and the cleaning of uniforms. John Manley states that the HREIA’s bartenders local exchanged strikebreakers for recognition in 1934 to block the WUL’s organizing attempts. John Manley, “Canadian Communists, Revolutionary Unionism, and the ‘Third Period’: The Workers’ Unity League, 1929-1935,” *Journal of the Canadian Historical Association*, New Series Vol. 5 (1994), 184.

60 Even in 1931, just at the beginning of the rise of relief wages, waitering was the second lowest paid male occupation (messengers were the lowest). *Labour Gazette*, Jan. 1931, 67.

factors would not have allowed these men to live lives of luxury, a standard of living above the bare minimum doled out by the state would have been ensured, while giving them a certain (but not absolute) independence from the intrusive supervision of welfare inspectors. The following letter from a hotel waiter is indicative of the ways in which relief became a natural compliment to work, as well as forcefully portraying the degrading (but clearly negotiable) treatment that the working poor received from parsimonious welfare officials:

Last week I was forced to apply to the Department of Welfare for an order on the Western Hospital for my wife. The gentleman upon issuing it told me rather bluntly that this was the last order for pregnancy which I needed to apply for. I hope so too. The point however is this. During a considerable period of the time I have been forced to accept relief. I have been employed as a waiter in two of the city's hotels. First the Waverly which pays the magnificent sum of \$7.50 per week (48 hours). The Grovenor where I am at presently pays \$10.00 per week. I have not been on relief since starting here although it is almost impossible to support a family of three on that wage. Why cannot these places be made to pay a fairer wage. I know they could well afford to. If they were compelled to it would not be necessary for us to depend on the government for assistance. It would also relieve the government from the necessity of attempting to limit our families.⁶¹

While the government supported the idea of living wages, little could be done without some sort of collective action. The FWIU had not extended its reach very far into Toronto's hotels (although it did apparently sign up 150 bartenders in 1934), and thus a rejuvenated HRELA bartenders local did not immediately appear to champion the cause of organized hotel workers after the FWIU disbanded.⁶² In the absence of a strong union, renewed 'organizing' efforts were launched by Toronto's employers, grouped together as the Association of Toronto Hotel Proprietors (ATHP), part of an industry-wide

61 AO, Labour, RG 7-1-0-110, Thomas Milligan, Toronto, to David Croll, 20 Sept. 1935.

62 John Manley, "Communism and the Canadian Working Class," 306.

stabilization plan. With an eye on the promise of the ISA, the 86 members of the ATHP signed a contract with HREIA local 280 on 8 July 1935 as a prelude to bringing order to their industry. The ATHP conceded a minimum wage of \$15 for waiters and \$18 for tapmen, with one week paid vacation, and permitted the HREIA to actively recruit union members in ATHP establishments. In exchange the HREIA committed to “counter picket” any attempts to organize the hotels by any other union. While this was good business sense (for what hotel owner would want to be embroiled in an inter-union conflict?), the Association also required the HREIA to act as an enforcer against unfair competition. The HREIA had to “insist upon the same minimum wage and maximum hours as herein for all clubs and hotels not members of this Association [the ATHP] and if these are not subscribed to, let it be publicly known that those not conforming are unfair.”⁶³ This provision compelling the HREIA to at least attempt to organize the entire industry, placed the bartenders local squarely within the fold of regulatory unionism.

The following year the HREIA attempted to live up to its agreement and standardize wages in the industry. In August 1936, 50 tapmen in 10 hotels struck, while the union signed a contract with the ATHP giving \$18 a week to beverage waiters, and \$21 a week to tapmen, on condition small establishments could pay slightly less. With solid union backing, the THPA grew to represent 80% of the employers in the industry, while the Toronto Hotelmen’s Association (THA), which represented eighteen of the larger hotels, continued to resist the HREIA. In an effort to resolve the apparent deadlock in the

63 AO, Labour, RG 7-1-0-110, Leo Wade, Sec. Tres., to David Croll, 8 Jul. 1935, with appended agreement.

industry, David Croll, Minister of Labour, finally attempted to bring hotels under the ISA. Using the coercive power of the Liquor Control Board (which was the licensing agency for hotels), Croll pushed Toronto's large hotel association to the bargaining table.⁶⁴ They succeeded in drawing up a boundary, including Toronto and the suburbs, and used the union rates as a standard for the new minimum rate, but failed to achieve a schedule under the ISA. In August 1936, the Independent Beverage Room Employees Union, based at the Brunswick Hotel, attempted to re-convene an ISA meeting to set a rate for their industry, but to no avail. Similar attempts made in London and Port Arthur in the same years also failed because of the resistance of certain large employers.⁶⁵

In the absence of an ISA code, industrial regulation was entirely a project of Toronto's smaller hotels and the bartenders union. Most hotels renewed their contracts with the union the following year, on some occasions after a short strike; others, such as the Hunts-owned Savarin Hotel, successfully refused to negotiate with the union but bowed to popular sensitivities by posting signs stating that they paid union wages.⁶⁶ The union's ability to bring higher wages to the industry rested upon a fairly narrow base of active union members. When the HREIA struck the Clyde House, only two employees were union members, but they succeeded in bringing out all the workers, and secured a signed contract because their picket signs ruined business. The power of labor's public relations campaigns

64 NAC, Labour, RG 27, Vol. 376 (85) Hotel Employees, Aug. 1936 (MNF T-2986); AO, Labour, RG 7-1-0-101, Arnold N. Smith, Deputy Chief Commissioner, LCBO, to David Croll, 29 Jul. 1936.

65 AO, Labour, RG 7-1-0-110, Hotel Workers; AO, Labour, RG 7-1-0-101, W.J. Fullan, Chairman, to Croll, 21 Aug. 1936; AO, Labour, RG 7-1-0-179, "Petitions under the ISA," 15 Sept. 1938.

66 NAC, Labour, RG 27, Vol. 391 (260) Beverage Dispensers, Aug. 1937 (MNF T-2999). At the Clyde Hotel, for example, the owner signed after a one hour strike; NAC, Labour, RG 27, Vol. 382 (39) Beverage Dispensers, Mar. 1937 (MNF T-2990).

was perhaps best illustrated during a strike by barmen at Scholest House where the owner, who couldn't stop the pickets, had his own man in a Sandwich board, reading "good wages, good hours, good service," follow the strikers who were carrying signs, reading "unfair to labour."⁶⁷

The union relied on more than publicity and picket lines to build its strength and win strikes. It insisted that scabs be fired in hotels where it had secured agreements. At the Metropole Hotel, the union continued a battle with the management for over a year after the hotel refused to fire a worker who had crossed the picket line during a short strike.⁶⁸ This does not testify to any particular militancy on the part of organized bartenders, but is indicative of the imperatives of regulatory unionism. In order to discipline capital the union had to discipline labor. In the context of high unemployment and downwardly spiraling wages, this was no small accomplishment. The union, backed by organized employers, largely succeeded in raising wages in the entire hotel industry, and only small short strikes emerged in 1938 as contracts came up for renewal.⁶⁹ The following table shows that although low wages persisted in some establishments, most men working in Toronto's hotels earned over 35 cents per hour, and almost all earned more than \$10 per week. While this was hardly a magnificent sum, it represented a significant advance for this sector of the working class. One reason for the growth of the HREIA after 1937 was undoubtedly

67 "Boss Picket Strikes Picket, Passers-by Smile and Pass by Hotel," *Toronto Clarion*, 14 Aug. 1936, copy in NAC, Labour, RG 27, Vol. 376 (85) Hotel Employees, Aug. 1936 (MNF T-2986).

68 NAC, Labour RG 27, Vol. 394 (374) Hotel Employees, Dec. 1937 (MNF T-3002)

69 NAC, Labour, RG 27, Vol. 399 (176) Restaurant, Dec. 1938 (MNF T-3007).

industry-wide settlements that become more common after the aggressive intervention of voluntary trade associations in the wake of the Industrial Standards Act.

Table 8C: Hourly Earning of Toronto Hotel Workers, 1938 (cents/hour)⁷⁰

Cents/hr	Men	Women	Boys		Men	Women	Boys
15	32	1	81		1.51%	0.09%	60.45%
15-19	36	1	29		1.70%	0.09%	21.64%
19-21	31	10	4		1.46%	0.94%	2.99%
21-25	185	17	17		8.73%	1.59%	12.69%
25-27	202	387	3		9.53%	36.27%	2.24%
27-31	179	297			8.44%	27.84%	0.00%
31-33	135	72			6.37%	6.75%	0.00%
33-35	126	55			5.94%	5.15%	0.00%
35-42	531	127			25.05%	11.90%	0.00%
42-52	371	68			17.50%	6.37%	0.00%
52-62	124	20			5.85%	1.87%	0.00%
> 62	168	12			7.92%	1.12%	0.00%
TOTAL	2120	1067	134		100%	100%	100%

CONCLUSION

Left out of the regulatory unionism authored by organized employers and the bartenders union were the numerous other hotel workers of Toronto. For many, their situation changed little. A worker at the Victoria Hotel in Toronto, wrote

I am working at the Hotel as a night clerk and I work twelve hours a night 7 nights a week, without 1 days rest out of seven, and my salary is just \$60 per month with meals.

⁷⁰ Source: Annual Report of the Minimum Wage Board, in the Annual Report of the Department of Labour in the Ontario Legislative Assembly's *Sessional Papers*, 1940, part 3, paper 10, p. 122.

I am a married man with two small children and I do not get any chance of any home life as it is all bed and work.⁷¹

The exclusive craft character of the bartenders' union rendered it incapable of addressing the poor conditions of the bartenders' fellow workers. In the context of the Depression, and under conditions in which the state had significant influence through the licensing of beer halls and taverns, craft-based regulatory unionism was effective in raising wages and working standards. Philip Collier, an American delegate to the 1938 HREIA conference in Toronto, noted that "the proper way to organize is the organization that is the result of cooperation between employer and employee."⁷² This type of regulatory unionism could not, however, extend the gains of unionization to other workers, not even male co-workers within the same establishment, nor could it excite much public interest in the plight of labor.

The restaurant local of HREIA was positioned at the other extreme of labor mobilization, and matched its militancy with inclusiveness. Men and women in all lines of restaurant work battled employers in campaigns that drew immense public support and positioned the union at the center of workers' struggles in Toronto. This militancy was partly a legacy of the FWIU, but also reflected the particular subjectivity of restaurant workers and the operation of highly competitive economic forces within the industry. Despite the conclusions that have been presented here, further study of restaurant workers and bartenders in other locales and time periods (perhaps focused on the impact of ethnicity) is required before larger conclusions can be drawn about the causes and

71 AO, Labour, RG 7 1-0-124, F. Britt Adams, Toronto, to David Croll, 9 Mar. 1937.

72 "Cullinary Alliance Board is Formed," *Toronto Evening Telegram*, 21 Mar. 1938.

meaning of the divergent experiences of bartenders and waitresses. These studies would likely point to the variety of ways in which class tensions and conflicts shaped, and were shaped by, the subjectivity of the workers, 'objective' material conditions, particular micro-economic structures, state intervention, and trade union politics and forms. At a time when service work represents the largest growth sector of advanced capitalist economies it is important to go back and recover the history of unionization in the service sector. Many of the same conditions prevail in this sector now, as they did in the 1930s, and any attempt to organize will have to address the issues of gender, ethnicity, and market competition.

Appendix 8A

Toronto's Restaurant and Hotel Unions in the 1930s

Hotel and Restaurant Employees and Beverage Dispensers International Alliance (HREBDIA). Changed to Hotel and Restaurant Employees International Alliance and the Bartenders International League (HREIA) in 1932.

- 1929 Local 555, H. Webb, A. Doran, 2236 Queen St. E. [Bartenders?]
Local 608, Mrs. Osborne, Miss Ada Brown, 1460A. Dundas W. [restaurants]
- 1930 Local 555, Clarence Richmond, **Maurice Brown**, 2236 Queen St. E.
Local 88, Philip Michael, **Maurice Brown**, 231 Dovercourt
Local 608, E. McCarthy, Mrs. Head, 1460A. Dundas W. [restaurants]
- 1931 Local 555, R.H. Russell, T. O.'Donnell, 50 Bond [Bartenders?]
- 1932 Local 280, **A.E. O'Leary, J.J. Murphy**, 248 Havelock, (Beverage Dispensers)
Local 168, **Hugo Elkie, Nick Argyros**, 310 Yonge St. (Restaurant Employees)
Local 299, **A. Croft, Miss Gladys Tole**, 74 Arundel Ave. (Hotel Employees)
- 1933 Local 555, Clarence Richmond, **Maurice Brown**, 2236 Queen St. E.
Food Workers' Industrial Union of Canada (Hotel and Restaurant Employees),
Mr. Shapiro, 350 Dundas, St. W.
- 1934 Local 280, Gavin Jones, John Chapin, 248 Havelock, (Beverage Dispensers)
Local 168, C. Richmond, 310 Yonge St. (Restaurant Employees)
Hotel and Restaurant Employees Union and Bartenders Alliance (ACCL), W.G. Brunette, J.W. Bosley, 24-43 Scott St.
+ Food Workers' Industrial Union of Canada (Hotel and Restaurant Employees),
Mr. Shapiro, 350 Dundas, St. W.
- 1935 Local 280, **John B. Carr**, 91 Mutual St. (Beverage Dispensers)
Local 168, G. Bourne, A. Segal, 310 Yonge St. (Restaurant Employees)
Hotel and Restaurant Employees Union and Bartenders Alliance (ACCL),
Maurice Brown, 53 Scott St., 24-43 Scott St.
+ Food Workers' Industrial Union of Canada (Hotel and Restaurant Employees),
350 Dundas, St. W.

- 1936 Local 280, **John B. Carr**, 91 Mutual St., (Beverage Dispensers)
 Local 168, **Hugo Elkie, Nick Argyros**, 310 Yonge St. (Restaurant Workers)
 Local 299, **Miss Gladys Tole**, 1104A Yonge St. (Hotel Employees)
 Hotel Restaurant and Tavern Workers, No. 1, Mrs. I. Patton, 62 Riverdale.
- 1937 Local 280, **A.E. O'Leary**, (Beverage Dispensers)
 Local 168, **Hugo Elkie, Nick Argyros**, 310 Yonge St. (Restaurant Workers)
 Local 299, **A. Croft, Miss Gladys Tole**, 1104A Yonge St. (Hotel Employees)
- 1938 Local 280, A.J. Deitch, **J.J. Murphy**, (Beverage Dispensers)
 Local 168, Dave Usprich, **Nick Dimoff** (Restaurant Employees)
 Local 299, **A. Croft, George N. Fleming** (Cooks, Waiters and Waitresses)
- 1939 Local 280, Wm. J. Scott, **J.J. Murphy**, (Beverage Dispensers)
 Local 168, **Robert Hunt, Nick Dimoff**, 310 Yonge St. (Restaurant Workers)
 Local 299, **A. Croft, George N. Fleming**, (Hotel and Restaurant workers)
- 1940 Local 280, Joseph Hooey, **J.J. Murphy**, (Beverage Dispensers)
 Local 168, **Robert Hunt**, Miss Helen Caren, (Restaurant and Cafeteria Workers)
 Local 299, **A. Croft, George N. Fleming**, (Hotel and Restaurant Employees)

Source: *Labour Organizations in Canada*, (1929-1940)

* The first listed name is the President, the second listed name is the Business Agent or Secretary. The Address is the address of the president, but is often just a residence.

+ Not listed but active

Bold type signifies that the individual held office for more than one term.

Table 8D: HREIA Membership in Canada and the USA (year end)

Year	Canadian Locals ^	Canadian Members ^	non-Canadian Members ^	Total Members *	Total Members Ω
1923	11	839	38965		36000
1924	11	N/A	N/A		36000
1925	10	1078	37424	38427	36000
1926	10	1061	39011		36000
1927	13	1363	37466		36000
1928	9	1138	36882		36000
1929	11	1072	36829		35000
1930	15	1314	36770	39694	34000
1931	11	846	31500		25000
1932	9	1240	42500	** 26900	23000
1933	7	410	38661		25000
1934	10	525	57362	** 46948	40000
1935	14	1525	73853	55969	75000
1936	23	2928	104151		95000
1937	27	2555	166574		170000
1938	32	4521	182980		180000
1939	32	N/A	N/A		205000
1940	31	4082	209901	210934	220000

Source: ^ *Labour Organizations in Canada* (1923-1940)

Source: * Dorothy Sue Cobble, *Dishing It Out: Waitresses and Their Unions in the Twentieth Century* (Urbana 1991), 212.

Source: ** *The Labour Gazette*, Oct. 1934, 930-1.

Source: Ω John P. Henderson, *Labour Market Institutions and Wages in the Lodging Industry* (East Lansing 1965), 133, cited in data chart in Dorothy Sue Cobble, *Dishing It Out*, 218.

The discrepancy in the reported membership numbers is difficult to explain. It may partly reflect the time at which the reports were made. The figure for 1932 membership in Canada is particularly suspect.

Table 8E: Female Employment in Toronto Hotels and Restaurants, 1926-1942

year	# of Women	# firms reporting
1926	1949	138
1927	1884	136
1928	2564	153
1929	2821	166
1930	2934	175
1931	3039	246
1932	2518	203
1933	2590	252
1934	2992	309
1935	3311	394
1936	4159	557
1937	5302	779
1938	4232	816
1939	4057	542
1940	4239	624
1941	5369	639
1942	5964	707

Source: Annual Report of the Minimum Wage Board, in the Ontario Legislative Assembly's *Sessional Papers*, 1928, paper 40; 1929 paper 40; 1930, paper 14; 1931 paper 38; 1932, paper 47; 1933, paper 39; 1934, paper 43; 1935, paper 31. After 1935 the Minimum Wage Board submitted its annual report within the Annual Report of the Department of Labour in the Ontario Legislative Assembly's *Sessional Papers*, 1936-1944 (all years, paper 10).

Table 8F: Female Managers/Owners, Waitresses and Waiters in Toronto, 1931/41

Age	Managers 1931	Managers 1941	Waitresses 1931	Waitresses 1941	Waiters 1931	Waiters 1941
< 20	0	0	301	475	73	89
20-24	6	7	567	794	196	136
25-34	18	41	495	821	453	574
35-44	45	48	234	311	354	514
45-54	39	37	94	123	171	335
55-64	12	29	30	49	65	148
> 65	2	9	6	9	16	31
Total	122	171	1727	2582	1328	1827

Source: *Census of Canada*, 1941, Vol. 7, pg. 222, 218; *Census of Canada* 1931, Vol. 7, pg. 236.

There were 109 female restaurant owners and managers in 1931, climbing to 149 in 1941.⁷³ While this was only 12.3% of the total number of managers and owners in the industry in 1931 (rising to 15% in 1941), it far surpassed the female managerial and ownership rates in all other industries except the running of boarding houses.⁷⁴ It is impossible to know if these women started as waitresses, but if the American situation is similar to that in Toronto, then they were most likely female entrepreneurs who had never worked as waitresses.⁷⁵

73 The categories of enumeration shift slightly between 1931 and 1941, but I compensated for this by adding the categories that spanned the hotel, restaurant, cafe, and tavern, categories.

74 There were 3,472 female boarding house owners and managers in 1931, the vast majority of those involved in the industry. The only other sector of the economy with a rate similar to the restaurant industry was retail stores (8.5% in 1931, and 12.25% in 1941). *Census of Canada*, 1931, Vol. 7, p. 244; 1941, Vol. 7, p. 214, 220.

75 Dorothy Sue Cobble, *Dishing It Out*, 50-51.

Table 8G: Demographic Profile of Toronto Female Managers/Owners & Waitresses

Age	Managers 1931	Managers 1941	Waitresses 1931	Waitresses 1941
< 20	0.00%	0.00%	17.43%	18.40%
20-24	4.92%	4.09%	32.83%	30.75%
25-34	14.75%	23.98%	28.66%	31.80%
35-44	36.89%	28.07%	13.55%	12.04%
45-54	31.97%	21.64%	5.44%	4.76%
55-64	9.84%	16.96%	1.74%	1.90%
> 65	1.64%	5.26%	0.35%	0.35%
Total	100.00%	100.00%	100.00%	100.00%

Source: *Census of Canada*, 1941, Vol. 7, pg. 222, 218; *Census of Canada*, 1931, Vol. 7, pg. 236.

Table 8H: Income of Female Restaurant Workers, 1926-1932 (\$/week)

year	< 12	12	13	14	15	16-18	18-20	20-22	> 22	# Women	Firms Reporting
1926	0	168	375	254	423	386	157	98	88	1949	138
1927	0	91	239	387	344	320	297	115	91	1884	136
1928	0	74	430	219	637	468	458	126	152	2564	153
1929	0	85	459	427	456	667	472	116	139	2821	166
1930	0	137	481	453	452	548	522	139	202	2934	175
1931	0	210	937	490	303	569	290	137	103	3039	246
1932	1	410	825	398	207	373	163	64	77	2518	203

Source: Annual Report of the Minimum Wage Board, in the Ontario Legislative Assembly's *Sessional Papers*, 1928, paper 40; 1929 paper 40; 1930, paper 14; 1931 paper 38; 1932, paper 47.

Table 8I: Hourly Income of Female Restaurant Workers, 1933-1937 (¢/hour)

Year	< 16	16-18	18-20	20-22	22-24	24-26	26-28	28-36	> 36	# Women	firms reporting
1933	0	0	0	0	1	814	616	941	218	2590	252
1934	0	0	0	0	0	0	1748	871	373	2992	309
1935	3	2	1	24	29	133	1172	1601	346	3311	394
1936	3	9	4	12	33	234	1512	1872	480	4159	557
1937	4	5	4	16	69	181	2257	2260	506	5302	779

Source: Annual Report of the Minimum Wage Board, in the Ontario Legislative Assembly's *Sessional Papers*, 1933, paper 39; 1934, paper 43; 1935, paper 31. After 1935 the Minimum Wage Board submitted its annual report within the Annual Report of the Department of Labour in the Ontario Legislative Assembly's *Sessional Papers*, 1936-1941 (all years, paper 10).

Table 8J: Income of Male and Female Restaurants Workers in Toronto, 1938

¢/hr	Men	Women	Boys	Men	Women	Boys	Men	Women
15	6	3	14	0.31%	0.09%	10.29%		
15-19	60	3	9	3.10%	0.09%	6.62%		
19-21	68	8	7	3.51%	0.25%	5.15%		
21-25	235	66	16	12.14%	2.09%	11.76%		
25-27	186	828	25	9.61%	26.16%	18.38%	28.68%	28.69%
27-31	362	1287	40	18.71%	40.66%	29.41%		
31-33	206	227	17	10.65%	7.17%	12.50%		
33-35	157	201	6	8.11%	6.35%	4.41%	37.47%	54.19%
35-42	322	383	2	16.64%	12.10%	1.47%		
42-52	179	104		9.25%	3.29%	0.00%		
52-62	74	35		3.82%	1.11%	0.00%		
> 62	80	20		4.13%	0.63%	0.00%	33.85%	17.12%
TOTAL	1935	3165	136	100%	100%	100%		

Source: Annual Report of the Minimum Wage Board, in the Annual Report of the Department of Labour in the Ontario Legislative Assembly's *Sessional Papers*, 1940, part 3, paper 10, p. 122.

Table 8K: Income of Toronto Female Hotel and Restaurant Workers, 1939-42 (¢/hour)

Year	17-21	21-25	25-29	29-33	33-42	42-52	52-62	> 62	# Women	firms reporting
1939	7	48	2031	1051	563	274	42	41	4057	442
1940	9	53	2251	1131	579	161	35	19	4239	624
1941	8	5	1040	2004	1879	308	83	42	5369	639
1942	0	26	724	1806	2555	647	135	53	5946	707

Source: Annual Report of the Minimum Wage Board, in the Annual Report of the Department of Labour in the Ontario Legislative Assembly's *Sessional Papers*, 1941-1944, (all are paper 10).

Chapter Nine

From the Guilded Age to the Golden Rule:

Skilled Building Trades Workers in the Great Depression

The construction industry was an important part of Toronto's economy, directly employing 22,000 workers, comprising just under 8% of the local labor force. The Depression devastated the industry, new building ground to a halt by 1933 and then rose only modestly, leaving thousands of workers on relief and driving many from the industry altogether. In 1941 there were 6,700 fewer construction workers in Toronto than 10 years earlier.¹ Building tradesmen faced unemployment compounded by competition for the few remaining jobs from men on relief who drove down wages for what little work remained. New contractors began operating as speculative builders (predominantly in luxury housing) exploiting the ever expanding pool of skilled tradesmen on relief. The proliferation of low wages and sweatshop conditions, with no effective union protection, reduced skilled workers to the level of unskilled mechanics. Their collective response to the depression was rooted in the dynamics of a craft consciousness that was reluctant to reach beyond the limited goals of business unionism and established class relations, yet

1 *Census of Canada, 1931*, Vol. 7, p 226-237; *Census of Canada, 1941*, Vol. 7, 1941, 212-222. See James Lemon, *Toronto Since 1918: An Illustrated History* (Toronto 1985), 197.

they set a pattern that different workers confronting similar conditions in other segments of the local economy could draw upon.

The conservative character of building trades unionism was rooted in the persistence of a “handicraft character” in the construction trades labor process, which contrasted sharply with many other industries, such as textiles, smelting and manufacturing, that had been re-made by the introduction of “scientific management” techniques.² Technological changes, such as the introduction of electric saws and factory produced windows and doors in the 1920s, eroded customary practices, but left much of the actual building in the hands of skilled workers. Rather than being displaced, craft unions remained an integral, if contested, part of the building process. The unions had changed their perspective over the course of decades and followed a pattern of industrial relations that generally conformed to the AFL’s “job conscious” “business unionism” by the late 1920s. Their brand of organization (which had many variations between the trades) achieved notable success in reducing hours and raising wages (within the limits of seasonal and cyclical variations in employment).³ When the Depression shattered the

2 H.A. Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto 1948), 100-5; Bryan D. Palmer, *Working Class Experience: Re-thinking the History of Canadian Labor 1800-1991* (Toronto 1992), 160. See Richard Price, *Masters, Unions, And Men: Work Control in Building and the Rise of Labour, 1830-1914* (Cambridge: 1980), for an English account of an earlier period.

3 Craig Wollner, *The City Builders: One Hundred Years of Union Carpentry in Portland, Oregon, 1883-1983* (Portland 1990). The periodization of the transformation to business unionization is far from uniform. R.E. Montgomery’s, *Industrial Relations in the Chicago Building Trades* (Chicago 1927), and Rich Schneirov and Thomas J. Suhrbur’s, *Union Brotherhood, Union Town: The History of the Carpenters Union of Chicago, 1863-1987* (Chicago 1988), identify 1901 as the point at which the carpenters and other building trades workers turned away from radical goals and broader class unity, while Ian McKay, in *The Craft Transformed: An Essay on the Carpenters of Halifax, 1885-*

economic basis of business unionism, skilled workers struggled to rebuild the broad organizational structures and industrial relations that had been born in the preceding decades, rather than abandon their craft-consciousness and join with other workers in search for a collective solution to their common dilemma. Sustained in part by construction companies capable of seeing in industrial order the profits of labor peace, the unions pushed the provincial government to enact the Industrial Standards Act (ISA) and establish uniform wages, hours and working conditions that would preserve their relatively high wages.

The transition to industrial regulation was not without its logic or its precedents. Toronto's build trades workers had been drawn to the promise of industry-wide organization by the fading light of nineteenth-century guild ideology emanating from the employer organized Building Exchange in 1901. The contractors spearheaded a campaign to drive interloping contractors (using predominantly non-union labor) from their industry by co-operating with the union in disciplining low wage competitors.⁴ This particular campaign was ultimately incomplete and its results unsustainable, but the economic dislocation of competition would be repeatedly challenged by organized capital

1985 (Halifax 1985), dates the transition of the union's role from building a broad working-class movement to pursuing narrow craft interests in the mid-1920s. Also see John Closs, "Built to Last: The Building Trades Unions in Ontario, 1919-1929" (MA Thesis, Laurentian University, 1989). On social conditions see Michael J. Piva, *Condition of the Working Class in Toronto, 1900-1921* (Ottawa 1979), 89, 32-33; *Census of Canada, 1931*, Vol. 5, 68.

4 Wayne Roberts, "Artisans, Aristocrats and Handymen: Politics and Trade Unionism Among Toronto Skilled Building Trades Workers, 1896-1914," *Labour/Le Travailleur*, Vol. 1 (1976), 93.

and organized labor. After the First World War, building trades unions and builders came together in the government sponsored National Joint Labour Conference Board, which dissolved because of disagreements over immigration policy, producing little beyond an apprenticeship program.⁵

As long as unions persisted, however, unionized employers would have to strive for managed competition with non-union employers. Turning unionization into an asset from a liability required a particular relationship between capital and labor. Colin Gordon, writing on the American experience, identified how sections of capital used organized labor to 'police' industry and apply sanctions against those who transgressed the shared union/employer goal of managed competition.⁶ Unions could discipline rivals in a way that voluntary employer associations (such as the Building Exchange) could not. They could cripple low wage employers, hem in the margins where new competitors emerged, while union membership rules could control the pool of 'eligible' workers. An American executive confessed that "most of us do not like competition and attempt to set up monopolistic controls which will make life easier for us. This is the heart of the union organization plan, as witnessed in the building trades."⁷ The increased costs associated

5 H.A. Logan, *Trade Unions in Canada*, 103.

6 Colin Gordon, *New Deals: Business, Labor, and Politics in America, 1920-1935* (Cambridge 1994).

7 Steven DuBrul, General Motors, to Harry Eaton, 9 Mar. 1934, File 28, Alexander Sachs Papers, Franklin D. Roosevelt Presidential Library, Hyde Park N.Y., quoted in Colin Gordon, *New Deals: Business Labour, and Politics in America, 1920-1935* (Cambridge 1994), 94.

with a unionized work-force could be passed on to consumers without losing prized market share, provided no one under-bid the established minimum/union wage scale.

The Toronto local of the United Association of Plumbers and Steamfitters followed such a scheme to its logical conclusion in 1905 when they colluded with employers in an illegal combine, marked by bid rigging, designed to ensure union wages *and* a 25% profit margin for capital.⁸ A more ambitious, but ultimately illegal, attempt at managing competition was attempted in Toronto by the same plumbers' union during the building trades strike of 1929. Backed (if not directed) by numerous contractors, they struck to force all employers into a joint labor-employer governing body, called the Amalgamated Building Council (ABC), that would set wages and hours, arbitrate grievances, and eventually regulate the entire construction industry. Five years later, in 1934, the province sponsored a similar scheme through the ISA and unions were instrumental in enforcing its regulatory provisions. The intervention of the state, however, was also a marked departure from earlier patterns of class relations and foreshadowed the elaboration of a formal system of industrial legality during the Second World War.⁹

The following chapter traces the history of building trades workers from the heights of 1929, through the complete collapse of their industry in 1933, to the remaking

8 Wayne Roberts, "Artisans, Aristocrats and Handymen," 104. For more detail, and an extended legal discussion see *R v. Master Plumbers and Steam Fitters Co-Operative Association, Limited, et al.* OLR 14 (1905), 295-321.

9 Ian McKay, *The Craft Transformed*, Ch. 4.

of industrial relations in 1934 and after. This history will help to explain how a significant segment of Toronto's skilled workers built upon pre-existing patterns of class relations that emphasized class harmony and craft consciousness, rather than forging an oppositional movement. Marginal activities by Communist unions in the building trades only hinted at the possibility of radicalizing segments of skilled workers in the 1930s, while the ultimate failure of the challenge from national building trades unions, pushing for broad based industrial organization, indicates the resilient craft character of skilled construction work. Perhaps the most striking conclusion that can be drawn from this study is that AFL business unionism was a significant and resilient force in protecting the narrowly defined interests of skilled workers, and while capable of pushing the structures of class relations, was ultimately incapable, even in the depths of the depression, of moving beyond a limited vision of the relations of capital and labor.

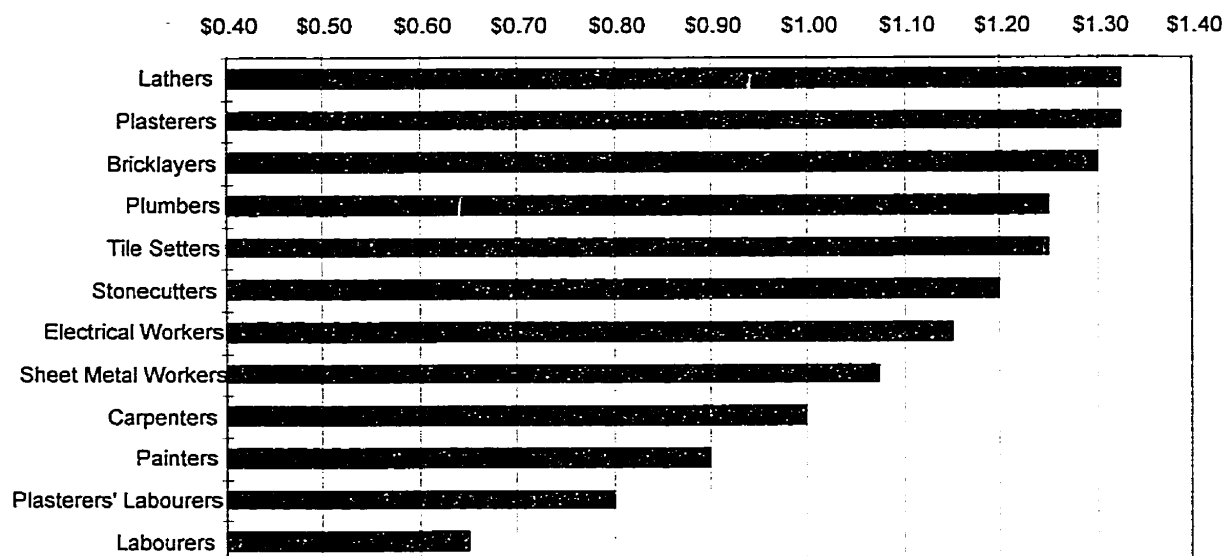
The Guided Age of Pre-depression Unionism

Building trades unions and building trades workers enjoyed an unmistakable position of power in the spring of 1929 while most other international craft unions were buckling under the latest round of open shop drives by increasingly large and organized

employers.¹⁰ The construction industry was flourishing and two thousand Toronto building trades workers seized the opportunity to launch a tremendous general strike on 1 May for increased wages and reduced hours. The proportions of the strike caused one newspaper to reassure its readers “that the situation d[id] not assume the nature of a general revolt among workers.” Rather than a general revolt motivated by the shared belief that “the shorter work day is necessary to relieve unemployment created by general conditions,” the strike was an exercise in business unionism organized along traditional craft lines.¹¹ Each trade followed a ‘divide and conquer’ strategy of returning to work for firms that settled, but did so on a trade by trade basis, leaving their craftsmen standing alone. A common cause failed to create common strike strategies, concerted efforts, or sympathetic action. At the end of the 1929 strike wave, skilled building workers stood among the top of their wage bracket, yet craft specific bargaining ensured a significant wage differential among the trades. The following chart depicts the wage hierarchy of 1929.

10 For a discussion of capital’s assault upon organized labor in Canada in the 1920s and 1930s see Bryan D. Palmer, *Working Class Experience*, 219-221.

11 “The May Day Strike,” *Toronto Globe*, 2 May 1929, copy in NAC, Records of the Department of Labour (Labour), RG 27, Vol. 344 (115) Bakers & Building Strike, Apr. & May 1929 (MNF T-2755).

Chart 9A: Hourly Wages in Toronto's Building Trades (1929)¹²

Despite the craft preoccupation of the various building trades, they were all eventually successful in obtaining most of their demands, although the individual strikes varied greatly in length. One hundred and twenty stonecutters, organized in the Journeymen Association of Stonecutters of America, won their strike in only ten days, successfully resisting employer demands for a longer work week (tied to higher wages). A similar number of lathers, organized in the International Union of Wood Wire and Metal Lathers, Local 97, also struck to retain their 40 hour work week and gain pay increases. They won their demands in two weeks. Eight hundred plasterers, organized in the

12 Source: Archives of Ontario (AO), Department of Labour (Labour), RG 7-1-0-112, untitled document summarizing wages in 1929, 1934 and under the ISA, n.d. [1935].

International Association of Plasterers and Cement Finishers, Local 48, struck for similar wage increases and to retain the five-day, forty-hour week they had won the year before, rejecting higher wages tied to a return to the 44 hour work week.¹³ Some unions, such as the International Brotherhood of Electrical Workers, succeeded in securing agreements without a strike, while others, such as the United Brotherhood of Carpenters and Joiners, had to concede open-shop contracts that allowed employers to hire from competing national unions.¹⁴

Given the lack of solidarity between the different building trades, it is not surprising that the weakest trade struggled the longest. Six hundred painters, organized in the Painters and Decorators International Union, locals 1014, and 151, struck 35 different contractors for 90 days before winning a wage increase. The painters' strike was also protracted because of a serious challenge from the National Union of Painters, Decorators and Paperhangers, local 1, which signed a contract with the Master Painters of Toronto for less per hour and an open shop.¹⁵ The international union eventually won out and signed with the Master

13 NAC, Labour, RG 27, Vol. 342 (39), Stonecutters, May 1929; (43) Lathers, May 1929; (40) Plasterers, May 1929; (42) Plasterers - Laborers, May 1929 (all MNF T-2754).

14 *Labour Gazette*, Jun. 1929, 677. Toronto District, Ontario Association of Electrical Contractors and Dealers and the International Brotherhood of Electrical Workers, Local 353, renewal of 1926 agreement to run to May 31, 1932. Electrical workers in Toronto did not strike for the duration of the Great Depression and this may be indicative of a close relationship between the union and the employers. Electrical contractors in Toronto were convicted under the Combines Act. Alvin Finkel, *Business and Social Reform in the Thirties* (Toronto 1979), 41; *Labour Gazette*, Dec. 1929, 1414. The Toronto District Managing Committee of the Amalgamated Carpenters of Canada and the Carpenters and General Contractors Section and the General Contractors Section of the Toronto Builders Exchange, signed an open shop contract to run from 1 Jan. 1930 to 31 Dec. 1931.

15 NAC, Labour, RG 27, Vol. 342 (37) Painters, May 1929 (MNF T-2754), E.N. Crompton, Toronto Representative, Dominion Government Labor Department, to C.W. Bolton, Chief of the Statistical

Painters, but not before resorting to a red scare campaign that helped to sway Toronto's Board of Control into pledging that City contracts would pay for painting at international union rates.¹⁶

The uneven patch work of trade specific agreements was a natural consequence of craft-based organization, yet most building trades unions advanced similar demands. All used collective bargaining, and the short work week, to regulate the labor market, and all had recovered considerably since their unions were smashed in 1903 by an open shop drive.¹⁷ The direction in which they advanced marked the limits of business unionism, and ultimately led to some sort of regulatory arrangement with employers. Stabilizing competition was a central issue in negotiations between masters and men, and nowhere was this more evident than in the relations between the plumbers and their employers. Behind the strike by four hundred Toronto plumbers, in Local 46 of the United Association of Plumber and Steamfitters, during May 1929, was the frustrated efforts of

Branch, Labor Department, 29 May 1929. Also see the *Labour Gazette*, Dec. 1929, 1415, agreement between the Master Painters' Association and the National Union, signed on 1 May 1929, which did not stipulate a closed shop. *Strikes in Canada*, 1929, 40. The National Union of Painters, affiliated to the All Canadian Congress of Labour (ACCL), was formed two years earlier by a group of international union painters who objected to the payment of extra money to support other painters who were striking in the city.

16 Clipping from *Toronto Mail and Empire*, 17 May 1929, copy in NAC, Labour, RG 27, Vol. 342 (37) Painters, May 1929 (MNF T-2754). The allegations of Communist influence seem unfounded. The CPC came out firmly against the National Union in its publication the *Toronto Worker*. See also, "Communists Expelled From Painters' Union," *Toronto Mail and Empire*, 16 May 1929, copy in NAC, Labour, RG 27, Vol. 342 (37) Painters, May 1929 (MNF T-2754); "All Painter Return at Royal York Hotel," *Toronto Labor Leader*, 10 May 1929, copy in *ibid*.

17 Michael Piva, *The Condition of the Working Class*, 154-5.

small employers to regulate their industry using a trade association called the Amalgamated Building Council (ABC). The efforts of Toronto's unionized plumbers to extend narrow issues of wages and hours to questions of the organization of their industry demonstrates the role of unions in buttressing anti-competitive combinations of employers, and exposes a new perspective on conservative unionism.

The plumbers had long acknowledged the detrimental effects of unregulated competition in their industry and supported employers' efforts to organize. John W. Bruce, General Organizer of the United Association of Plumbers and Steamfitters, argued in an article in the *Sanitary Age*, that the construction industry had entered "an era of price-cutting and destructive competition that threaten the interests of all persons engaged in the industry, whether they be employers or employees." The easy entry of new contractors, who had merely to put up a sign calling themselves master plumbers, debased the entire trade and resulted in "the survival of the slickest, rather than the survival of the fittest."¹⁸ Understanding labor's willingness to support capital in restricting competition and rescuing the "fittest" from the ravages of the market leads to a more detailed examination of the organizational efforts of capital.

The ABC grew from the establishment of the Canadian Plumbing and Heating Guild at a national convention of the Ontario Society of Domestic Sanitary and Heating Engineers (OSDSHE), in Hamilton on 11 June 1927. The meeting of over 250 plumbing

18 *The Sanitary Age*, 15 Apr. 1927, 14, 20.

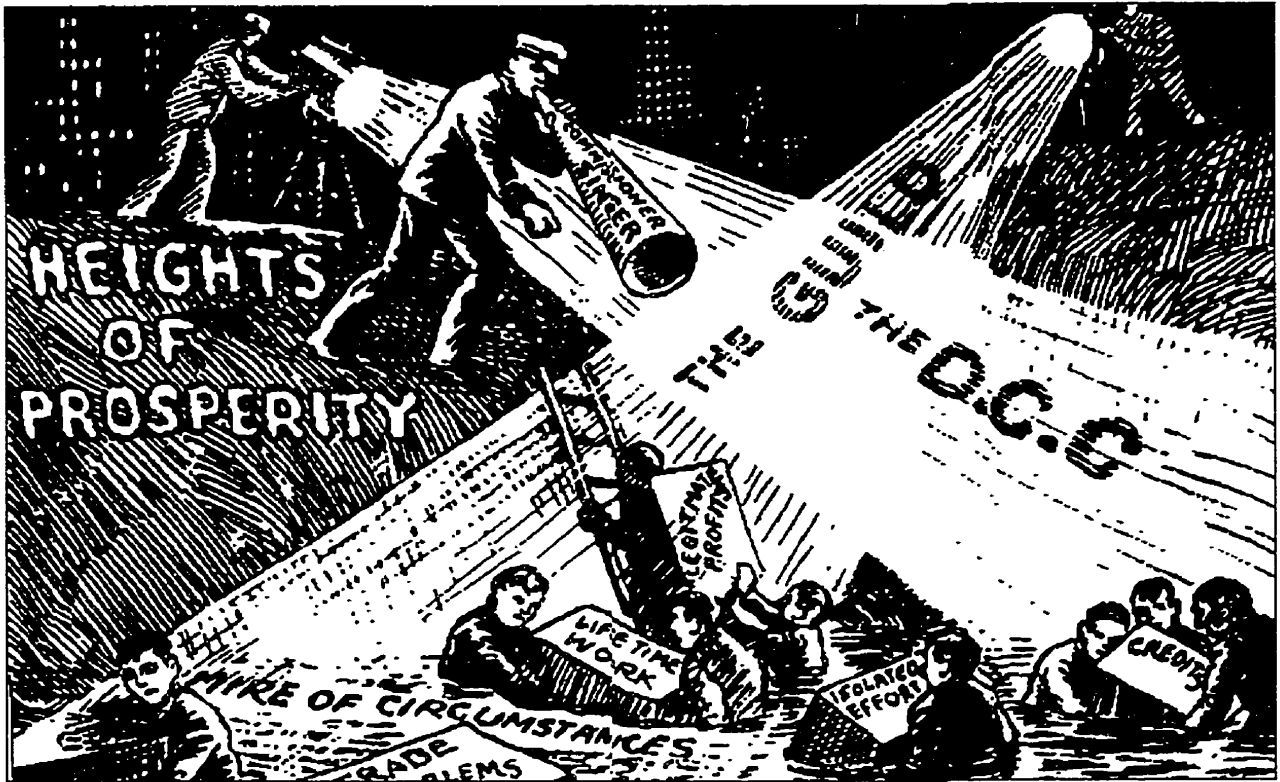
trade delegates from cities across Ontario decided to abandon the moribund OSDSHE and form the new Guild as a collective response to the crisis of cut-throat competition in their industry. Roy E. Belyea, a prominent Toronto contractor involved in other association work, was elected President but the real impetus behind the new organization came from Louis M. Singer, a gold medalist from Osgoode Hall, regarded as an authority on commercial and corporate law, who had previously organized four other industries along guild lines.¹⁹ On paper, the Guild was a voluntary organization comprised of manufacturers, jobbers (or wholesalers) and plumbing contractors (but not organized labor). Once enrolled, contractors had to abide by strict discipline under the control of Singer, who was appointed Commissioner.

The Guild's main philosophy, or central premise, was "the Golden Rule," ('do unto others') which was expressed in the establishment of reciprocal cooperation and exclusive purchasing contracts between plumbing contractors and supply houses. The appeal of the Guild was strong enough to sign up all 250 delegates at the first meeting, and establish organizing zones covering the entire province. It grew rapidly and received favorable press from the editors of influential trade papers, such as the *Sanitary Age*, which called the Guild "the darling child of the industry," and ran cartoons depicting Singer as the industry's savior (see appendix 9E). William Shanks, a prominent Scottish manufacturer of pottery and porcelain plumbing supplies, came out in favor of the Guild

19 *The Sanitary Age*, 1 Apr. 1927, 1-3.

during a visit to Canada in 1927. He argued that guilds ran the building industry in Scotland, ensuring adequate wages and prices, while virtually eliminating bankruptcy: “modern civilization is seeking more and more to eliminate competition and establishing in its place the ideal of cooperation.” Individuals who wrote letters in support of the Guild saw it as the fulfillment of a magnificent campaign for the creation of “a world-wide brotherhood for the betterment of all.”²⁰

20 *The Sanitary Age*, 2 Sept. 1927, 9; Eva E. Hamilton, letter to the *Sanitary Age*, 13 April, 1928, 9; *The Sanitary Age*, 20 Jan. 1928. For information on the formation of building guilds in England see The Guild of Builders, *What the Building Guild has Done for London* (London 1921).

Image 9A: "The Heights of Prosperity"²¹

Despite support for the Guild, opposition emerged soon after its founding. A 'legal' circular sent to master plumbers, supply houses, and manufacturers by opponents of the Guild claimed that the union of the three branches of the industry would violate the Combines Investigation Act by setting prices and limiting competition and in November

21 Source: *The Sanitary Age*, 16 Mar, 1928, 29

1927, with Singer confined to his sick bed, several large contractors withdrew from the Guild. Upon his recovery, Singer attempted to appease the critical wholesale houses by fashioning the Dominion Chamber of Credits (DCC) as a separate organization for the manufacturers and jobbers. The DCC ostensibly operated like a credit bureau, but it bound its members to refrain from trading with certain plumbers who under-cut the market. The manufacturers were not swayed, although several in Toronto and Windsor joined. Opposition continued and certain McLeans publications launched attacks on the Guild as a combine to raise profits and force trade through channels controlled by Singer.²² In an interview to refute these allegations Singer cited the policy arguments that had emanated from English restraint of trade jurisprudence, pointing out that a regulated industry was in the public interest as was the freedom of individuals to contract as they saw fit.²³ He argued that an individual contractor, manufacturer or jobber was

captain of his soul in trade. He may lock up his shop and refuse to trade with anybody, or, if he likes, he may with perfect safety, so far as the law is concerned, inform the business community that hereafter he will buy only from blondes and sell only to brunettes. Even as to agreement with his competitors, he has considerable leeway. As lately as 1914 Lord Haldane said, in a House of Lords decision upon restraint of trade [*North West Salt v. Electrolytic Alkali* [1914] A.C. 461 (HL)], that while unquestionably there had been a combination to regulate supply and keep up prices, 'an ill regulated supply and low prices may, in point of fact, be disadvantageous to the public. Such a state of things may, if it is not controlled, drive manufacturers out of

22 *The Sanitary Age*, 11 Nov. 1927, 3.

23 W.R. Cornish and G. de N. Clark date the court's turn towards upholding contracts in restraint of trade to 1815, but this tendency was more pronounced in a series of cases after 1870 where the courts re-examined and largely discarded the common law prohibition on contracts in restraint of trade, and developed tests and criteria which effectively established the right of parties to contract out of the market. W.R. Cornish and G. de N. Clark, *Law and Society in England, 1750-1950* (London 1989), 269. See for example *Hearn v. Griffith* (1815), 2 Chitty 407; *Wickens v. Evans* (1829) 3 Y. & T. 318.

business or lower wages and cause unemployment and labour disturbance. It must always be a question of circumstances whether a combination of manufacturers in a particular trade is an evil from a public point of view.

Singer predicted that over the “course of time even the daily conduct of all industry will be done by conference between the different divisions of the industry right down, or perhaps I should say up, to the mechanics and other workmen,” similar to the way Whitney councils operated in England.²⁴ Singer saw the Guild as part of a world wide stabilization trend anchored in the rapid formation of combines and cartels, evident in the USA, Germany, and England.

Despite his assurances that the Guild was not in violation of the law, organization receded to comprise only the small and medium sized contractors, and its geographic growth stalled. Frustrated by the resistance of the large employers, Singer established the ABC as a parallel organization to the Guild and the DCC, and incorporated it as a trade union under the Trade Union Act in March 1928.²⁵ He claimed that this move was a defense against the manufacturer’s “trusts and monopolies,” and the large builders, but it was actually an incredibly clever legal maneuver to shield guild members from prosecution under the Combines Investigations Act. In an interview a year earlier Singer

24 *The Sanitary Age*, 19 Aug. 1927. For a discussion of the Whitney plans and their American counterpart as a basis for an industrial council at Massey Harris see Bruce Scott, “A Place in the Sun: The Industrial Council at Massey Harris, 1919-1929,” *Labour/Le Travailleur*, Vol. 1 (1976), 158-92. Scott ignores the anti-competitive program that was usually pushed by the sort of companies (such as Standard Oil) that supported variations of these plans.

25 *The Sanitary Age*, 30 Mar. 1928, 21.

had explained how and why he would register an association of employers as a trade union:

In this Act [the Dominion Trade Unions Act] ‘trade union’ means such combination ... for regulating the relations between workmen and masters, *or* for imposing restrictive conditions on the conduct of any trade or business, as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade ... we can make the guild a trade union under that section at any time simply by writing into our constitution a by-law in unreasonable restraint of trade, and having thus made ourselves an unlawful organization we are eligible for registration as a trade union. Funny, isn’t it? You get your unlawfulness cleaned up and immunity from all manner of criminal prosecution, — whether at common law or under the criminal codes or Combines Investigation Act, in so far as anything touching restraint of trade is concerned.²⁶

Unlike the Guild, the ABC dealt explicitly with labor relations and pledged full co-operation with the plumbers’ union.²⁷ The constitution of the ABC appealed to labor, calling for a fully regulated industry (embracing all trades) and “just and reasonable terms of employment, hours of work, operation under collective agreement, the betterment of working mens’ standard of living, and the avoidance of strikes and lockouts by resort to permanent councils of conciliation or other means agreed on by masters and workmen.”²⁸ Local 46 of the United Association of Plumber and Steamfitters quickly signed a two-way closed shop contract with the ABC on 26 April 1929 that included generous wages and a reduced work week in June and July. The union consequently canceled its

26 *The Sanitary Age*, 19 Aug. 1927, 5.

27 *The Sanitary Age*, 20 Jul. 1928, 5.

28 Quoted in “Toronto Employers Organize as New Trade Union,” *Toronto Labor Leader*, 26 Apr. 1929, copy in National Archives of Canada (NAC), Records of the Department of Labour (Labour), RG 27, Vol. 342 (38) Plumbers, May 1929 (MNF T-2754).

contract with the Master Plumbers one year early, and struck to force all employers into the ABC and to enforce the industrial regulation sought by Toronto's 105 smaller organized Master Plumbers (who employed 40% of the unionized plumbers). The other 26 Master Plumbers (larger companies employing 60% of the unionized plumbers) refused to join the ABC; the strike thus turned on the plumbers' preference for the wage deal and promises of stability which the Guild offered.

The irony of "one union, which might be expected to benefit by division, seeking to bring into effect in the opposing forces what may be described as another strong union," was not lost on the press.²⁹ But the strike was not so ironic as it appeared. Business unionism was structured to work with capital, not against it. John W. Bruce, representative of the Plumbers union fully supported the ABC, arguing before the Trades and Labor Congress that it "was set up to help in establishing closer relations with our employers and the building up of a co-operative agreement to bring about a better understanding of our mutual problems and a new spirit in our industry."³⁰ The new spirit of which Bruce spoke ignored the distinction between the valid right of workers to organize and restrain capital, and the right of capital to form oppressive cartels.

The union of capital and labor prompted the *Sanitary Age* to turn sharply against the ABC, arguing that the two-way closed shop was "a movement that has its objective

29 NAC, Labour, RG 27, Vol. 344 (115) Bakers & Building Strike, Apr. & May 1929 (MNF T-2755); "An Unusual Strike," *Toronto Globe*, 4 May 1929, copy in NAC, Labour, RG 27, Vol. 342 (38) Plumbers, May 1929 (MNF T-2754).

30 *Labour Gazette*, Sep. 1929, 1012.

nothing but the acquisition at all cost of an autocracy to which Russia could offer no parallel.”³¹ The holdout employers (who had a higher rate of unionization than the small operators before joining the ABC) quickly consented to the plumbers’ wage and hour demands, leaving their non-membership in the ABC as the only outstanding issue. In the opinion of a federal labor investigator the “strike of the plumbers is for the purpose of forcing the Independent Employers (also known as the Amalgamated Society of Engineers) into the Guild.”³² The Independent Employers quickly called foul as they bore the brunt of the strike, buttressed by an ABC contract provision that union members could only work for employers who were members of the ABC, and demanded the repeal of the Trade Union Act (1872) because it allowed boycotts and price-fixing. In response, the plumbers voted on 10 May to continue the strike and two large employers gave in and joined the ABC as their building projects ground to a halt. Peter Heenan, the federal Minister of Labour, made a personal trip to Toronto to investigate and mediate the strike.³³

Heenan eventually succeeded in brokering a deal whereby the ABC and the Amalgamated Society of Engineers would form the Toronto Plumbing and Heating

31 *The Sanitary Age*, 12 Apr. 1929, 3-4.

32 NAC, Labour, RG 27, Vol. 342 (38) Plumbers, May 1929 (MNF T-2754), 2 May 1929.

33 “Master Plumbers of Toronto See Minister,” *Ottawa Morning Citizen*, 10 May 1929, “Toronto Dispute Believed Unique in Labor History,” *Ottawa Morning Citizen*, 4 May 1929, “Dispute May Lead to Parliamentary Action,” *Ottawa Morning Citizen*, 6 May 1929, “Price Suggests Federal Probe,” *Guelph Mercury*, 13 May 1929, “Strike Settlement In Plumbers Affair is Under Discussion,” *Toronto Globe*, 18 May 1929, copies in NAC, Labour, RG 27, Vol. 342 (38) Plumbers, May 1929 (MNF T-2754).

Contractors Association (but retain their separate bodies as well), and employers not joining the new association would not be permitted to hire union men. This did not end the troubles for Singer or the ABC. The strike prompted Ontario's Attorney-General, W.H. Price, to institute an inquiry into the ABC in Ontario (mainly in Windsor, Guelph, London and Toronto) as a prelude to laying charges under the *Combines Investigations Act*.³⁴ Singer resisted the investigation on the ground that the *Combines Act* did not apply to the ABC because it was registered as a trade union; nonetheless Gordon Waldron, head of the investigative tribunal set up to scrutinize the activities of the ABC, had Singer arrested on 22 July for refusing to turn over the ABC's records or respond to questions.³⁵ Although initially freed on bail of \$10,000, Singer's continued refusal to turn over records landed him in jail for an additional 26 days until he was finally released after his third appeal.

Meanwhile, the investigation which held hearings in Windsor, London and Toronto, revealed widespread practices of bid rigging, discriminatory collusion, conspiracy, and sabotage. The ABC allegedly skimmed 2% from the top of all contracts, and membership fees were a steep \$100 to \$300 per year.³⁶ Most damaging of all for the

34 *The Sanitary Age*, 26 April 1929; 1 Mar. 1929, 5-9.

35 "Minister as Defendant," *Ottawa Morning Citizen*, 12 Jun. 1929, copy in NAC, Labour, RG 27, Vol. 342 (38) Plumbers, May 1929 (MNF T-2754).

36 *The Sanitary Age*, 30 Aug. 1929, 28-32, transcript of the Windsor Hearing. For a discussion of the legal evolution of combines legislation and numerous examples of restraint of trade, see L.A. Skeoch, *Restrictive Trade Practices in Canada* (Toronto 1966).

reputation of the ABC was the revelation that Singer's salary (for the Guild, the DCC, and the ABC) consumed at least \$32,000 per year, or over 35 % of the entire expenditure of the organization. Waldron bluntly accused Singer and his advisor, Mr. O'Connor, of constructing the ABC to line their own pockets: "Don't think you are deceiving us. You are trying to tell us for three days that you are opposed to price fixing [but] I think you and Mr. O'Connor had a most ingenious scheme to fix prices without leaving a trail."³⁷ As a result of the investigation the charter of the ABC was canceled on 31 December 1929 by the Secretary of State and the Registrar General of Canada, and all of the leaders of the ABC, and its local leadership in Windsor, were charged with violations of the Combines Investigation Act.³⁸ Windsor was chosen as the first city because 80% of the plumbing contractors and the four wholesale houses were organized by the ABC, and Singer had made inroads into organizing Windsor's sheetmetal workers, electrical contractors, and carpenters.

The trial was delayed until February 1931, while the Privy Council decided and then upheld the constitutionality of the combines legislation. Once the trial got under way, details came to light that provide a clear picture of the ABC's operations throughout Ontario. Singer disciplined union employers by cutting off their labor, and he disciplined non-union employers by cutting off their supplies. Because the Windsor ABC had

37 *Sanitary Age*, 11 Oct. 1929, 15.

38 *Labour Gazette*, Apr. 1931, 430-4.

organized 80% of the master plumbers they were in a position to demand that the supply houses only deal with members of the ABC. All of the supply houses complied and some Master Plumbers had to drive to Detroit to buy supplies, or have them delivered to the back alleys of their homes by sympathetic but intimidated jobbers. Of the two related methods, withholding labor was the most significant. Gordon F. Pular managed to secure supplies, and avoided the ABC for about six months, but the lack of union labor eventually crippled him, and he had to join or go out of business. Large contractors recounted how they were forced to pay the ABC a percentage of their contracts or have their unionized work-force pulled in the middle of jobs. Several tried to leave the ABC, but could not for fear of being unable to meet their commitments. Edward J. L'Heureux, a large operator with contracts with the school board and several dairies, testified that he was forced to stay in the ABC and pay tribute. Clifford Greenan, another large contractor that did work for General Motors and the school board, claimed that he was told by the ABC that his men would not work for him unless he paid 2% to the ABC, and joined their organization. He paid about \$600 to keep his men, and told the court: "I was here to keep in business and I had to fall in line."³⁹

Organized labor participated so actively in such an oppressive scheme because the ABC could offer good wages and hours, and held the promise of a city-wide closed shop.

39 AO, Records of the Attorney General (AG), RG 4-32, 1929, 806 Memorandum of Analysis of Evidence, 4.

All members of the ABC had to hire only union labor, and Singer saw to it that this was carried out. R.C. Longley, a Windsor contractor, was expelled from the ABC (and thus also had his supplies cut off) because he hired a non-union man on one of his jobs, and non-union employers, including ABC president Belyea, dutifully signed union contracts. The union was also not troubled by the legal objections to the ABC raised by large contractors. The ABC's practice of boycotting certain jobbers who failed to participate was very similar to the union's tactic of withholding their labor from employers. This practice was perfectly legal for trade unions, and statements from various government officials led the union to believe that the ABC was equally protected. Mr. O'Neil, the solicitor for the Federal Department of Labour, told Weinrub and Belyea that their activities in Toronto were legitimate, and that even the Ontario government was challenging the anti-combines law during the ABC period. Frederick MacGregor, the combines registrar, mingled at an ABC convention, and then pronounced at the banquet that the organization was "O.K.," and Mr. Heenan, Minister of Labour, issued a second trade union certification to the "Plumbers Contractors Union" as part of the settlement to the strikes, clearly creating the impression that the basic structure of the ABC was state sanctioned.⁴⁰

Although the ABC was indeed protected by trade union immunity, the court held that Singer's violation of the law was set in motion prior to the formation of the ABC,

40 AO, AG, RG 4 -32, 1929, 806, "Notes re Belyea-Weinraub case" [1935].

and extended to his position as Commissioner of the DCC, and the Plumbing and Heating Guild, which enjoyed no immunity.⁴¹ Further, the trial court held that both s. 29 of *the Trade Union Act*, and s. 489(2) of the *Criminal Code*, which declares that a member of a trade union shall not be subject to criminal prosecution for conspiracy merely because the purpose of the trade union is in restraint of trade, was not applicable because the *individuals* involved “greatly exceeded the legitimate purposes and objects of a trade union.”⁴² The court held that Singer’s action showed “a studied and deliberate effort to effect an unlawful result under the pretense of keeping within the letter of the law.”⁴³ The Court of Appeal went further, declaring that the registration of the ABC as a trade union was “an attempt to cloak the operation of the Canadian Plumbing and Heating Guild” and a “mere sham.”⁴⁴ The conviction of Singer, the first Ontario prosecution under the 1923 *Combines Investigation Act*, clearly established that business cartels could not find refuge in the *Trade Union Act* to avoid prosecution for anti-competitive agreements to regulate prices and wages.

The *Singer* ruling marked a clear departure from English jurisprudence in Ontario. When called upon to assess the effects of a combine in restraint of trade, the Court held that the injury to a single competitor would outweigh not only the benefit bestowed on

41 *R. v. Singer et al*, [1931] 61 C.C.C. 68 at 77 (Ont. Sup. Ct., A Div.); [hereinafter *Singer*] appeal on technical issue denied, *Singer v. R.* [1931] 61 C.C.C. 381 (S.C.C.).

42 *Ibid.*, at 82.

43 *Ibid.*, at 84.

44 *Ibid.*, at 88.

the contracting parties, but the collateral societal benefit extending to workers in combine-regulated industries.⁴⁵ The Canadian jurisprudence on cartels and other restraints of trade would become increasingly untenable as the economic depression of the 1930s devastated confidence in free competition. The closing of the Trade Union Act would ensure that the ISA would be employed in a manner that effectively skirted Canadian anti-combines legislation.

The Depression

After the chimeric May Day victories, the much desired combination of workers and bosses in quasi-corporatist bodies, and the particular style of regulatory unionism that enforced it, fell prey to skyrocketing unemployment and desperate competition. Most of

45 For the development of Canadian anti-combines legislation see John Arthur Ball, *Canadian Anti-Trust Legislation* (Baltimore 1934); M. Cohen, "The Canadian Anti-Trust Laws: Doctrinal and Legislative Beginnings," *Canadian Bar Review*, Vol. 16 (1938), 439; Michael Bliss "Another Anti-Trust Tradition: Canadian Anti-Combines Policy, 1889-1910," *Business History Review* Vol. 47 (1973), 177; Richard F. Grosse, *The Law of Competition in Canada* (Toronto 1962); Lloyd G. Reynolds, *The Control of Competition in Canada* (Cambridge 1962); Paul K. Gorecki and W.T. Stanbury, *The Objectives of Canadian Competition Policy, 1888-1983* (Montreal 1984); L.A. Skeotch, *Restrictive Trade Practices in Canada* (Toronto 1966); A.C. Chrysler, *Restraint of Trade and Labour* (Toronto 1967). Russell Smandych, "Marxism and the Creation of Law: Re-examining the Origins of Canadian Anti-Combines Legislation, 1890-1910," *Canadian Criminology Forum*, Vol. 6 (Fall 1983), 56. Russell Smandych offers an alternative explanation that casts anti-combines legislation as a state response to the challenge posed by the political and economic organization of workers by the Knights of Labor during the rapid industrialization of central Canada. Class antagonism, sharpened by a 'hatred' of monopolistic companies, prompted an (albeit largely symbolic) accommodation of labor to ensure stability and the on-going reproduction of capitalist economic and social relations.

the city's large building projects were completed by 1931, and with few new buildings underway the temptation to use non-union, or national union, labor undercut the international unions' control of the few remaining job sites. Almost a year to the day of the 1929 strike, 300 workers from all trades working on the T. Eaton building walked off the job (without getting authorization from the union)⁴⁶ over violations of union agreements covering painters and carpenters. This attack on the closed shop and union rates, at a building owned by one of Toronto's most paternal employers, informally broke the closed shop and forced acceptance of workers from the national Amalgamated Carpenters Union (ACU), who were paid slightly lower rates. A year later, 30 carpenters in Local 27 of the United Brotherhood of Carpenters and Joiners (UCBJ) struck the Parkdale Construction Company to enforce the contract provision for overtime past 40 hours a week and an 8 hour day. Ten carpenters remained on the job, against the order of the union, and the head of the construction company was a former union business agent of the international union; his two non-striking foremen were active members of the union.⁴⁷

This clear erosion of international union control of work sites accelerated through the early years of the Depression. Disputes over bringing in members of the often shady national unions to job sites, in violation of closed shop agreements, proliferated. At the

46 NAC, Labour, RG 27, Vol. 345 (33) Building Trades, May 1930 (MNF T-2756).

47 "Carpenters Strike Claim Wage Dues," *Toronto Star*, 21 Apr. 1932, copy in NAC, Labour, RG 27, Vol. 351 (53) Carpenters, Apr. 1932 (MNF T-2762).

University of Toronto in the winter of 1931, the contractor undertaking renovation on the campus was bound to pay union rates under the city's Fair Wage by-law but chose to break the hold of the international union by enrolling his workers in his own chapter of the National Union.⁴⁸ The leader of the international union remarked: "When employers were forced into a corner over engaging non-union men, they personally undertook the formation of a national union ... and sometimes even went so far as to have union cards of their own printed."⁴⁹ The threat to the International, however, came more from "legitimate" national unions which sometimes acted as wage cutting, scab herding employment brokers. When 75 carpenters, affiliated with the UBCJ, struck the contractor at Maple Leaf Gardens to get overtime for working on Saturday afternoon, the contractor simply called the ACU office and hired replacement carpenters.⁵⁰

Contractors did not always win in the increasingly uneven battle over wages and the closed shop. When 10 carpenters, plumbers, and metal workers struck at Massey Hall to expel interloping workers (from the ACU), they won in two days because of threats to boycott the concert hall by unionized musicians.⁵¹ In the end the contractor conceded defeat because the AFL unions could bring the job to a halt, while the national unions

48 NAC, Labour, RG 27, Vol. 347 (16) Plasterers Laborers, Feb. 1931 (MNF T-2758).

49 "Fail to Leave Work Plasterers Expelled," *Toronto Mail and Empire*, 4 Mar. 1931, copy in NAC, Labour, RG 27, Vol. 347 (14) Clothing Factory Workers, Feb. 1931 (MNF T-2758).

50 NAC, Labour, RG 27, Vol. 376 (43) Carpenters, Apr. 1936 (MNF T-2985).

51 "Threat is Denied to Bar Orchestra," *Toronto Mail and Empire*, 16 Sept. 1933, copy in NAC, Labour, RG 27, Vol. 356 (103) Carpenters, Sept. 1933 (MNF T-2967).

could not. Ontario's Deputy Minister of Labour noted to the Minister that the strike at Massey Hall was "merely another instance of a fight between the International and National Unions in which the International have won as usual. The International Unions greatly outnumber the National organizations and in certain trades, such as marble setting, practically all skilled workers are members of the International union."⁵² The national unions, however, did gain a significant foothold in the painting and carpentry trades.⁵³

Despite the international unions' dwindling membership, and a sustained threat from the national building trades unions, large segments of the construction industry maintained relationships with organized labor. In 1932, the employer-organized National Construction Council of Canada (NCCC) — which included representatives from every business involved with the industry — was joined by the Trades and Labor Congress and the Provincial Council of Carpenters, in its call to have the state increase its expenditure on public works, and initiate a home building and mortgage-lending program.⁵⁴ Together they called for the destruction of old buildings, the advent of state hospitalization and medical care, contributory unemployment insurance, and an end to the employment of

52 AO, Labour, RG 7-1-0-57, Deputy Minister of Labour to Dr. Monteith, Minister of Labour, 4 Oct. 1934.

53 *Labour Gazette*, Apr. 1932, 450. The United Brotherhood of Carpenters and Joiners, Local 27 were forced to underbid the rate set by the National union by 10 cents an hour in 1932, and allow an open shop.

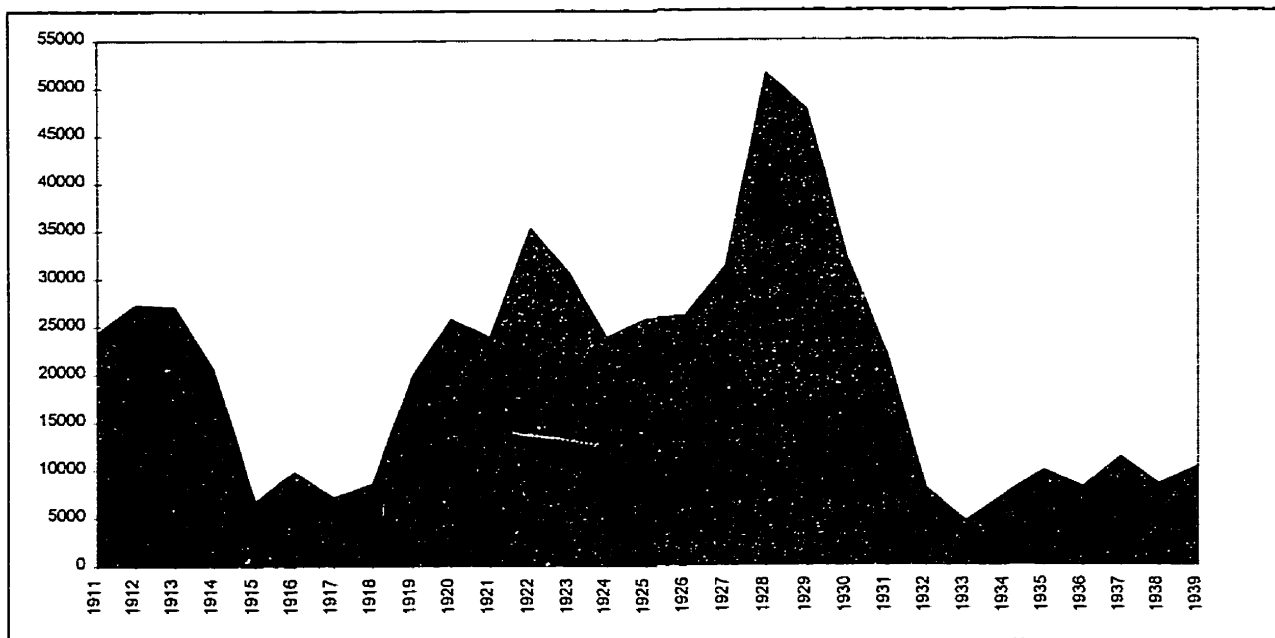
54 *Labour Gazette* Mar. 1933, 282; *Labour Gazette*, Sep. 1933, 920; Alvin Finkel *Business and Social Reform in the Thirties* (Toronto 1979), Ch. 7.

single men on relief construction projects. In 1934, the demands by the TLC and the Ontario Provincial Council of Carpenters were virtually identical to those of the NCCC and the Canadian Construction Association. Both capital and labor urged the Federal and Provincial government to extend a 10 year tax break for all new construction and improvement, end day labor on government relief projects, establish fair wages, and regulate the industry through strict licensing of contractors.⁵⁵

The strongest arguments put forward by the NCCC concerned the role of a strong construction industry in relieving unemployment. Backed by their own research, the NCCC argued that 500,000 people would return to work if the construction industry was restored to its 1929 rate. They pointed out that 50% of *all* unemployment was directly attributable to the collapse of the Canadian construction industry, worth from \$577,000,000 in 1929 to \$66,000,000 in 1933.⁵⁶ The real problem facing the international unions was not the opposition of large employers, or even the threat from national unions, but the general malaise of the construction industry in Toronto. The following chart demonstrates that the industry fell faster and farther than ever before, and never recovered from the depths of 1933.

55 *Labour Gazette*, Oct. 1934, 927; *Labour Gazette*, Feb. 1934, 150.

56 *Labour Gazette*, Oct. 1933, 972; *Labour Gazette*, Mar. 1933, 284 (based on a conservative Keynesian model of 2 auxiliary workers for every worker in the industry).

Chart 9B: Estimated Value of Construction Work in Toronto, 1911-1939 (\$1,000)⁵⁷

The political alliance between the international unions and the city's large contractors extended to contract negotiations. When contracts began to lapse, large employers moved to lower wages, but still remained committed to employing union labor. The persistence of union contracts when labor was economically vanquished, indicates that a significant number of employers sought the stability that union wages promised. In 1931 and 1933 the Bricklayers signed blanket contracts with the large employers participating in the Builders Exchange, while conceding significant wage

⁵⁷ Source: *Toronto Municipal Handbook*, 1921, 79; 1931, 101; 1940, 112.

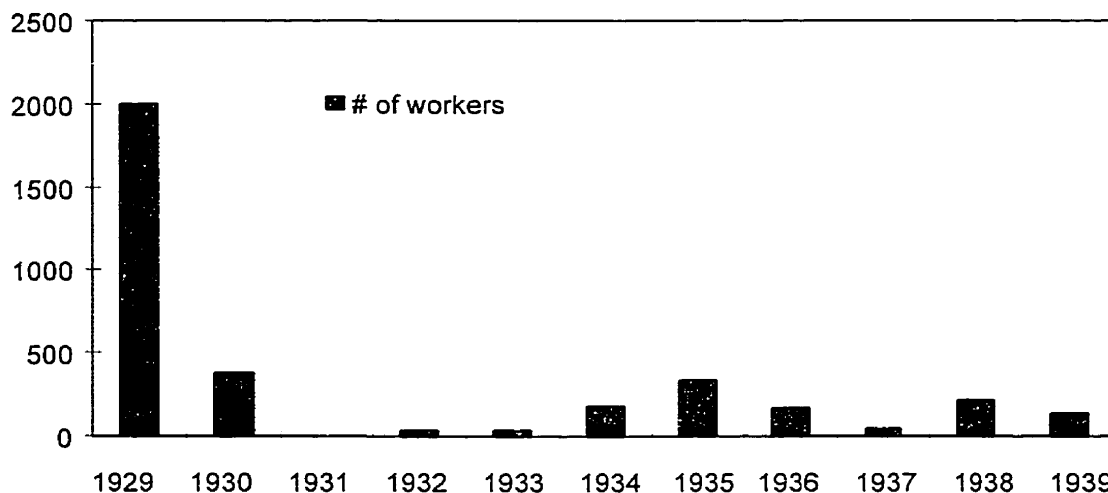
reductions.⁵⁸ The UBCJ, Local 27, signed similar agreements with the General Contractor's Section of the Toronto Building and Construction Association and the General Contractor's Association of Toronto in 1932 and 1933 (after a short strike at one firm), that provided for wage reductions and an open shop.⁵⁹ The United Association of Plumbers and Steamfitters, Local 46, renewed its contract with the plumbing contractors organized in the Toronto Society of Heating and Domestic Engineers, in 1930, 1932 and 1933, with wages incrementally falling 45 cents an hour from their peak in 1929.⁶⁰ Similar reductions were contained in contracts between the various sections of the Building Exchange and the Journeymen Stonecutters' Association of America, the International Association of Sheet Metal Workers, Local 30, and the International Brotherhood of Electrical Workers. The Contracting Plasterers' Association of Toronto and the International Hod Carrier, Building and Common Labourers' Union Local No. 781 signed contracts in 1930 providing for a slight wage reduction. High levels of unemployment, the political cooperation between large employers and the unions, and the easy renewal of contracts, decreased strike activity dramatically and it remained low for the duration of the depression.⁶¹

58 *Labour Gazette*, Oct. 1931, 1139; *Labour Gazette*, Apr. 1933, 425.

59 *Labour Gazette*, Apr. 1932, 450; Mar. 1933, 332; Apr. 1931, 710. The employers also signed an open-shop contract with the resurgent Toronto District Managing Committee Amalgamated Carpenters of Canada.

60 *Labour Gazette*, Jul. 1930, 844; Mar. 1932, 347; *Labour Gazette*, Apr. 1933, 732.

61 *Labour Gazette*, Jul. 1932, 819; *Labour Gazette*, May 1933, 550; *Labour Gazette*, Jul. 1933, 733; *Labour Gazette*, Dec. 1931, 1356; *Labour Gazette*, Jul. 1930, 844.

Chart 9C: Toronto Building Trade Strikes, 1929-1939⁶²

Agreements between organized contractors and organized labor were, however, becoming moot. J. Clark Reilly, the General Manager of the Canadian Construction Association, noted at a 1933 convention that “the rates that were supposed to be ‘official’ in many places were so different from those actually paid that we decided not to publish any schedule ... there is also an evident unwillingness to enter into agreements so long as labour is willing to work for people outside the employers group at less rates.”⁶³ The

62 Source: compiled from Federal Department of Labour Strikes and Lockouts Files, 1929-1939, NAC, Labour, RG 27. The number of workers involved in strikes in this period is a more useful indicator of industrial conflict than the number of strikes because it demonstrates the collapse of the building trades unions. Numerous small strikes throughout the year never succeeded in approaching the level of workplace confrontation organized by the international unions in May 1929.

63 *Labour Gazette*, Mar. 1933, 282.

editor of the *Daily Commercial News*, the official organ of the Canadian Construction Association, observed that bid peddling and low-grade speculative house construction, were frequently practiced in Toronto, Hamilton and Ottawa, and price cutting speculative contractors were influencing the legitimate builder "to the detriment of labour."⁶⁴

These pressures moved an increasing number of building trades workers into the ranks of the unemployed, and reduced them further to relief wage workers. Builders began to rely upon the casual employment of men on relief. A worker in Hamilton described a situation that also prevailed in Ontario's other large cities:

I beg to inform you of the wages paid in the City of Hamilton by the Fred Construction Company. I am enclosing slip which I received from the supt. and he thought I was on relief. The labour foreman told us to give a wrong name so we could not be found out by the relief Dept. as I am not on relief myself but it is impossible to keep off it when every firm is exploiting the worker. If you can do anything in this matter it would be very much appreciated for the citizens as a whole.⁶⁵

The provincial Department of Labor undertook a general investigation into the building trades, including special investigations of certain trades people on relief. As one man put it, "everybody is on relief and taking jobs at rock bottom prices." J.E. Ferrari, an inspector with the Unemployment Relief Branch, found that groups of unemployed tradesmen would bid on jobs, often being forced to lower their rate, and then hire men on relief to work with them at even lower wages. "The sub-contractor or contractors, in the majority

64 AO, Labour, RG 7-1-0-54, E.J.L Stinson, VP, *Daily Commercial News and Building Record*, to W. Morris, M.P.P., Hamilton, 20 Apr. 1934.

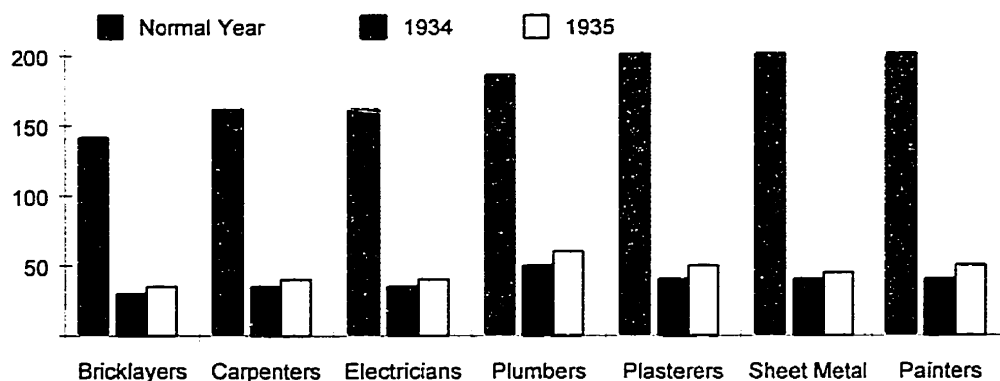
65 AO, Labour, RG 7-1-0-80 J. Adamson, Hamilton to David Croll, 8 Jul. 1935.

... are men who are on relief or who employ recipients of relief. This practice brings about ridiculously low prices.”⁶⁶ Most men made between 25 and 50¢ an hour. The plastering price for a \$17,000 house, for example, was \$120 for labor. Ornate plaster crown moldings, which cost 75¢ a foot in the 1920s, were being done for 5¢ a foot in the 1930s. This situation ruined both workers and bosses, as is evident in the following narrative of one ex-contractor:

D’Alessandro was at one time a plastering contractor, employing 75 to 80 men and claims that the unfair methods of labor being subsidized by relief had cost him his wealth and the loss of his business. This man is losing his home because of legal proceedings. At the time that his home conditions were being investigated on Tuesday, his voucher day, the children had to go to school without lunch because there was nothing in the house to eat.⁶⁷

66 AO, Labour, RG 7-2-1-16, J.E. Ferrari, Inspector, Unemployment Relief Branch to Mr. D.B. Harkness, Acting Secretary of Unemployment Relief, 23 May 1935.

67 *Ibid.*, Ferrari urged the government to crack down on the unemployed, not on the employers. Louis Fine, the IS Officer, fortunately suggested that the government remedy the problems through the ISA. AO, Labour, RG 7-2-1-16, Building Trades: Carpenters, Plasterers, Laborers, L. Fine to David Croll, 18 Jun. 1935.

Chart 9D: Employment Rates in Toronto's Building Trades (days/year)⁶⁸

The structure of relief combined with high levels of unemployment, and the waning power of the international unions, conditioned the rapid growth of construction sweatshops in which workers labored with no security for long hours and low pay. The resulting fall in status and income was profound, and practically eliminated the wage/skill differential upon which the identity of skilled workers rested. Building trades workers were forced into the bitter paradox of working long hours for low wages while also relying upon relief as unemployment levels in the industry skyrocketed.⁶⁹

68 Data Source: AO, Labour, RG 7-15-0-88, Deputy Minister of Labour to Sec. Minister of Labour, 14 Feb. 1936. A normal year, as determined by the Ontario Department of Labour, was based on employment figures for 1928 and reflected the seasonal nature of construction employment rather than the cyclical nature of building employment and unemployment.

69 Foreign born workers were usually denied relief under threat of deportation, enhancing their economic vulnerability, and the general competition for jobs in the construction industry. See Barbara Roberts, *Whence They Came: Deportation from Canada, 1900-1935* (Ottawa 1988), esp. Ch. 8. For

Negotiating Class Struggle: The ISA

Government interest in regulating competition grew rapidly in the early 1930s. A provincial sub-Committee of the Standing Committee on Labour appointed to investigate conditions in the building industry, urged the government to study the American National Recovery Act (NRA), regulate sub-contractors, and discourage contractors who merely acted as brokers.⁷⁰ Some contractors, particularly those who relied on union labor, supported this type of legislation because it placed a floor under wages and reduced the competition from non-union contractors. When Quebec passed the Collective Agreement Extension Act in 1934 — applying union wages and conditions to all workers on an industry-by-industry basis⁷¹ — the Toronto Building and Construction Association urged the passage of similar legislation in Ontario. Their Board of directors unanimously endorsed the principles of the Quebec act:

It was considered that this was a most practical way of overcoming the terrible condition which exists in the building industry due to low wages prevailing amongst the unorganized employee, and the unethical employer who is actively taking advantage of the glutted labour market ... Such an act would improve the condition of the working man, enabling him to receive the recognized rate for his trade as agreed upon by the representatives of the employer and employee, approved by the Minister of Labour ... we do know that in the building industry it is impossible for organized employers to make labour agreements; if they do figure a job at union rates they are

an earlier account of a similar phenomenon in England see the highly influential novel by Robert Tressell, *The Ragged Trousered Philanthropists* (London: 1993).

70 *Labour Gazette*, May 1934, 423.

71 Quebec's Collective Agreement Extension Act was passed on 20 Apr. 1934, copy in *Labour Gazette*, May 1934, 417.

utterly outclassed by those competitors who are paying the low prevailing wages, and I could give you many instances where this is happening every day.⁷²

The election of the provincial Liberals in 1934 set the stage for Ontario's version of the Extension Act.⁷³ The Minister of Labour attempted to distinguish the ISA as a more voluntary instrument than Quebec's act, but it achieved the same purposes, and forced non-union employers to pay union wages. This had long been the organizational structure sought by both the international unions and significant segments of capital. All of the meaningless union contracts signed between a decimated union and equally demoralized employers in the early years of the Depression could now be forced upon fly-by-night contractors and relief labor to undermine their competitive advantage. In a very real sense the ISA was the epilogue to the campaign against competition started by the ABC. This was reflected in the ISA schedules reached within the different building trades in 1935.⁷⁴ Sheet metal workers essentially extended their contract with the Toronto Building and Construction Association, establishing a rate of 75 cents per hour, and joint arbitration to settle disputes.⁷⁵ The Plasterers and the plumbers crafted a code that was also modeled on their union agreement. In all cases union rates established by private negotiations between the international union and the participating employers became the

72 AO, Labour, RG 7-1-0-54, Harold Perkins, Toronto Building and Construction Association, to J.M. Robb, Minister of Labour, Toronto, 10 May 1934.

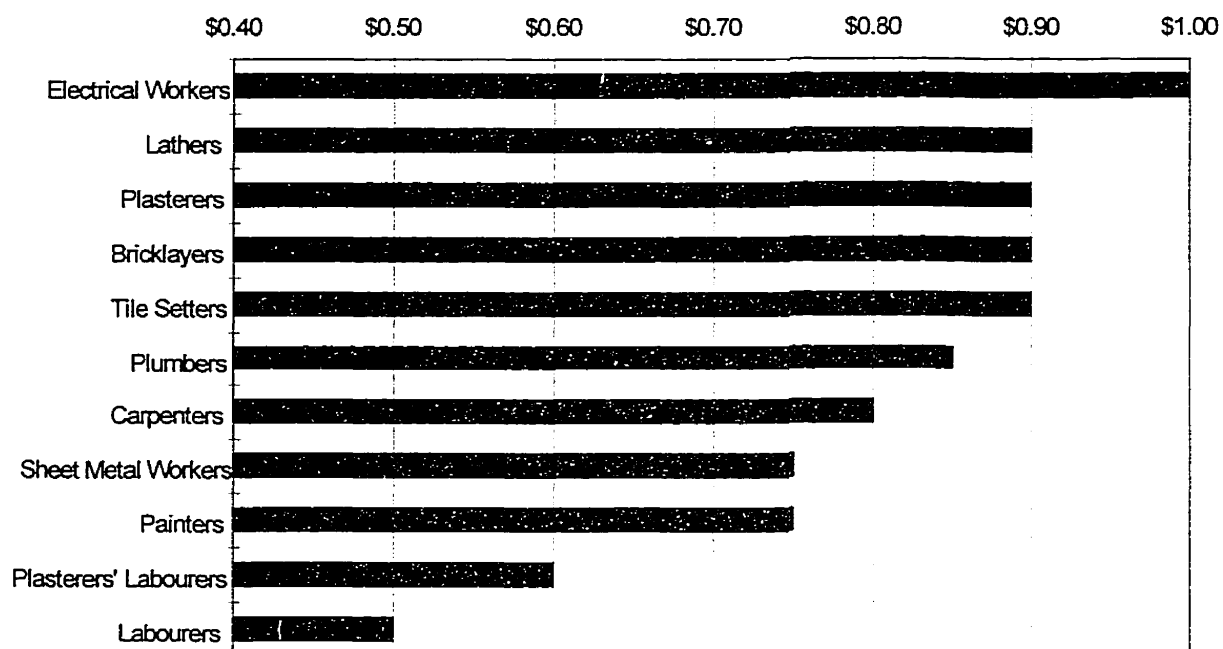
73 Mark Cox, "The Limits of Reform: Industrial Regulation and Management Rights in Ontario, 1930-7," *Canadian Historical Review*, LXVIII, 4 (1987), 552-75.

74 *Labour Gazette*, Aug. 1935, 734.

75 *Labour Gazette*, Jul. 1935, 692.

rate for the entire industry.⁷⁶ While the ISA set wages significantly lower than 1929 rates, the basic wage hierarchy was maintained, and reflected craft variations. (See appendix 9D for a partial list of wages before the ISA.)

Chart 9E: Hourly Wages in the Building Trades After the ISA (1935)⁷⁷



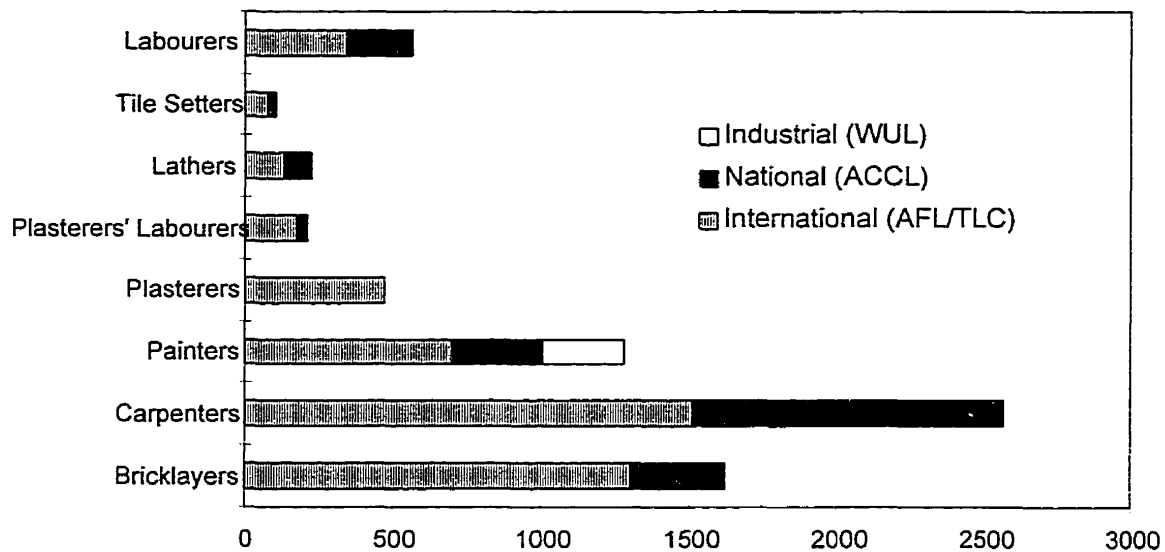
The Amalgamated Building Workers of Canada were almost entirely shut out of the process, and only received representation on the painters board. This exclusion

⁷⁶ *Labour Gazette*, Jul. 1935, 633, 693; Mar 1935, 281; Aug. 1933, 776.

⁷⁷ Source: Compiled from schedules published in the *Labour Gazette*.

prompted Alex Lyon, the Secretary of the Amalgamated Building Workers of Canada, to complain “we all know that one union has been excluded by you and no one else, and strange it is that the only union in the building industry to be excluded in the building industry in Canada registered under the Trade Union Act, should be forced by Government representatives to play second fiddle to a foreign controlled unions operating in Canada.”⁷⁸ Louis Fine, the Industrial Standards Officer responsible for the establishment and proper functioning of the boards, justified the exclusion of the national unions by reference to the pre-existence of union agreements between the international unions and the employers, and the relative numerical strength of the different unions. The following chart shows clearly that while there was some merit to the exclusion of the Amalgamated from certain trade boards, there was obvious favoritism in establishing others, particularly the carpenters’ board.

78 AO, Labour, RG 7-1-0-131, W.J. Douglas, National Labour Council of Toronto, circular, 4 April, 1936; AO, Labour, RG 7-2-1-16, Alex Lyon, Secretary, Amalgamated Building Workers of Canada, to David Croll, 13 Aug. 1936.

Chart 9F: Union Affiliation in Toronto's Building Trades (1935)⁷⁹

Despite the respectable membership of the Amalgamated Carpenters Union in Toronto, and their history of successfully negotiating contracts with employers, only the international union had representation on the board. The fact that James Marsh, the Deputy Minister of Labour, was also an official with the United Brotherhood of Carpenters and Joiners may explain the exclusion of the ACU. W.J. Douglas of the National Labour Council of Toronto argued that the anti-national union bias could be traced back to 1927 when J.F. Marsh, as an official with the UBCJ, called a strike in Toronto to exclude members of the ACU from job sites controlled by the UBCJ. Possibly

⁷⁹ Source: AO, Labour, RG 7-1-0-112, Louis Fine to David Croll, 22 Nov. 1935.

in response to these protests the Amalgamated won representation on the carpenters board the following year, but rivalry would continue to hamper its operation. In 1937 the board was stalemated for several months because the ACU refused to support the UBCJ's demands for a wage increase.⁸⁰

Inter-union rivalries hindered the establishment and operation of industrial codes in Toronto's building trades, but a more fundamental weakness was poor enforcement of the ISA agreements and definition of who was covered. The plumbers union was in the forefront of attempts to extend the provision of the ISA and aggressively police the codes. Large factories in Toronto were their most intransigent opponents and fought doggedly to prevent the ISA from applying to their workers. The big sugar refinery in Toronto was the first target of the Plumbers Board of the ISA , which ruled that factories could not use their regular workers to perform alterations and maintenance but must hire plumbers, or pay their own men plumbers' rates. All of the refinery maintenance workers made between 30¢ and 50¢ an hour and worked 12 hours a day, 7 days a week. If the plumbers' code was applied, the factory would have to pay an additional \$6,000 in wages a year. An indignant factory agent wrote:

I cannot believe, sir, that in constructing these codes you had any intention of placing this burden on Ontario industry. I believe it was to control the operation of building contractors who exploited men who were partly on relief. I can not believe that it was for the purpose of forcing all the maintenance work in Ontario plants into the hands of

80 AO, Labour, RG 7-2-1-23, Alex Lyon, Gen. Sec. Amalgamated Building Workers of Canada, to David Croll, 19 Mar. 1937.

the building trades Unions at double and triple the normal scale or done by men who have no loyalty to the factory they serve.⁸¹

It would take a little while before the factory owners were victorious, but by the end of the summer it was the plumbers industrial standards board that was moaning about the Act. In particular they wanted government inspectors, prosecution of offenders and a clamp down on the large factories evading the terms of the ISA.⁸² Several plumbers wrote to the Minister complaining of lax enforcement and the failure to make the large factories fall in line, noting that the “laws still seem to work in the interests of those who have, and not in the interests of those who have not.”⁸³ A more astute observation would be difficult to find.

The head of the Master Plumbers Association also predicted (erroneously) that failure to enforce the Act meant that it would go from being a “tribute to the liberal party” to a “curse and a boomerang, the effect of which will surely be felt when once more the voting public register their verdict.”⁸⁴ In fact the old divisions of the plumbers ABC had returned to haunt the ISA, with a twist. The resurrected Independent Plumbers Association not only resisted the ISA but 200 independent operators were undercutting

81 AO, Labour, RG 7-2-1-Plumbers, B.D. Beamish, Agent, Sugar Refiner, Toronto, to David Croll, 4 Jul. 1935.

82 AO, Labour, RG 7-2-1-Plumbers, “Transcript of Meeting with Plumbers Deputation,” 12 Sept. 1935.

83 AO, Labour, RG 7-2-1-Plumbers, Ray Belyea, Belyea Bros. Ltd., Toronto, to David Croll, 2 Dec. 1935.

84 AO, Labour, RG 7-2-1-Plumbers, W. Dawson, Vice President, Toronto and District Master Plumbers Association, to David Croll, 11 May 1936.

the market and selling their labor below scale, threatening the integrity of the Act and perpetuating the sweatshop system. As a result there was a lapse in the summer of 1936, with a new agreement not coming in until October. Obviously the Act was breaking down at the intersection of enforcement and enactment.

Similar divisions and opposition hindered the efforts of sheet metal workers. Factories which did sheet metal fabrication resisted the Act after a schedule of rates had been approved and there was a hue and cry from factory owners and the Canadian Manufacturers Association resulting in a meeting between owners and David Croll. They argued against paying men in their factory 75¢ an hour because, unlike the construction workers, their workers were employed year round.⁸⁵ Croll was resistant to their overtures but granted an exemption for factory workers in the 1936 schedules. The same situation applied to electrical workers whose board drafted rates in 1935. Electrical contractors initially supported the ISA, noting that “it is one of the finest pieces of legislation that has been undertaken by any government, and will work wonders to improve conditions.”⁸⁶ The Electrician’s Board investigated complaints enthusiastically, which were fairly numerous and extreme (electricians making 15-20¢ an hour), but they complained that enforcement by the Minimum Wage Board was lax, leaving the Act to “drift into

85 AO, Labour, RG 7-2-1-47, Sheet Metal Workers, A.C. Coulter, Chairman, Sub Committee, Metal Trades Zone, Canadian Manufacturers Association, to Mitchell Hepburn, 23 Jul. 1935.

86 AO, Labour, RG 7-2-1-26, Electrical Workers, J Richardson, Toronto, to David Croll, 19 Aug. 1935.

disregard.”⁸⁷ On 7 October 1935, with few prosecutions and contractors refusing to attend hearings to face charges, the Board threatened to dissolve itself. Mr. Cheevers, an electrical contractor, head of the Board, and a constant thorn in the side of a government reluctant to enforce its own legislation, was removed from his position by David Croll in the hope that the electrical contractors would select someone who “would face the situation as the department faces it and not look for the Act to bring Utopia over night.”⁸⁸

The electrical contractors resisted this heavy-handed move by Croll noting that it was

largely through Mr. Cheevers’ efforts that the electrical contractors’ association agreed to sign the code. Mr. Cheevers has conducted a successful business in Toronto for years and he is Managing director of our co-operative buying organization. He is respected by his fellow competitors as being fair and honest in his own business with his opposition. On account of the co-operative movement, which he has sponsored, and his appointment on the Industrial Standards Board, he does not receive the approvement of the electrical manufacturers and jobbers.⁸⁹

Cheevers was not re-appointed to the board.

Bricklayers and masons fared little better than other trades, after they managed to have their rates approved in July 1935, because enforcement was weak. By the summer of 1936 contractors were sub-contracting to workmen at prices well below the prescribed wages. In the immigrant/working-class west end contracts went “back to the old method

87 *Ibid.*, Cecil M. Shaw, Business Manager, International Brotherhood of Electrical Workers, to David Croll, 12 Nov. 1935.

88 *Ibid.*, David Croll to G.E. Davenport, Toronto Electrical Contractors Association, 27 Jan. 1936.

89 *Ibid.*, G.E. Davenport, Pres. Toronto Electrical Contractors Association, to David Croll, 12 Feb. 1936.

of paying as little as they can get away with.”⁹⁰ A.E. Le Page, a prominent realtor, appealed to the Minister, noting that some of the builders were circumventing the ISA by making partnership agreements with their different trades people while others were forcing their workers to do more work in the same amount of time.⁹¹

Union Power and Industrial Regulation

The *Engineering and Contract Record* noted that the ISA did not increase the cost of building in any appreciable way except for “a great many house builders, some of whom have been notoriously taking advantage of depression conditions and the availability of public relief to pay as little as they can.”⁹² The construction industry had changed in the early year of the depression and new non-union contractors had emerged, as residential building rose from 18% to 30% of total building between 1932-3.⁹³ These employers steadfastly opposed the ISA. During the negotiations to establish zones and rates in Toronto, the Toronto Home Builders Association (an organization composed of

90 AO, Labour, RG 7-2-1-12, Bricklayers and Stonemasonry, James F. Marsh, Department of Labor, to David Croll, Minister of Labour, 21 Aug. 1936.

91 AO, Labour, RG 7-2-1-16, Building Trades: Carpenters, Plasterers, Laborers, A.E. Le Page to Arthur Roebuck, Minister of Labour, 10 Sept. 1935. Bricklayers for instance were pressured to lay 1,200 bricks a day instead of 800, and they were often not properly set in the mortar.

92 *Engineering and Contract Record*, 18 Mar. 1936, copy in AO, Labour, RG 7-1-0-112.

93 AO, Labour, RG 7-15-0-75, “Comments Re The Industrial Standards Act by ‘Saturday Night,’” [1935], 3.

speculative builders, backed with money from doctors and lawyers) argued to have the whole schedule proposal rejected in favor of an industry wide minimum wage of 50¢ an hour. Their special interest was out-weighed by the numerous large and small contractors who supported the Act, but defection and evasion would be a problem as much of the enforcement of the Act would fall upon the shoulders of the unions.⁹⁴

Despite conflicting claims by the government the ISA was never intended to be particularly strong, either in its implementation or its enforcement, but was a means of supervising the negotiations of opposing organizations of business and labor in the hope of creating managed competition in participating industries. The problem of “bootleg” labor in the construction industry was in fact seen as unstoppable. Roebuck knew that there would always be men willing to work below scale, but they worked for a percentage less than the industry standard, and if the standard was raised their rate would rise as well — hopefully to the point where they would be off relief.⁹⁵

Most contractors and workers had greater expectations of what the Act could do. The provincial Labor Department was criticized by the Toronto District Trades and Labor Council for dropping charges against offenders and generally failing to uphold the Act, noting that “the department is acting in a way to negate its own legislation.”⁹⁶ As early as

94 AO, Labour, RG 7-2-1-12, Bricklayer and Stonemasons, Louis Fine, Industrial Standards (IS) Officer to David Croll, Minister of Labour, 13 Oct. 1936.

95 AO, Labour, RG 7-70-0-1, “Notes of Meeting of Roebuck with Toronto and Hamilton Construction Associations,” 12 Dec. 1934, 12.

96 “Labor Department Lashed by Unions,” *Mail and Empire*, 6 Mar. 1936.

1935 the Building Trades Committee of the ISA met with Croll to push him to hire inspectors, enforce the Act, and end piece work. Croll instead urged them to appoint (and pay for) their own inspectors. Croll wanted strategic prosecutions not “wholesale prosecutions,”⁹⁷ with the result that the Act was “being laughed at by the very people who were to be made to toe the line.”⁹⁸ Strategic prosecutions were no cure for the immense problem of sweatshop labor.

One realtor reported that many builders were up in arms over the lax enforcement of the legislation and had stopped building, to wait and see if rates dropped because of the “scalawags” undercutting the ISA schedule.⁹⁹ The Household Builders’ Association didn’t wait for the legislation to fall apart and pushed hard for lower rates, “leaving the question of the maximum rate of wages to be established with the various Labor Unions” and holding firm to the belief that “increased activity in the trade would put wages up as a matter of economic law, without any legislation whatsoever.”¹⁰⁰ After six years of depression, Croll declined to agree but failed to properly enforce the Act to the detriment of honest employers.¹⁰¹

97 AO, Labour, RG 7-2-1-16, Building Trades: Carpenters, Plasterers, Labourers, Mr. Perkins, Secretary of the Construction Association, “typed impression of the meeting with the Minister of Labour,” 12 Sept. 1935.

98 AO, Labour, RG 7-15-0-32, W.J. Douglas, Secretary, Amalgamated Building Workers of Canada, Toronto, to David Croll, Minister of Labour, 10 Aug. 1935.

99 AO, Labour, RG 7-2-1-16, Building Trades: Carpenters, Plasterers, Laborers, A.E. Le Page to David Croll, 7 Oct. 1935. Surprisingly the Act did not depress the building trades but caused (a cost based) 14% increase over the preceding year.

100 *Ibid.*, W.J. Fugler, Chairman, Legislative Committee, to David Croll, 16 Feb. 1937 [1936].

101 *Ibid.*, Harold Perkins, Toronto Building and Construction Association, to David Croll, 2 Mar. 1936.

It wasn't only government recalcitrance that crippled the legislation. T.H. Donnelly, a building inspector, had a tough time with the resistant builders who could no doubt find temporary allies in the unemployed workers who got relief and wages. Many employers refused to answer questions or provide payroll information. Relief work frauds would run away when the inspector came by.¹⁰² Finally in 1936, after the failure of "moral force" as the primary instrument of the ISA, the Minister of Labour insisted that the Act be rigidly enforced.¹⁰³ One of the first to be prosecuted was a contractor who paid bricklayers 65¢ an hour, when the ISA called for 90¢ an hour. The contractor had his workers sign blank pay sheets, which he filled in later and produced in court as evidence. Judge O'Connor, who presided at the trial, decided to take the evidence of the paysheets over the verbal testimony given in court by six workers that they had only been paid 65¢ an hour and had signed blank pay sheets.¹⁰⁴ In fairness to the Judge, the case was complicated somewhat by the fact that other workers refused to testify because they were on relief and working "under the table" and had been threatened with prosecution by their boss if they showed up in court.¹⁰⁵ Even when employers were convicted and fined under the ISA, their employees were often penalized as well. When W.H. Moore was fined for underpaying his three carpenters, they were also fined \$1 each for working for less than

102 *Ibid.*, J.F. Marsh, Deputy Minister of Labour to David Croll, 19 Jul. 1936.

103 AO, Labour, RG 7-15-0-72, David Croll, Minister of Labour to J.F. Marsh, Deputy Minister, 11 Aug. 1936.

104 AO, AG, RG 4 -32, 1936 - 317, Industrial Standards Act, *Rex v. A Greenspoon*, J.C. Adams, Solicitor to I.A. Humphries, Deputy Attorney General, 17 Apr. 1936.

105 *Ibid.*, copy of the judgment, issued by Magistrate O'Connor, 27 Mar. 1936.

the Act allowed.¹⁰⁶ Out of court settlements, which were much more frequent than official prosecutions, usually involved the employer paying half of the amount owed.

The ISA did not completely end sweatshop conditions, low wages, or relieve unemployment, but it represented the first minimum wage for male employees in Ontario, gave unions added legitimacy and provided clear targets in the struggle with employers. When the Floor Layers Local of the United Brotherhood of Carpenters and Joiners found out that men were working for 30-35¢ an hour, they would quickly call a strike and demand that these workers be paid 80¢ an hour as stipulated by the ISA, attempting to bring the workers into the union at the same time. Bricklayers picketed the Bank of Toronto Building and the new building of the Drug Trading Co., even though the builder was paying ISA rates, in an attempt to bring the workers into their union.¹⁰⁷ In 1938 the Carpenters and Painters Unions struck the Globe Construction Company and won a 100% union job in a single day. These strikes signaled a return to the fight for 100% union labor on all construction sites, while reflecting a pattern of regulatory unionism.¹⁰⁸ Union employers and union wages had to prevail among the majority in the trade, or all wages would fall, bringing unionized employers with them. The rise in union membership after

106 AO, Labour, RG 7-2-1-23, J.C. Adams, Solicitor, to David Croll, 10 Dec. 1935.

107 *Labor Gazette*, [1937], 932, copy in NAC, Labour, RG 27, Vol. 391 (225) Floor Layers, Aug. 1937 (MNF T-2999); "Bank of Toronto Building Picketed," *Toronto Clarion*, 14 Jul. 1937, "Builders Picket Unfair Jobs," *Toronto Clarion*, 15 Jun. 1937, copies in NAC, Labour, RG 27, Vol. 380 (191) Bricklayers, Dec. 1936 (MNF T-2989).

108 "Around Union Halls," *Toronto Clarion*, 2 Oct. 1937, copy in NAC, Labour, RG 27, Vol. 392 (309) Building Trades, Oct. 1937 (MNF T-3000).

1935 most likely reflected these developments, although the increased number was not sufficient to ensure the proper operation of industrial codes.

Communists and the Building Trades

I have argued in a previous chapter that the failure of the state to enforce the ISA placed a burden upon organized labor. In some areas of the economy, such as the trucking and taxi industry, or the furniture sector, aggressive organizing campaigns and militant strikes ensured that economic regulation (sanctioned by the ISA) would become an effective means of raising workers' wages and improving their working conditions. In other economic enclaves, such as the moving and hotel industries, organized and relatively undivided capital could ensure that competition was lessened and wage rates were standardized. Neither of these conditions applied to Toronto's construction industry in the 1930s. The union movement was fractured, decimated, and had no recent history of militant confrontation (beyond simply with-holding their labor), and capital was permanently split between established contractors and speculative builders. Despite the fact that the construction industry had pushed for economic regulation, it was the sector least capable of benefiting from the provisions of the ISA. In order to control competition within their industry, construction companies had to rely upon the ability of the unions to prevent their competitors from paying lower wages. Ironically, the only union that showed any capability in this regard was the Workers Unity league.

The Communist presence in the building trades did not become apparent until 1934, when they organized and led small groups of workers from all trades in strikes scattered across the city. From a humble beginning with four carpenters striking at Mount Sinai Hospital for a day and a half for wages rather than piece work — which they won, although union recognition was refused¹⁰⁹ — the WUL moved into the construction sweatshops. In March 1935 they organized more than 100 bricklayers and carpenters in a strike on two building sites in the affluent neighborhood of Forest Hill. The workers had been hired to work at 25¢ an hour but quickly joined the WUL Building Trades Industrial Union and successfully struck for 50¢ an hour, winning with little time lost.¹¹⁰ (The contractors called the police but they refused to interfere with the orderly pickets.) That same summer, the WUL organized and won a strike by 40 hardwood floor layers, raising their wages by 25-30¢ an hour, and reducing hours to 40.¹¹¹

The WUL's impact was most keenly felt in the painting trade where they gained a significant foothold and influenced both the National Union of Painters Decorators and Paperhangers (national union), and the United Brotherhood of Painters, Paperhangers and Decorators (international union). After the victorious May building strike, the international painters union were the group most adversely affected by the Great

109 NAC, Labour, RG 27, Vol. 364 (201), Building Trades, Aug. 1934 (MNF T-2975).

110 NAC, Labour, RG 27, Vol. 367 (26), Bricklayer & Carpenters, Mar. 1935 and (41) Carpenters, Apr. 1935 (MNF T-2977).

111 NAC, Labour, RG 27, Vol. 370 (88), Floor Layers (hardwood) Jun. 1935 (MNF T-2979).

Depression, experiencing high unemployment compounded by the loss of employment to factory workers and janitors who moonlighted as painters at ridiculously low wages. The national union would appear at almost every strike to undermine their position, and channel scabs across picket lines, but the most serious threat came from the WUL painters' union.

The WUL quickly assumed a leadership role in the often violent struggle against relief wages for painters. In March 1934, at the height of the Depression, the WUL's Building Trades Workers' Industrial Union organized 175 painters in a strike against 20 employers to raise wages to 60¢ an hour, and 75¢ an hour after 1 May, with a reduction in hours to 40 a week.¹¹² Fifteen employers signed the agreement, and more fell in line after 1 May when the WUL succeeded in getting a "body of painters said to number 3-400, away from the International and All-Canadian [national] organizations."¹¹³ A skeptical government labor inspector speculated that they had been drawn from a Jewish local of the international union which ceased to function three years earlier.

The WUL tried to use its influence in the painting trade to organize a general strike of building trades workers for 1 May 1934 but it never materialized. Painters

112 NAC, Labour, RG 27, Vol. 361 (53), Painters, Mar. 1934 (MNF T-2971), E.N. Crompton to C.W. Bolton, Chief, Statistical Branch, 11 Apr. 1934. According to the Federal Investigator, E. N. Crompton, there was nothing to this strike, and he was unable to contact any of the contractors, which Joe Salsberg, WUL organizer, said numbered 50. In two month he would be reporting that the WUL had succeeded in drawing off significant numbers of painters from the international and national unions.

113 NAC, Labour, RG 27, Vol. 361 (53) Painters, Mar. 1934 (MNF T-2971), E.N. Crompton to W.M. Dickson, Deputy Minister of Labour, 13 Mar. 1934.

affiliated with the WUL union were nevertheless growing in numbers. On 1 March 1935 WUL painters called another strike lasting one day against 18 contractors, and then on 1 May managed to lead joint negotiations with the national and international unions to formulate standardized wage demands.¹¹⁴ This triple alliance, sometimes referred to as the Joint Board of Painters, strengthened the union movement. When the international targeted the sweatshop contractors undertaking work on the Mount Sinai Hospital, the picket lines were respected by even the national union, and the contractor agreed to raise wages and hire equal numbers of painters from each of the three labor bodies.¹¹⁵ Emboldened, and perhaps radicalized by this success, the three painters unions picketed the Knox Church where the contractor (also involved in the University of Toronto project) was running a non-union job. The sight of a united front of painters under WUL influence picketing a church was too much for the Toronto District Trades and Labor Council (TD TLC) which threatened to expel the painters' local of the international from the Council.¹¹⁶ Apparently confirming the TD TLC's fears of communist influence, J. Andrew, head of the local in the international painters union, spoke at a large Communist-organized May Day rally in Maple Leaf Gardens.¹¹⁷

114 "200 Painter out, 18 Shops Affected," *Toronto Telegram*, 4 Mar. 1935, copy in NAC, Labour, RG 27, Vol. 367 (20) Painters, Mar. 1935 (MNF T-2977).

115 NAC, Labour, RG 27, Vol. 368 (63) Painters, May 1935 (MNF T-2978).

116 "Lawmakers are Blamed for Pickets at Church," *Toronto Telegram*, 10 May 1935.

117 "3 Union Pickets Under One Banner," *Toronto Worker*, May 1935, copy in NAC, Labour, RG 27, Vol. 368 (63) Painters, May 1935 (MNF T-2978).

Undeterred by the censure of the TD TLC, the Joint Council picketed the Ostrowteir Synagogue on Cecil Street because it was paying the janitor 25¢ an hour to paint the temple. When this failed to deter the janitor, three men approached him while he was painting and shook his ladder until he came down, spilled a pint of paint on him and told him to quit working "if he knew what was good for him."¹¹⁸ D. Steinberg, an electrician, was arrested and released on bail of \$1000, paid by the union.¹¹⁹ Neither jail nor censure deterred the unions, however, which followed up their first church and synagogue pickets with another successful church picket in April 1936. From this united front the unions launched campaigns against unfair sites, drawing in support from other locals of the international unions. When the Joint Council picketed the Iroquois Hotel, the UBCJ carpenters on the job offered to walk out in sympathy. The somewhat bewildered painting contractor said that he suspected that one of his competitors had put the union up to it. At the same time he admitted to paying much less than union scale.¹²⁰

The fight to organize Toronto's painters quickly turned away from inter-union rivalries and focused on whether the worker doing the painting was actually a painter receiving fair wages. Those who moonlighted as painters, or did the work of others for

118 "Workman Forced to Quit Police Say," *Toronto Mail and Empire*, 25 Jul. 1935, copy in NAC, Labour, RG 27, Vol. 369 (85) Painters, Jun. 1935 (MNF T-2979).

119 "Picket Arrested Outside Temple," *Toronto Worker*, 27 Jul. 1935, copy in NAC, Labour, RG 27, Vol. 369 (85) Painters, Jun. 1935 (MNF T-2979). He was only convicted of vagrancy, and fined \$10, which was paid by the union.; NAC, Labour, RG 27, Vol. 379 (164) Painters, Oct. 1936 (MNF T-2988).

120 "Paint Unions Picket Hotel," *Toronto Telegram*, 4 Jun. 1935; "Painter Strike Iroquois Hotel," *Toronto Worker*, 8 Jun. 1935.

less wages, were playing into the hands of unscrupulous employers and injuring building trades workers (a clear manifestation of the idea of work ownership). The painters felt justified in picketing jobs that fell within their jurisdiction, much as pre-capitalist guilds had jealously guarded their monopoly on certain forms of production. When the Robertson Chocolate Plant employed a maintenance man to paint the building at \$15 a week, the union felt within its right to picket the building because the man was a factory operative and not a painter.¹²¹ Similarly F.L. Smith, business agent of the Painters, Decorators & Paperhangers International Union, threatened a mass picket of the Canadian National Exhibition because it was using the defunct National Union, of which Smith was president before it amalgamated with the International, as a recruiting office.¹²² The most dramatic sign that the International had been rejuvenated, and tactically radicalized by the WUL, was demonstrated when the union picketed the home of one Master Painter for hiring non-union labor.¹²³ Frank L. Smith, "militant business agent" of Local 364, even had a hot dog stand on the corner of Young and McGill Streets picketed when it was discovered that it was being painted by a non-union worker.¹²⁴

121 NAC, Labour, RG 27, Vol. 378 (118) Painters, Aug. 1936 (MNF T-2987). Toronto's Black painters were apparently unaffected by any of these struggles, despite being the lowest paid of all tradesmen. "In most of these families the breadwinners were labourers, and in some cases they worked for themselves as decorators, paper hangers, etc. but from the wages asked and the experience recorded, the reader concluded they also are unskilled." The Welfare Council of Toronto and District, "Study of the Home Service Association," Sep. 1941, 6, copy in MA, Welfare, Box 132, File 2, Vol. 1. "Private Agencies, Home Services Association," Dec./33 - Oct. 63.

122 "May Picket C.N.E. over Painters' Row," *Toronto Star*, 21 Aug. 1936.

123 NAC, Labour, RG 27, Vol. 381 (11) Painters, Jan. 1937 (MNF T-2990).

124 "Dog Days," *Toronto Telegram*, 2 Dec. 1937.

The WUL revitalized the painters unions in two ways: first they organized or re-organized those workers who had left or been driven from the international unions and second, they popularized new methods of organizing and winning strikes through tough and often violent picket lines and illegal mass pickets. At the very least the WUL turned the union movement towards the possibility of mobilizing the unemployed and organizing the less skilled in the face of vicious competition for jobs. The emergence of a distinct Communist organizational presence among skilled building trades workers hinted at the development of an alternative to the collaborationist policies of the TLC. Ultimately the possibility of significant gains by the WUL in the building industry was undermined by its disbanding in 1935-6, but its legacy, if not its influence, would continue to manifest itself during the ISA period, within the international union.¹²⁵

After the ISA was introduced and applied to the painting industry, it was used by the union to shut down questionable projects. When Canada Dry ordered its bottling plant employees to paint the building it was first picketed by the international union, but was ultimately shut down by an ISA officer.¹²⁶ Much like the plumbers, the painters pushed to have industrial plants pay the union rate when they had factory employees paint. This was of particular interest to the smaller painters who did maintenance work and

125 See Irving Abella, *Nationalism, Communism, and Canadian Labor: The CIO, the Communist Party and the Canadian Congress of Labour* (Toronto 1973).

126 "Canada Dry Strike Won," *Toronto Clarion*, 21 Oct. 1936, copy in NAC, Labour, RG 27, Vol. 379 (154) Painters, Oct. 1936 (MNF T-2988).

renovations.¹²⁷ The Act was unclear on who was actually covered by the codes, but the painters used the Act to close down factory renovation jobs that did not use unionized building trades workers. Under opposition from large and powerful manufacturers, however, the Act was interpreted to exclude factory maintenance work. Consequently the painters fell back upon their tactic of picketing factories, and extended their picketing to retail outlets.¹²⁸

Clearly the painters union still carried much of its momentum from the mid-1930s. In August 1938 Local 864 of the United Brotherhood of Painters, Paperhangers and Decorators, joined a closed shop agreement with the Hebrew Master Painters Association providing for wages under the ISA.¹²⁹ This was followed by a strike of 200 painters that succeeded in signing up 29 firms in one day. Another 40 firms signed soon after and others agreed to sign when they finished their current jobs. The strike was initially limited to the Jewish sector of the city, around Spadina Avenue, but the union went from its agreement with the Hebrew Master Painters to re-enforce a closed shop in Toronto, with a base rate of 75¢ an hour for a 40 hour week. The Jewish painters again bore the brunt of the union's efforts to maintain the closed shop in 1939 when 120 workers employed by 40 firms struck on 1 May 1939. As the firms conceded, the strike

127 AO, Labour, RG 7-2-2-1-34, Painters.

128 "Says Labor Board Favors Employers," *Toronto Clarion*, 24 Sept. 1937. When it was learned that the new Laura Secord factory was being built without union labor, Laura Secord stores were picketed.

129 NAC, Labour, RG 27, Vol. 398 (131) Painters, Aug. 1938 (MNF T-3006).

ended in early May.¹³⁰ While more information is needed in order to more completely understand the dynamic relationship between Jewish painters, the Communist Party, the WUL, the international union, and economic regulation under the ISA, it appears that in the weakest building trade, workers were able to achieve more during the depression than the other (usually) better paid and better organized building trades workers. The union's success after 1938 was probably rooted in their militant enforcement of industrial standards.

Conclusion

Given the nature of working-class militancy in this decade — a militancy armed for battle with both the police and the hired hands of capital — it is somewhat surprising that workers did not achieve more. Certainly the experience of the Depression, and the example of the WUL, ruptured the belief that workers could not wage anything but a defensive battle during an economic downturn. For the most part, building trades workers opted for a form of accommodation with their employers that offered to preserve their craft autonomy and the privileges of skill, rather than engage in militant class struggle aimed at overturning the relations between capital and labor. Perhaps economic regulation was the logical limit of “sensible” craft unionism, and the purest manifestation of a working-class ideology that ultimately refused to see the interests of capital and

130 NAC, Labour, RG 27, Vol. 400 (38) Painters, Apr. 1939 (MNF T-3008).

labor as inherently opposed. The brief and limited activities of the WUL pointed to a militant alternative that actually strengthened the ability of craft unions to police industrial codes and manage competition in a manner which did not undermine the economic position of employers.

Appendix 9A

Building Trades Unions in Toronto, 1929-1940

International Unions

- International Association of Heat and Frost Insulators and Asbestos Workers, No 20 (lapsed 1932 only), replaced by No 10 in 1934.
- Bricklayers, Mason and Plasterers' International Union No 2 (bricklayers), No 26 (Stone Masons), No. 31 (Marble Setters, 1932).
- International Association of Bridge, Structural and Ornamental Iron Workers, No 4
- United Brotherhood of Carpenters and Joiners, No. 27, No 1820 (Cabinet Makers and Millmen); No 1963 (Floor layers 1932); No 1415 (Furniture Workers, Interior Fixtures 1932)
- International Hod Carriers, Building and Common Labourers' Union, No 605, No 781. No 756 (building wreckers 1936)
- Wood Wire and Metal Lathers' International Union, No. 97
- International Association of Marble, Stone and Slate polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers' and Terrazzo Workers' Helpers' Union, No 9, No 56
- United Brotherhood of Painter, Paperhangers and Decorators No. 151, No 557, No 1014 (Jewish local lapsed 1931), No. 958 (glass), No 1022, No 1113 (Sign and Scene), No. 864 (Jewish Local? 1935)
- International Association of Plasterers and Cement Finishers, No. 48, No. 598
- International Association of Sheet Metal Workers, Local 30.
- Association of Plumber and Steamfitters, No. 46, No. 379 (automatic sprinklers), No. 257 (1936)
- International Brotherhood of Electrical Workers No 353, No. 636, No. 1059 (local jurisdiction not specified)

National Unions: Affiliated with the ACCL (1938 with the CFL)

- National Union of Shovelmen and Operating Engineers No. 1 (1932 and after)
- National Union of Painters Decorators and Paperhangers, No. 1.
- Amalgamated Carpenters of Canada, Central Branch, Br 3, Br 6
- Wood Wire and Metal Lathers' National Union, No. 2
- National Union of Plasterers' No 1.
- National Union of Bricklayers and Stonemasons (1930)
- 1932 Reformed as the Amalgamated Building Workers of Canada: Painters Unit; Carpenters' unit No 1, 3, 4; Unit 6?; Bricklayers Unit No 1; Labourers Unit; Plasterers' Unit; Rodmen and Steelmen; Lathers Unit and Hoistmen's Unit (1933).

WUL

- Building Trades Workers' Local Union (WUL reported in 1933)
 - Painters
 - Carpenters
 - Bricklayers
 - Hardwood floor layers

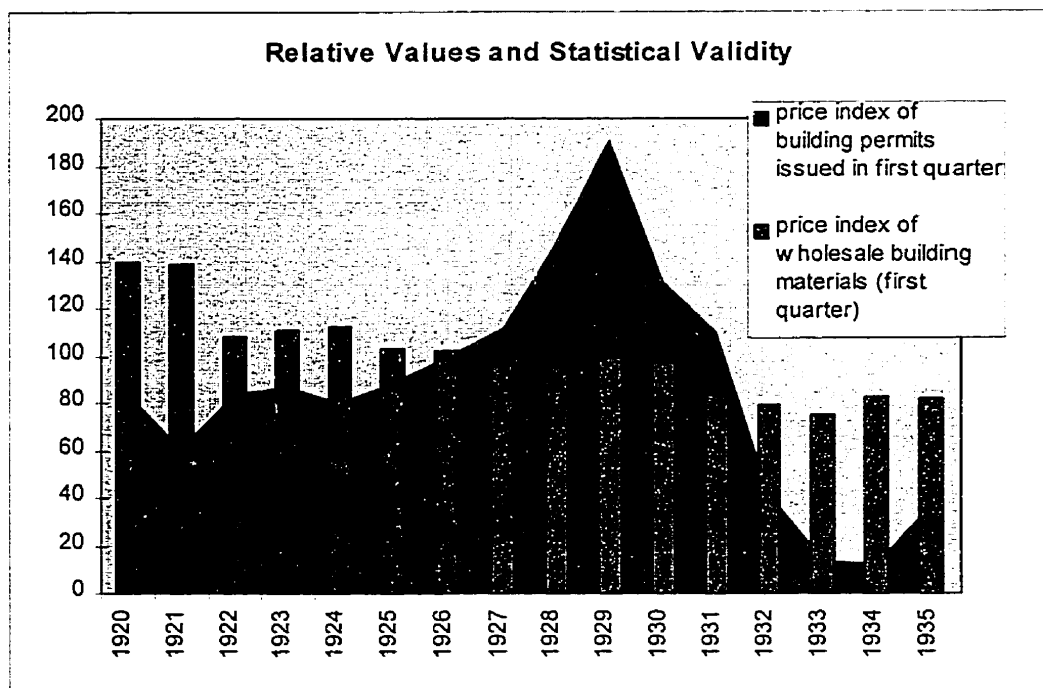
Table 9A**Selected Building Trades Union Membership in Canada, 1928-1941 (1,000s)**

Year	Carpenters (int)	Carpenters (nat.)	Painters (int)	Plumbers (int.)	Bricklayers (int)
1928	9	1.9	1.5	1.5	3.9
1929	10.7	2	2.3	1.7	5.3
1930	13.9	1.8	2.1	2.4	5.6
1931	11.5	2.5	1.5	2.4	4.3
1932	9	2	0.916	2.6	3.5
1933	5.6	8.3	0.5	2.4	1.1
1934	1.7	7.1	0.4	2.4	1.7
1935	2.5	8.7	0.7	2.4	0.689
1936	4.4	9	0.9	2.4	4.5
1937	6.2	1.8	1.4	2.4	0.924
1938	8.1	1.4	1.3	2.4	1
1939	5.5	?	1.2	2.4	1
1940	13.3	1	1.5	2.4	1.1
1941	11.1	2.6	1.7	2.4	1.3

Source: *Trade Unions in Canada, 1928-1942.*

Appendix 9C: Deflation and the Decline of Toronto's Building Industry

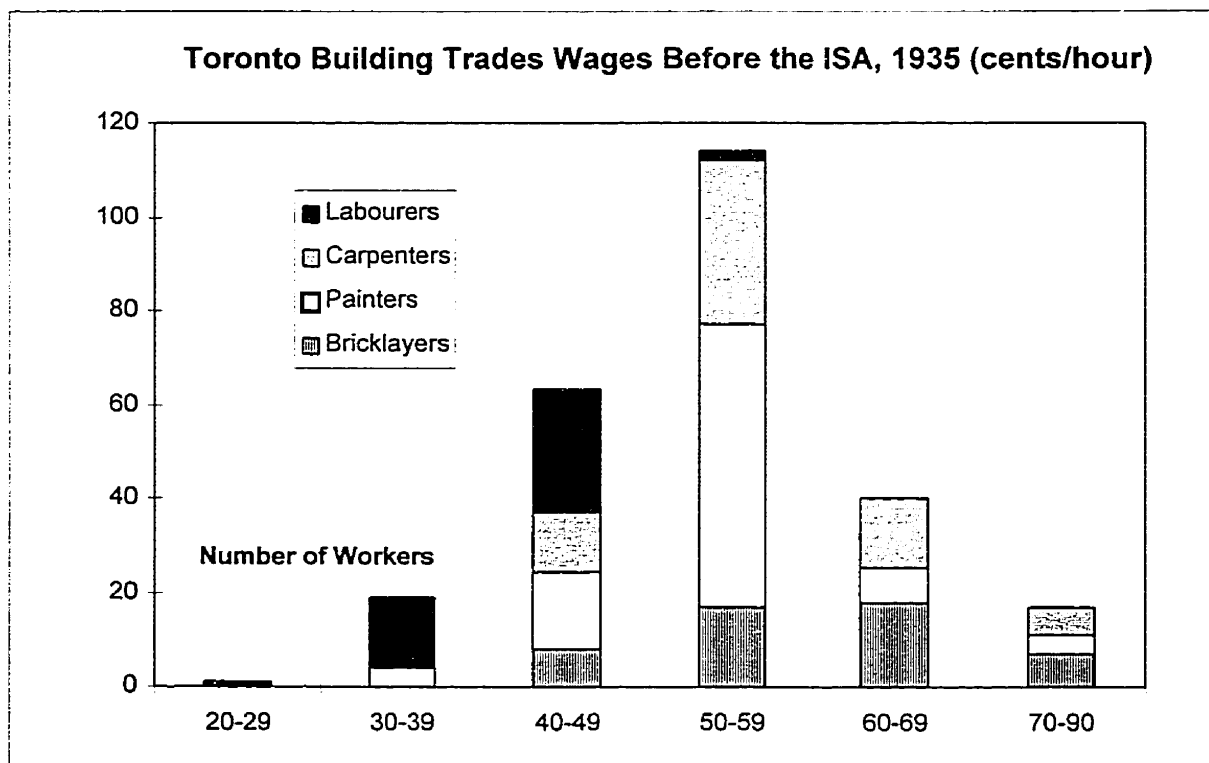
The following chart shows the relative decline in the cost of building materials and building activity in Canada (as measured in \$). Although building material (and certainly labor) declined in value, the drop in construction was much more dramatic and would have only been partially exaggerated by deflationary pressures.



Source: *Labour Gazette*, May 1935, 455 (note: 1926 = 100)

Appendix 9D: Wages before the Introduction of the ISA

The following chart was compiled using data provided by the Department of Labour in granting limited exemptions to building contractors after the introduction of the ISA. The lowest paying contractors would probably not have bothered to apply for an exemption, and thus their pay-roll information is not included in the tabulation of the following chart. The chart is also designed to show that the wage hierarchy of 1929 had been largely discarded between 1930-35. Some skilled workers were paid the same as unskilled laborers, and wage differentials shrunk considerably.



Source: Compiled from data in AO, RG 7 1-0-112, [1935]

Appendix 9E Cartoons From the *Sanitary Age*

Image 9B: *The Sanitary Age*, "A Glance At the Near Future" 19 Aug., 1927, p.3

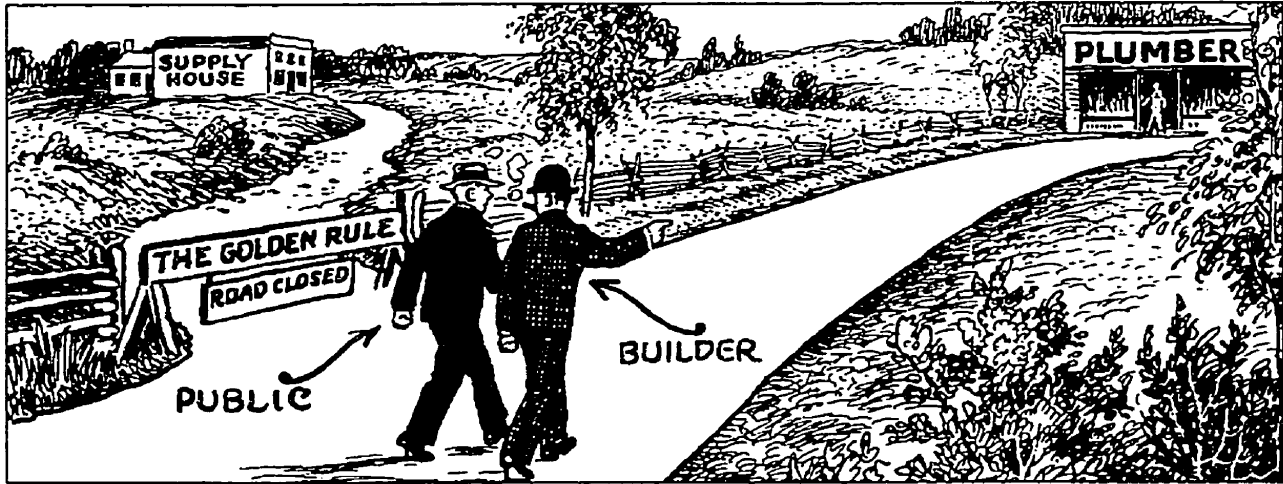


Image 9C: *The Sanitary Age*, "Why Master Plumbers Nedd and Association" 1 Apr. 1927, 3

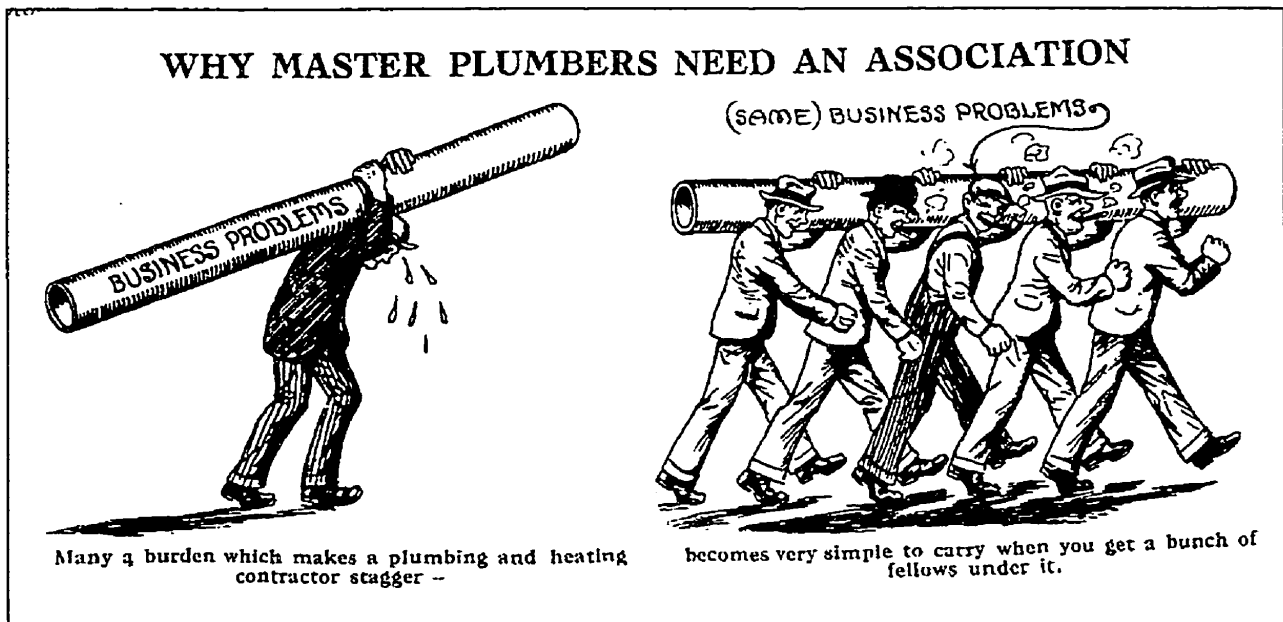


Image 9D *The Sanitary Age*, "What's Sauce for the Goose," 15 April, 1927, p3

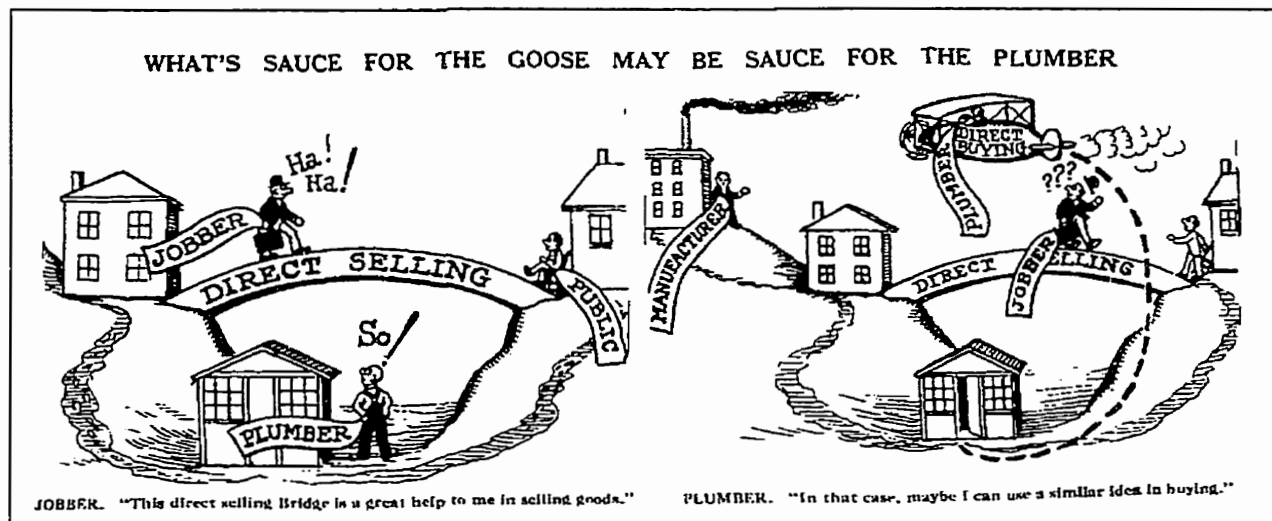


Image 9E *The Sanitary Age*, "It Needs Everybody's Help," 27 May 1927, p.3

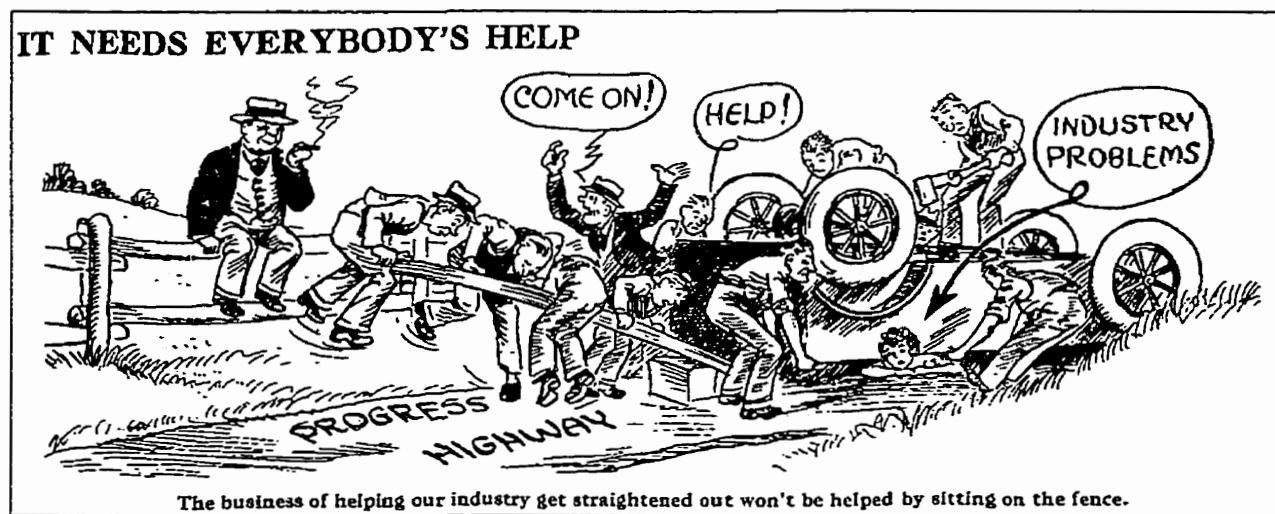
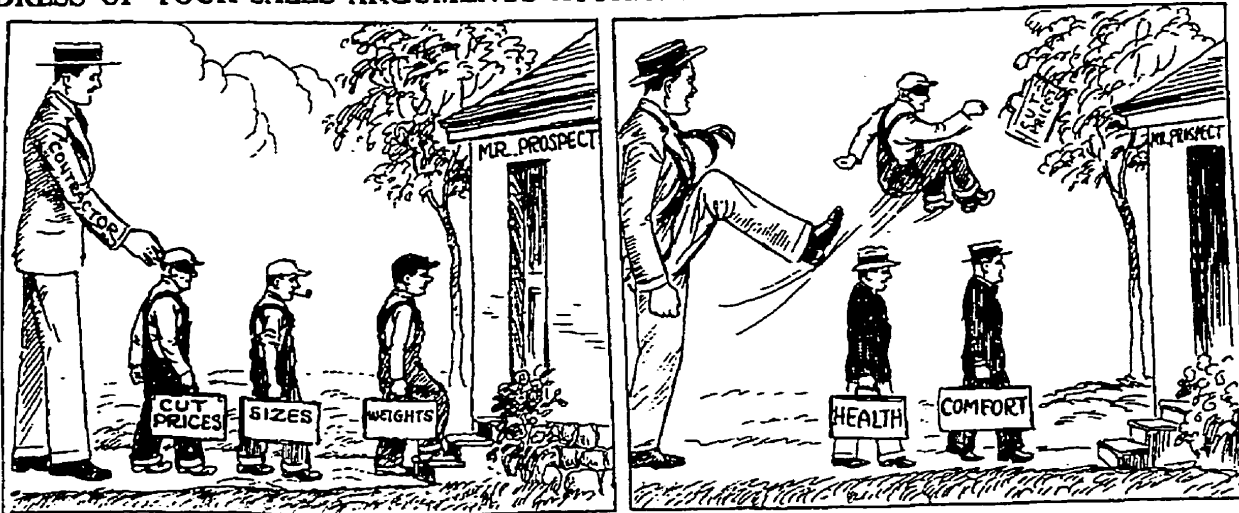


Image 9F: *The Sanitary Age*, "Dress up your sales argument attractively," 22 July, 1927, p.3

DRESS UP YOUR SALES ARGUMENTS ATTRACTIVELY



Take the overalls off your talk when you try to interest a customer. He isn't impressed much with technical details; and kick that last fellow out of your business altogether—he's a trouble-maker.

Image 9G *The Sanitary Age*, "Who lost the most?" 8 Aug., 1927, p.3

WHO LOST THE MOST?



The fellow who forgot about his overhead got the job but will he make any money? The other fellow didn't get the job. Who lost out?

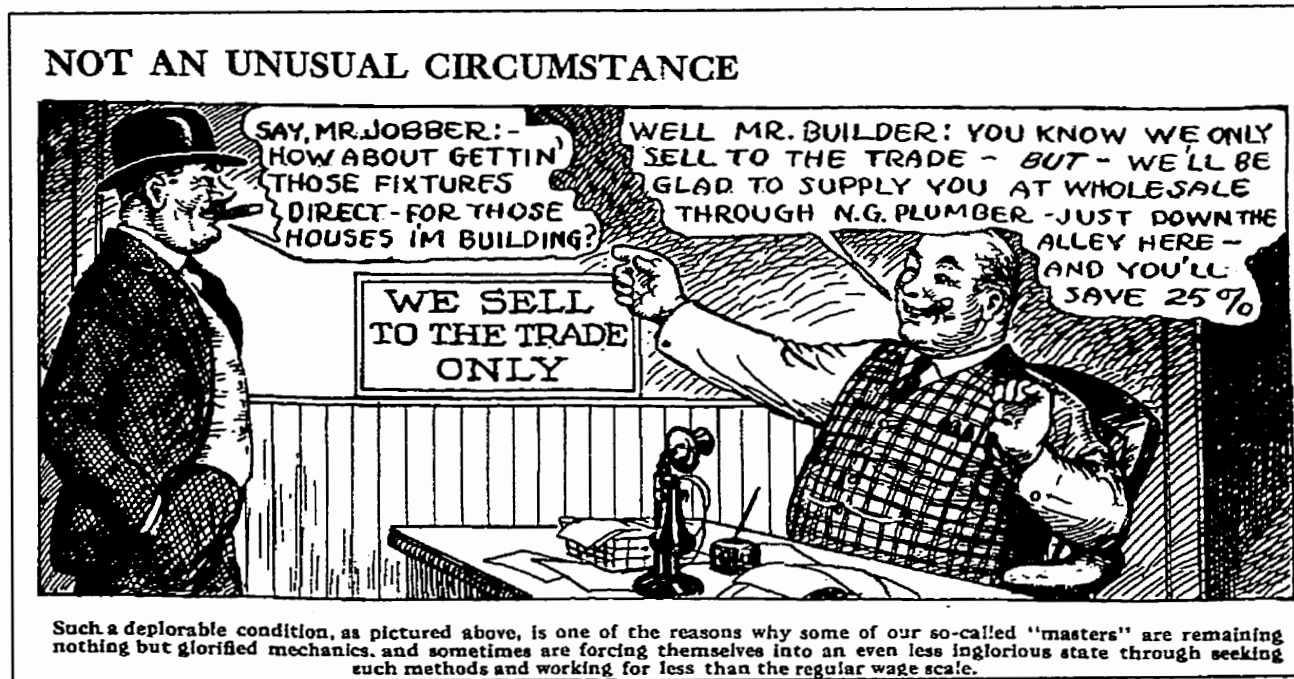
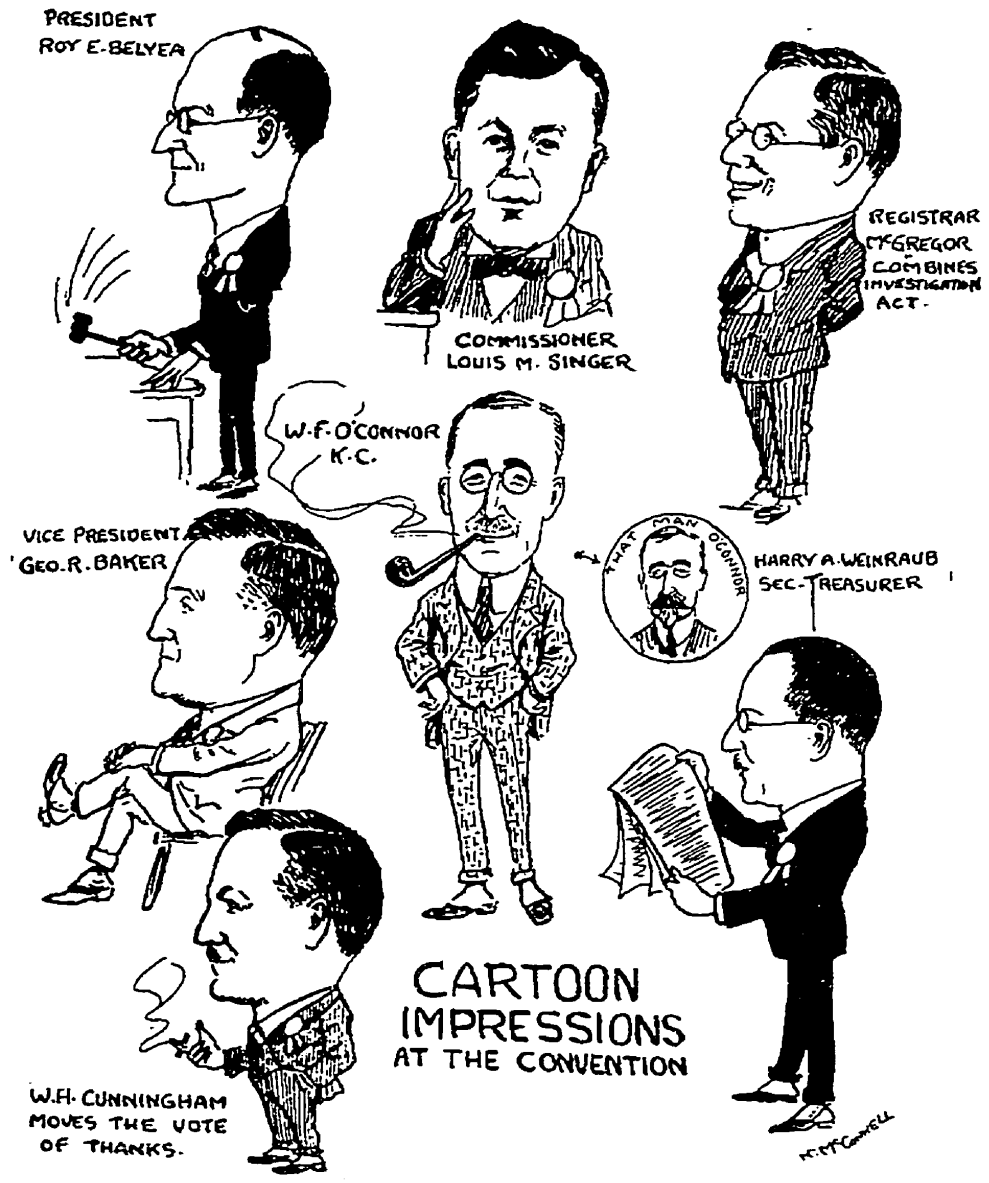
Image 9H *The Sanitary Age*, "Not an unusual circumstance," Sept. 1927, p.3Image 9I *The Sanitary Age*, "untitled" 16 Mar, 1928, pg.29

Image 9J The Sanitary Age, "Cartoon impressions at the convention," 3 Feb., 1928, pg. 10



Conclusion

Between Reform and Revolution: Beyond the Post-War Compromise

In the beginning man had everything! Civilization has deprived him of the things he needs, of the right to exist almost; a civilization of depression and depressors. Humanity pitifully endeavouring to extricate itself from a condition of its own creating, but selfishly unwilling to pay the cost. Teeming millions, the greater part of humanity, living an existence more degrading than wild beasts, while a lustful few hold, in their greed-scarred hands, the wealth of the world.¹

Raymond Williams suggests that in any society at any particular point in time there is “a central system of practices, meanings and values, which we can properly call dominant and effective,” defined in Gramscian terms as hegemony, and continually evolving through modes of incorporation such as the education system, family forms, the organization of work, and structured relations of domination and subordination.² The central system of beliefs and practices that had shaped patterns of resistance and accommodation in Canada, and other liberal capitalist states, was profoundly shaken by challenges to the capitalist economic and social structure during the 1930s. The extent of the economic crisis not only undermined support for the traditional political parties and opened space for the emergence of the CCF, but also delegitimated the economic logic of

1 Claudius Gregory, *Forgotten Men* (Hamilton 1933), 145.

2 Raymond Williams, “Base and Superstructure in Marxist Cultural Theory,” *New Left Review*, Vol. 82 (Nov. 1973), 38.

competition and challenged the dominance of free enterprise, while disrupting family and work relations. As Blair Neatby points out, “the traditions which Canadians had respected would certainly be questioned and challenged. The idea of a radically new society might well look more attractive, given the abysmal failure of the old.”³ Contemporary commentators noted with trepidation or excitement the “growing political consciousness” of the people.⁴

Even those that rejected socialism, Doug Owram argues, felt that profound structural changes to the capitalist economic system were necessary. Some intellectuals were receptive to the expansion of public ownership and state regulation of private enterprise, as articulated by reformers such as F.R. Scott.⁵ The Fabian-inspired League for Social Reconstruction included influential advocates of reform who insinuated themselves into various levels of the state and affected profoundly political thought during the Depression through monumental studies of economic and social policy that were echoed in the electoral platform of the CCF.⁶ A study of the opinions of Canadian youth, undertaken in 1945 for the Canadian Youth Commission, found that 50% of those

3 Blair Neatby, *The Politics of Chaos: Canada in the Thirties* (Toronto 1972), 19.

4 John Herd Thompson and Allen Seager, *Canada, 1922-1939: Decades of Discord* (Toronto 1985), 230.

5 Doug Owram, “Economic Thought in the 1930s: The Prelude to Keynesianism,” in Raymond B. Blake and Jeff Keshen, *Social Welfare Policy in Canada* (Toronto 1995), 195.

6 Allan Irving, “Canadian Fabians: The Work and Thought of Harry Cassidy and Leonard Marsh, 1930-1945,” in Raymond B. Blake and Jeff Keshen, *Social Welfare Policy in Canada* (Toronto 1995), 201-20; Michael Horn, “The League for Social Reconstruction and the Development of Canadian Socialism, 1932-1936,” *Journal of Canadian Studies*, Vol. 7, No. 4 (Nov. 1972), 3-17. C. David Naylor, “Canada’s First Doctor’s Strike: Medical Relief in Winnipeg, 1932-4,” in Michael Horn, *The Depression in Canada: Responses to Economic Crisis* (Toronto 1988), 102-130.

polled believed that “the goal of full employment is beyond the reach of free enterprise,” and state economic controls and some economic ownership were necessary.⁷

Canadian youth had lost faith in both the system and the mythology of competitive individualism. The relationship between personal merit and upward mobility, an editorial in the *Young Militant* pointed out, had been expressed in the promise that “those who learn well, apply themselves diligently to the work they get, watch carefully their own individual interests, will succeed, live in comfort and perhaps rise to the heights of management or ownership of industry or commerce,” while those who “do not climb in social scale,” have only themselves to blame.⁸ Ten years of seeing their neighbours, “through no fault of their own,” languish in poverty, must have undermined the moral foundation of competitive capitalism in the eyes of the young adults of the Great Depression.

Perhaps the most menacing manifestation of the breakdown in social order was the mobilization of the unemployed in cities across Canada by the Communist Party under the slogan “fight or starve.”⁹ While only a minority of unemployed workers chose the former over the latter, the activities of the National Unemployed Workers Association dramatically challenged state policies of economic retrenchment and presented an ongoing threat to public order that even labor camps could not contain. The work of Lorne A. Brown and Glen Makahonuk provide insight into the conflict within state-run

7 The Canadian Youth Commission, *Youth and Jobs in Canada* (Toronto 1945), 17.

8 Editorial, *Young Militant*, Dec. 1933, copy in NAC, MacDonald Spector Papers, 1990/0026, Box 237.

9 John Herd Thompson and Allen Seager, *Canada, 1922-1939*, 223.

relief camps in Saskatchewan, while Laurel Sefton MacDowell's parallel work on relief camps in Ontario emphasizes the relative passivity of relief camp workers.¹⁰ Patricia Schulz's account of the East York Workers' Association, and Carmela Patrias' exploration of class and ethnic conflict around relief provision in Crowland, along with the work of Victor Howard and Barry Broadfoot, have provided historians with a better understanding of both the potential and the limitation of the unemployed organizations.¹¹ For the first five years of the Great Depression, unemployed workers across the country faced formidable opposition from all levels of the state as they attempted to organize and change their material conditions.¹² While the mobilization of the unemployed is an important dimension of working-class resistance in the 1930s, more attention is warranted to the activities of the working poor, and the unions they spawned in this period. Organized workers, unlike the unemployed, held the power of the strike to bring production, and profit generation, to a halt and thus presented a more direct challenge to the prerogatives of capital.

10 Lorne A. Brown, "Unemployment Relief Camps in Saskatchewan, 1933-36," *Saskatchewan History*, Vol. 23 (1970), 81-104; Glen Makahonuk, "The Saskatchewan Relief Camp Workers' Riot of May 8, 1933: An Expression of Class Conflict," *Saskatchewan History*, Vol. 37 (1984), 55-72; Laurel Sefton MacDowell, "Relief Camp Workers in Ontario During the Great Depression," *Canadian Historical Review*, Vol. 76, No. 2 (June 1995), 205-228.

11 Patricia Schulz, *The East York Workers' Association: A Response To The Great Depression* (Toronto 1975); Carmela Patrias, *Relief Strike, Immigrant Workers and the Great Depression in Crowland, Ontario, 1930-1935* (Toronto 1990). Barry Broadfoot, *Ten Lost Years: Memories of Canadians Who Survived the Depression* (Toronto 1973). Victor Howard "We Were the Salt of the Earth!": *The On-To-Ottawa Trek and the Regina Riot* (Regina 1985). Victor Hoar (Howard), ed., *The Great Depression*, (Vancouver 1969).

12 For a good national overview of this period see Eric Tucker and Judy Fudge, "Towards a New Regime of Industrial Legality, Voluntarism in Distress: The Early Depression Years, 1929-1935," draft chapter of a book-length work in progress entitled *The Contours of Industrial Legality: The State and Workers' Collective Action in Canada, 1800-1948*. Also see John Herd Thompson and Allen Seager, *Canada, 1922-1939*.

The mainstream TLC craft unions, Desmond Morton points out, retreated with the onset of the Great Depression, devoting “their resources to maintaining their own members in good standing,” while avoiding “quixotic temptations.”¹³ Although craft unions may have followed this “sensible” approach, others moved towards a close relationship with employers and the state. The example of skilled building trades workers exposes the shifting boundaries of state mediation in the relations of capital and labor, and suggests the centrality of pre-existing patterns of class relations characterized by craft consciousness. Marginal activities by Communist unions in the building trades hinted at the possibility of radicalizing segments of skilled workers in the 1930s, while the failure of national building trades unions, pushing for broad-based industrial organization, indicates the resilient craft character of skilled construction work. AFL business unionism was thus a resilient force capable of pushing the structure of class relations to protect the narrowly defined interests of skilled workers but was ultimately incapable, even in the depths of the Depression, of moving beyond a limited vision of the relations of capital and labor.

The collusive relations of labor and capital also emerged in industries with no sustained tradition of craft union organization. In the absence of a strong union, Toronto’s purveyors of beer and lodgings grouped together in the Association of Toronto Hotel Proprietors (ATHP) and signed a contract with the moribund HREIA bartenders local that bound the latter to “counter picket” other unions’ attempts to organize hotel workers (thus

13 Desmond Morton, with Terry Copp, *Working People: An Illustrated History of the Canadian Labour Movement* (Ottawa 1980), 142.

placing a barrier to organizing chamber maids) and to picket “all clubs and hotels” that paid less than union scale.”¹⁴ Both the construction industry and the hotel industry witnessed few strikes or other indicators of union activity, yet these patterns of class relations established during the 1930s were no less significant than the organizing drives that would flow through the mass production industries during the 1940s. Characterizing the position of “traditional” unions as a patient biding of time misses the important transformative effect that the Depression had upon this segment of organized labor.

If Canadian craft unions were not entirely passive through the 1930s, their quiet collusion stood in marked contrast to the militant organizing campaigns of the WUL. John Manley’s work on the WUL in Canada reaches beyond the judgmental tone set by both Irving Abella and Desmond Morton in their assessment of the WUL, and suggests that the project of revolutionary unionism was quickly subordinated to the practice of being good trade union organizers capable of articulating demands that workers would support as reasonably attainable.¹⁵ Rank and file workers might turn to militant unions to achieve certain ends but, as Lizabeth Cohen points out in her study of Chicago workers, they “disciplined” union organizers “particularly Communist ones, to respect the rank and file’s own values.”¹⁶ Although the Communist Party denounced Ontario’s ISA as a

14 Archives of Ontario (AO), Department of Labour Records (Labour), RG 7-1-0-110, Leo Wade, Sec. Tres., to David Croll, 8 Jul. 1935.

15 John Manley, “Canadian Communists, Revolutionary Unionism, and the ‘Third Period’: The Workers’ Unity League, 1929-1935,” *Journal of the Canadian Historical Association*, New Series Vol. 5 (1994), 178; Irving Abella, *Nationalism, Communism, and Canadian Labor: The CIO, the Communist Party and the Canadian Congress of Labour* (Toronto 1973); Desmond Morton, *Working People* (Ottawa 1980), 144.

16 Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (New York 1990), 354.

“proto-fascist attack on independent labour unions,” Charles Simms, who led the WUL after returning from the Lenin School in 1933, urged the WUL to relate to workers who saw the ISA as “an aid to organization.”¹⁷

The role of militant WUL unions in organizing new sectors of workers forced activists to confront the dilemma of not only winning over workers with realistic demands that met their immediate concerns, but coming to terms with the paradox of competition and economic disorganization. The Communist-led coal truckers and handlers union initially made ‘realistic’ demands for wage increases that would allow workers to support themselves without recourse to relief but could not achieve this without re-organizing the structure of the industry. The union eventually formed a loose alliance with small truck owners, directly involved ISA officers, and demanded changes to industry practices (such as discount coupons, seasonal discounts, and group buying) which were orchestrated by large companies to depress prices and drive competitors out of business. Wage increases were thus tied to price increases (which would have further enhanced the cartel-like ring of large companies that were manipulating the coal trade). Union head William Haysey’s political radicalism did not translate into red unionism: he effectively suppressed those unionized workers who were willing to resist military intervention along Toronto’s barricaded docklands in a manner befitting a ‘responsible’ unionist.¹⁸

17 John Manley, “Canadian Communists, Revolutionary Unionism,” 185.

18 “Charges Threat of Bullets Forced Coal Strike Truce,” *Toronto Telegram*, 23 Feb. 1938, copy in National Archives of Canada (NAC), Department of Labour Records (Labour), RG 27, Vol. 395 (30) Coal Handlers, Feb. 1938 (MNF T-3003).

Despite the immense strides made by the WUL to organize workers, the dimensions of class struggle during the 1930s in Canada never reached the proportions achieved in the USA, largely because the mass production industries, such as auto, steel, rubber, and farm implements, remained immune to unionization until the end of the decade. Bryan Palmer explains the halting growth of trade unionism in the 1930s as the result of the preceding decade of “anti-union violence, strikebreaking, wage reduction and industrial paternalism and welfare capitalism,” that largely stripped labor of its institutions and political traditions.¹⁹ Gabriel Kolko, in an analysis that denounces the American left as “the servants of the constituted labor movement,” points out that despite union growth in the 1930s, these organizations were ill-equipped to form the basis of a broad left-oppositional formation capable of challenging the prevailing relations of production because unions “under capitalism” invariably pursue limited economic demands.²⁰ The question that resurfaces, however, is why radicalism, as both an economic agenda and a social mobilization of oppositions, achieved very limited success in both building revolutionary trade unions (in more than name) or mobilizing a mass revolutionary political movement.

L.M. Grayson and Michael Bliss suggest that “perhaps the Canadian people as a whole had too much discipline, too much individualism, too much nineteenth-century grit, or too little political sophistication to fight back in radical protest against a whole

19 Bryan D. Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 219.

20 Gabriel Kolko, *Main Currents in Modern American History* (New York 1976), 184-6.

economic and social system.”²¹ While their highly speculative explanation can be dismissed as condescendingly ideological and unhelpful, the work of Peter Archibald directly addresses the response of workers to the crisis of the Great Depression. Using interviews with 200 Hamilton workers, Archibald finds that the dimension of individual responses ranged from rebellion to apathy.²² By mining the writing of Karl Marx and constructing a binary scheme of “optimistic” and “pessimistic” responses by workers to the Depression, Archibald positions his study at the center of the often conflicting interpretations of resistance and accommodation by workers in the 1930s. Authors such as Lynd and Lynd, Horn, Piven and Cloward, and Dubofsky, suggest that the insecurity felt by those who held a job, especially skilled breadwinners, induced caution, while the unskilled, single and transient tended to be more militant because they had the least to lose by rebelling.²³ Alan Dawley, in contrast, argues that “contrary to romanticized notions about the radicalism of people with nothing left to lose, the most destitute were the least likely to revolt.”²⁴

The debate, as Archibald points out, is further complicated by the fact that the majority of workers “made do in very customary and pragmatic ways, especially by

21 L.M. Grayson and Michael Bliss, *The Wretched of Canada: Letters to R.B. Bennett, 1930-1935* (Toronto 1971), xxv.

22 W. Peter Archibald, “Small Expectations and Great Adjustments: How Hamilton Workers Most Often Experienced the Great Depression,” *Canadian Journal of Sociology*, Vol. 21, No. 3 (Summer 1996).

23 Robert Lynd and Helen Lynd, *Middletown in Transition* (New York 1937), 27, 65; Frances Fox Piven and Richard Cloward, *Poor People's Movements* (New York 1977); Melvyn Dubofsky, “Not So ‘Turbulent Years:’ A New Look at the 1930s,” in Charles Stephenson and Robert Asher, eds., *Life and Labor* (Albany 1986), 218-9; Michael Horn, ed., *The Dirty Thirties: Canadians in the Great Depression* (Toronto 1972), 89.

24 Alan Dawley, *Struggles For Justice: Social Responsibility and the Liberal State* (Cambridge, Mass. 1991), 352.

relying upon the 'family economy' and public relief, and by voting for, and organizing within, liberal democratic parties."²⁵ In fact, individual workers were likely to exhibit a broad range of responses to the Depression, and might support conservative or reformist politics, while participating in militant strikes organized by Communist-led unions, only to resort to sweatshop labor and direct competition with other workers (perhaps invoking masculinist and racist claims to employment). The age, marital status, gender, vocation, ethnicity, or race of a worker would condition his or her response to economic crisis, but it did not do so in a reflexive or necessarily consistent fashion.

The Janus-face of workers' response to the Great Depression that Archibald uncovers in his study of Hamilton workers matches the contours of state engagement with labor during the 1930s. The state mediated the experience of poverty through the elaboration of a municipal welfare structure, and through the coercive powers of police and courts; however, in an attempt to deal with the explosion of labor violence after 1934, the governing provincial Liberals placed the mailed fist of state power within a velvet glove of tolerance and began to implement reforms that appealed to workers and unions. Without reducing the historical narrative to the movement of specific personalities across the stage of the state, the role of two influential and powerful ministers committed to extending collective bargaining to the province's workers is of some importance. Arthur Roebuck looked beyond the red-baiting of labor organizations to the material roots of conflict and was determined, against often staunch resistance from within the provincial

25 W. Peter Archibald, "Small Expectations," 4.

Liberal party machine, to change the impression among workers that the state and the police “are all forces trying to crush out labour.”²⁶ David Croll, a working-class Russian Jew whose popularity as Mayor of Windsor sprang from his strong support among the city’s industrial working class, was also an outspoken proponent of collective bargaining as a “fundamental right of all working people,” and was even courted as Ontario’s CCF leader.²⁷

The state’s new approach followed, rather than led, a shift in the balance of class forces. By 1934 workers no longer hesitated to fight for improvements in their standard of living, and the WUL provided militant leadership capable of challenging the most recalcitrant and hostile employers.²⁸ With an increasingly militant union movement, backed by increasingly sympathetic public opinion, against the backdrop of heightened public scrutiny of business practices as a result of the Stevens’ Commission (including a focus on the reemergence of sweatshops) and with two prominent progressive politicians with strong sympathies for organized labor in positions of power, the Liberals introduced legislation intended to restrict market competition, while putting a floor under wages for both men and women. Formal recognition of labor’s right to organize and strike was not enshrined in legislation in Ontario, yet the character of the state and the interpretation of

26 AO, Labour, RG 7-1-0-154, “Report of a conference between members of the CMA and Arthur Roebuck, Minister of Labour, Held in the Parliament Building, 30 January 1936,” 40. Lita-Rose Betcherman, *The Little Band: The Clashes Between the Communists and the Political and Legal Establishment in Canada, 1928-1932*, (Ottawa [1983]), 35-40, 214.

27 R. Warren James, *The People’s Senator* (Vancouver 1990), 63.

²⁸ Eric Tucker and Judy Fudge, “New Recognition meets Old Coercion: 1936-1939,” Part III, Chapter 2 of *The Contours of Industrial Legality: The State and Workers’ Collective Action in Canada, 1800-1948* (manuscript 1998) p.1.

the rights of labor that Roebuck offered as Attorney-General to municipal police forces carried immense weight. These measures did not diminish the upsurge in labor militancy, but served to transform the sweatshop from a place of work into a potent symbol of exploitation that further excited public opinion, shaped political discourse, and drew new recruits to labor's cause. Indeed, much of labor's wartime militancy, and the post-war "compromise" can be contextualized through an understanding of the complexity of workers' struggles for living wages in the 1930s.

Gerry Van Houten, surveying the economic, social and political carnage of the Great Depression, suggests that the contraction of the economy made it "impossible to satisfy both the workers' demands for 'work and wages,' unemployment insurance, etc. and big business demands on the state to help them restore their profitability" in the 1930s.²⁹ In fact, Rhonda Levine suggests, the state did intervene to bolster capital accumulation in ways which initially appealed to both monopoly and competitive capital and workers by facilitating wage increases to stimulate expanded consumption.³⁰ Similarly, Colin Gordon, building on the insights of the 1960s new left historians of the American New Deal, offers a model of "corporate liberalism" in which elements of capital seek state enhancement of union rights as a means of controlling "cut throat" competition.³¹ Other authors, such as Michael Goldfield, stress the strength and vigor of

29 Gerry van Houten, *Corporate Canada: An Historical Outline* (Toronto 1991), 82.

30 Rhonda F. Levine, *Class Struggle and the New Deal: Industrial Labor, Industrial Capital and the State* (Lawrence, Kansas 1988), 87.

31 Colin Gordon, *New Deals: Business Labour, and Politics in America, 1920-1935* (Cambridge 1994). Also see Karl E. Klare, "Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941," in Piers Beirne and Richard Quinney, *Marxism and Law* (New York 1982), 138-168.

the 1933-4 organizing drive and strikes in forcing American politicians to make concessions.³² The agency of specific state actors to implement reforms at a particular conjuncture, Kenneth Finegold and Theda Skocpol argue, was premised on the character of the American state, the structure of political institutions, and a momentary realignment within the ruling Democratic Party.³³ While various pressures on policy makers may open space within the state to advance reform programs, “such discretion,” Robert Harrison points out, “is in the last analysis constrained by social and economic forces.”³⁴

The social and economic forces that motivated reform in Canada, and in Ontario in particular, turned on a full retreat from the idea of market competition. State intervention in Canada was never as dramatic as Roosevelt’s Blue Eagle campaign, but many Canadian capitalists pressured the government to introduce some mechanism to protect them from the dangers of the free market.³⁵ When capital’s own regulatory schemes failed to control ‘unfair’ competition, capital was willing to follow the state’s economic leadership, including union involvement in the enforcement of minimum standards. Ontario’s ISA opened critical space for many unions, spanning the breadth of the labor movement, to frame demands and extend class struggle across broad industrial sectors.

32 Michael Goldfield, “Workers Insurgency, Radical Organization and New Deal Labor Legislation,” *American Political Science Review*, Vol. 83 (Dec. 1989), 1273.

33 Kenneth Finegold and Theda Skocpol, “State, Party and Industry: From Business Recovery to the Wagner Act in America’s New Deal,” in Charles Bright and Susan Harding, eds., *Statemaking and Social Movements: Essays in History and Theory* (Ann Arbor, Michigan 1984), 177.

34 Robert Harrison, *State and Society in Twentieth Century America* (London 1997), 229.

35 See Alvin Finkel, *Business and Social Reform in the Thirties* (Toronto 1979).

Although the explanations of the American New Deal offered by Gordon, Skocpol, and Goldfield offer tremendous insight into the history of workers, unions and reform in Ontario, the particular contradiction presented by relief-subsidized labor as an economic and symbolic motor driving reform has not been explored in the American or Canadian literature on the 1930s. The Toronto District Trades and Labour Council was not alone in pointing out that “as long as workers had their wages supplemented by relief ... wages would be kept at rock bottom by the employers.”³⁶ Relief policy not only compelled workers to seek work at low wages (the principle of less eligibility), but fueled the sweatshops which made price stabilization near impossible in many economic sectors. At the same time that relief was used to subsidize competition to the detriment of capital’s own attempts to regulate the market, relief programs assumed immense importance in the functioning of the local economy through modes of relief distribution that passed the benefits of relief purchases to segments of capital.

The economic dislocations of the 1930s thus brought the contradictions of capitalism, unionism, and state intervention into sharp relief. Attempts to reform capitalism were partial, with partial success, but the legacy of the 1930s lasted long after the Second World War as contradictions which first emerged in the Depression continued to plague systems of state planning, regulation, and assistance. Claus Offe’s proclamation of the crisis of the current welfare state, prompted by the ongoing tension between social expenditure and the political and economic constraints on redistribution, is similar to the

36 “Termed Menace,” *Toronto Telegram*, 17 Jun. 1938, copy in NAC, Labour, RG 27, Vol. 397 (85) Restaurant, Jun. 1938 (MNF T-3005).

problems which confronted the forerunner of the modern national welfare state. As Offe points out “the more the welfare state is made necessary by the shrinking employment opportunities provided by the economy, the less it is capable of playing the role because of the poor employment performance of the economy.”³⁷ Today’s looming crisis, however, is also one of overcapacity and monopoly consolidation (now in the form of truly trans-national corporations), that threatens to accentuate conditions of super-exploitation in the “developing” world, and a crisis of “underconsumption” in the “developed” world. Once again workers in both North and South may observe, as did the characters in Claudius Gregory’s 1933 novel, that

There is plenty for everyone yet we are unable to get even the bare necessities because we have no money to pay for them. We have no money because we are deprived of a chance to earn it because there is already too much of everything, and so on; a vicious circle, with no beginning and no end.³⁸

This study of labor, welfare, the family, and youth in 1930s Toronto grounds an historical examination of lived experience in an economic framework that continues to determine fundamental social relations. Archibald’s work on the relationship between economic crisis and working-class resistance points to the uncertain process by which a class in itself becomes a class for itself, while Gordon’s work on regulatory unionism serves to uncover the contradictory role of unions in a liberal capitalist society. Beyond the limits of trade union economism, however, lies a spirit of militant action and

37 Karl Hinrichs, Claus Offe, Helmut Wiesenhal, “Time, Money, and Welfare-State Capitalism,” in Joan Keane, ed., *Civil Society and the State: New European Perspectives* (London 1988), 221. Also see Claus Offe, *The Contradictions of the Welfare State* (Cambridge, Mass. 1984).

38 Claudius Gregory, *Forgotten Men* (Hamilton 1933), 14.

determined resistance which can not help but shape and empower those who stand below the ramparts of power and privilege. It is this spirit which needs to be recovered from the contentious history of the Great Depression, particularly as we tumble headlong into the latest consolidation of monopoly capitalism.

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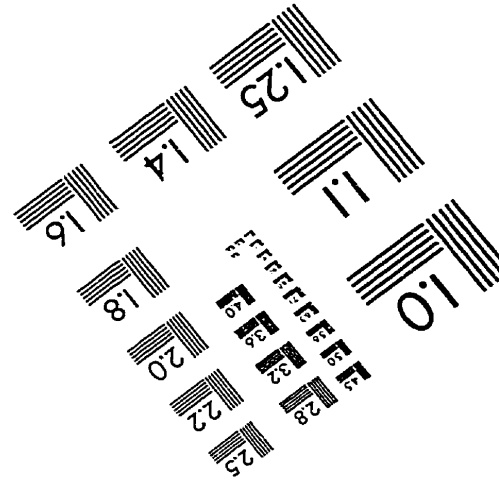
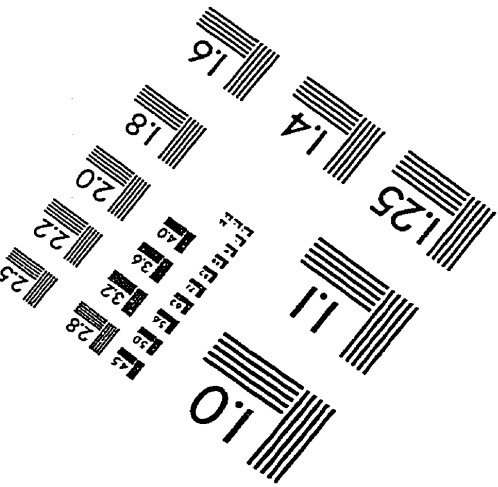
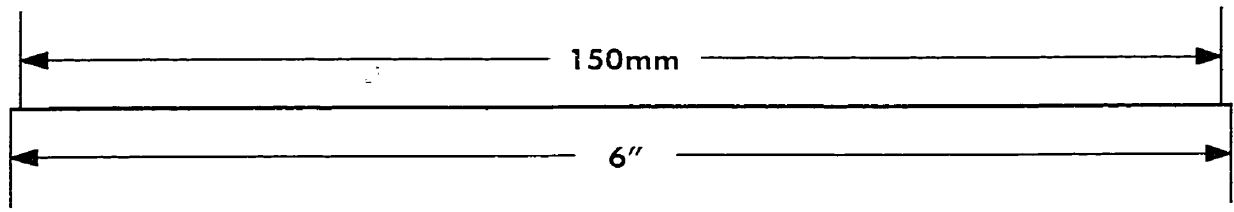
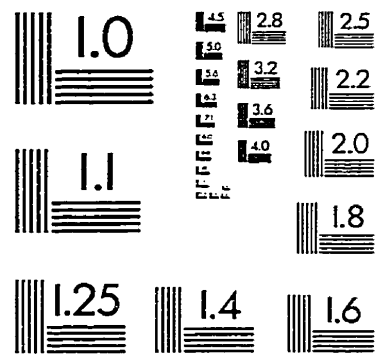
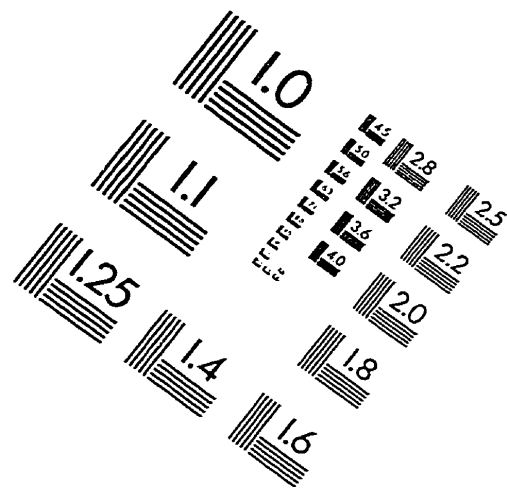
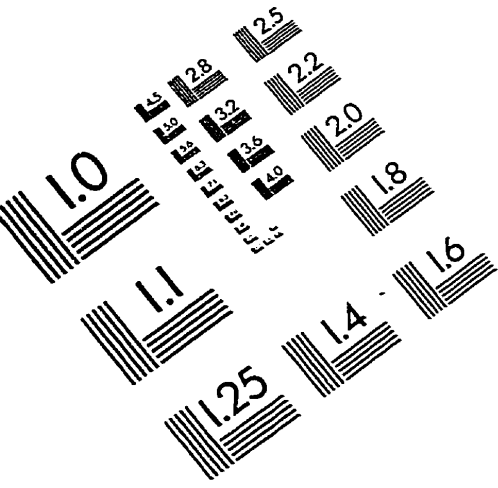
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