

CITY OF LONDON POLYTECHNIC
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Open Door Council.

MEMORANDUM

BY

THE OPEN DOOR COUNCIL

On the Proposals in the Unemployment
Insurance (No. 3) Bill which Penalise the
Married Woman.

Penalisation of women by reason of marriage.

Under the Unemployment Insurance Acts now in force there are a number of inequalities between men and women as to the **amounts of** the contributions and benefits payable; but as regards the **conditions** under which these are paid, there are no differences based on sex or marriage. The Unemployment Insurance (No 3) Bill now before the House of Commons does not deal with the first point. It does, however, propose to take a retrograde step with regard to the second point. It gives power to the Minister of Labour to make the conditions under which a woman receives unemployment benefit more onerous by reason of marriage. It gives her power to penalise the married woman.

Restrictions not defined: power of Minister to frame.

The Bill deals with married women and with three other classes of workers among whom there are also a certain number of women who are married. These three classes are: (a) persons who receive earnings and similar payments of such amount and within such time as the Minister prescribes; (b) seasonal workers; and (c) persons not normally working more than two days a week.

The Bill itself does not contain the actual restrictions on the receipt of benefit by persons belonging to any of these classes. What it does do is to give very wide powers to the Minister of Labour to frame regulations defining the special conditions that are to apply to these classes.

The only limitation placed on the power of the Minister to discriminate by regulation against the married woman (a limitation applicable also to the regulations affecting the other three groups) is that any regulation of the Minister shall apply only to persons belonging to one or other of the following categories:—

- (a) those who either would not normally be in insurable employment during the period in respect of which the benefit is claimed; or
- (b) those who during a period which includes both days of employment and days of unemployment, are in receipt of substantial earnings or other similar payments.

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Subject to this limitation the Minister may by regulation decree that a married woman, who in any period after marriage the Minister chooses to prescribe has had less than such number of contributions paid in respect of her as the Minister chooses to prescribe, shall have special conditions and restrictions placed upon her. Put shortly, the Minister is given power to place special obstacles in the way of a married woman who belongs to categories (a) or (b) receiving benefits.

The conditions imposed may reduce without limit the amount of benefit such woman is to receive; they may reduce without limit the period during which she is to receive benefit; and they may impose such other restrictions as the Minister chooses on the receipt of benefit by such women. Not only so, but the Minister is given power by regulation to remove any safeguards which now exist as to the methods of determining the claims to benefit of such women; and the Minister may lay down new and undefined methods of determining these claims—methods differing from those applicable to the ordinary claimant.

Further, when the Minister has prescribed for the married woman in categories (a) and (b) how many contributions she is to pay after marriage and within what time these are to be paid before she is to be permitted to enjoy the benefits allowed to other members of the community, the Minister is not even then required to treat all such married women alike. Oh no. Her arbitrary powers go further. She may decree one set of conditions for one part of the country and one for another, one set for all such women and another for any portion of such women. The greater the variety of the conditions, the more helpless the victims.

Regulations to be laid before Parliament.

The Bill provides that before making a regulation the Minister is required to consult an Advisory Committee and to lay the regulation and the report of this Committee before both Houses of Parliament. If either House within twenty days presents an address against the regulation it becomes void. This is a purely illusory safeguard.

Special danger of delegated legislation for married women.

The above particulars of the Bill are mentioned to show how far want of consideration for the interests of the married woman can go. Not only is she to have more onerous conditions placed upon her, but these conditions are not to be defined by Act of Parliament about which the general public can be adequately informed before it becomes law, and about which there may at least be time to write to Members of Parliament; but she is to be put at the mercy of the arbitrary decisions of the Minister. That the Minister is well meaning does not alter the case. No opinion is here expressed as to the desirability of giving power to the Minister to make regulations which are equally applicable to every member of the community. But it is a denial of all justice that the Minister should have power to make regulations imposing more onerous conditions on women than on men and thus to alter the status of one half of the community.

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Fundamental injustice in treating married women as a class apart.

But the method by which the injustice is done is of infinitely less account than the injustice itself—the injustice of placing greater obstacles in the way of the woman's obtaining benefits by reason of marriage only. As Mrs. Clara D. Rackham, the only woman member of the Royal Commission on Unemployment Insurance, has pointed out in her Minority Interim Report on this question:

“Married women differ completely from one another, not only in their domestic circumstances, but also in their value in the labour market, and in their whole outlook upon industry; any attempt to treat them as a class, to be governed by uniform rules applicable to no other section of insured persons, could only result in friction and in hardship.”

Anomalies should be dealt with for men and women alike.

If there are anomalies in the working of the insurance fund which require to be altered, these anomalies apply to men and women alike. If these anomalies for men and unmarried women can be dealt with by making special regulations for the seasonal and other groups of workers with which the Bill proposes to deal, the many married women included in these groups will be dealt with under these special regulations. There is no need to make further and other regulations applicable only to the married woman. To select the married woman as the scapegoat and to penalise her as an earner, besides its scandalous injustice, is a burking of the real issue.

It is not so long since it required legislation in this country to raise the married woman from that state of economic subjection in which she had not the right to control her own earnings. In the world of to-day unemployment insurance benefit is part of the earnings of the worker. To place greater restrictions on the receipt of benefit by a woman by reason of marriage is to place all women at a disadvantage with other workers and to encourage the economic subjection of the married woman.

Double standard of logic for men and women earners.

The needs of the married woman as an earner are of as great importance as those of the man or the single woman, and it is on this basis on which legislation should proceed. It would seem as if many failed to appreciate this fact, and approached the subject from the point of view of the inevitable subjection of the married woman.

Where the employment of any body of men is concerned, a remedy is looked for in finding them work, or in making sure they are adequately supplied with benefits. On the other hand, where the unemployment of any body of married women is concerned, the remedy seems to be sought in excluding these women from benefits.

For example: The fact that the ratio of the unemployment of married to single women recently increased—one of the factors being the growth of unemployment in the textile industry where many married women work—is used as an argument by the majority of the Royal

Commission on Unemployment Insurance for suggesting special restrictions on the married woman's right to receive benefit. On the other hand where there is a specially high percentage of unemployment among men, as there has been for a long time among the miners, no suggestion is made for placing special restrictions on men.

Again, when a man by reason of family responsibilities and the benefits he receives on behalf of his children draws more than the average out of the unemployment fund, no one proposes denying unemployment benefits to married men: on the other hand, where a woman by reason of the family responsibility of her pregnancy loses her job and draws more than the average out of the unemployment fund, the majority of the Royal Commission throws out the suggestion that she may suitably be denied unemployment benefit and given some other form of relief.

Again, the fact that certain employers are dismissing or refusing to employ married women is being used as an argument for excluding certain married women from unemployment benefits. Why should this anti-social policy of the employer be made an excuse for penalising the married woman? Such action of the employers should rather be condemned and discouraged and special efforts made to help its victims.

Amend the Bill removing power to penalise the married woman.

The Bill must be amended by deleting the proposals which take power to penalise the married woman. This can be done if resolutions from all over the country are sent to the Government. Societies are urged to secure wherever possible the adoption of a resolution on the lines of one of the following resolutions and copies should be sent to the Prime Minister, the Minister of Labour, the local Member of Parliament and the Press:

Resolution A.

"This Meeting of the.....
welcomes the minority opinion expressed by the one woman member of the Royal Commission on Unemployment Insurance that there should be no discrimination against any claimant for benefit on account of sex or marriage; it condemns the proposals in the Unemployment Insurance (No. 3) Bill which make it more difficult for women to obtain unemployment benefit by reason of marriage; and it demands the deletion from the Bill of Section 1, sub-section (2) (d)."

Resolution B.

"This Meeting of the.....
declares that the married woman should be entitled to receive unemployment benefits under the same conditions as other workers and urges that the Insurance Bill now before Parliament should be so amended as to remove the proposals it now contains for the penalising of the married woman."

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