"Hotel Refuses Negro Nurse": Gloria Clarke Baylis and the Queen Elizabeth Hotel

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Abstract. On 2 September 1964, one day after the Act Respecting Discrimination in Employment was introduced in Quebec, Gloria Clarke Baylis, a British-trained Caribbean migrant nurse, inquired about a permanent part-time nursing position at the Queen Elizabeth Hotel (QEH). In response, she was told that the position had already been filled. Less than a year later, Gloria appeared as the key witness in *Her Majesty the Queen, Complainant v. Hilton of Canada Ltd., Accused,* to determine whether the QEH violated the new legislation. Drawing on excerpts from the court transcript, this article expands and complicates intersectionality as a theoretical framework to include other markers of difference. Critical to this discussion are two interrelated concerns: first, the connection between Gloria's experience at the QEH and Black women's historical relationship to nursing; second, how her subjectivity and identity influenced her decision to pursue the lawsuit.

Keywords. Gloria Clarke Baylis, Black women, nursing, Act Respecting Discrimination in Employment, racism, law, Human Rights Code

Résumé. Le 2 septembre 1964, au lendemain de l'introduction au Québec de la Loi sur la discrimination dans l'emploi, Gloria Clarke Baylis, une immigrante caribéenne et infirmière formée en Grande-Bretagne, a demandé de l'information sur un poste d'infirmière permanent à temps partiel au *Queen Elizabeth Hotel* (QEH). En réponse, on lui mentionne que le poste avait déjà été pourvu. Moins d'un an plus tard, Gloria figurait comme une des témoins clef dans l'affaire *Her Majesty the Queen, Complainant v. Hilton of Canada Ltd., Accused*, devant déterminer si le QEH avait enfreint la nouvelle loi. En s'appuyant sur des extraits de la transcription du tribunal, cet article développe et approfondit l'intersectionnalité en tant que cadre

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théorique afin d'y inclure d'autres marqueurs de différence. Deux aspects interdépendants sont essentiels à cette discussion : premièrement, le lien entre l'expérience de Gloria au QEH et la relation historique des femmes noires avec les soins infirmiers ; et deuxièmement, comment sa subjectivité et son identité ont influencé sa décision d'avoir recours aux tribunaux.

Mots-clés. Gloria Clarke Baylis, Femme noire, nursing, Loi sur la discrimination dans l'emploi, racisme, droit, Code des droits de la personne

Introduction

In 1966, Virginia A. Lindabury, editor of *The Canadian Nurse,* informed readers about a discrimination case involving a Negro nurse who sought employment at a large Montreal hotel. Lindabury explained,

> The case arose from a complaint made to the Quebec Government by a 35-year-old, experienced, bilingual nurse who claimed she had answered a newspaper advertisement for a part-time position at the hotel, only to be told that it was filled when she went for an interview. Telephone calls to the hotel the next day revealed that the position was still open and that applications were still being accepted.[1]

Despite the publicity surrounding the lawsuit, the editorial omitted the Negro nurse's name and left the particulars of the case under-explored. The unnamed nurse was Gloria Clarke Baylis. She appeared as the key witness in *Her Majesty the Queen, Complainant v. Hilton of Canada Ltd., Accused* (hereafter *Her Majesty v. Hilton*), to determine whether the Queen Elizabeth Hotel (QEH) violated An Act Respecting Discrimination in Employment (hereafter "the Act"), a new piece of legislation that took effect on 1 September 1964. The Act defines and stipulates the following as "discrimination": "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, national extraction, or social origin, which has the effect of nullifying, or impairing equality of opportunity or treatment in employment or occupation; but any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not deemed to be discrimination."[2]

While provincial statutes such as the Saskatchewan Bill of Rights (1947), the second anti-discrimination law in Canada, prohibited discrimination on the grounds of race, religion, or nationality, it and

other statutes left the definition of discrimination implicit.[3] Even though Quebec "shamefully dragged its feet on anti-discrimination laws" and reluctantly passed the Act in 1965, it contained an explicit definition of what constituted discrimination, and included sex as a category, which was novel at the time.[4]

Once a written complaint is lodged, "The [Minimum Wage] Commission [hereafter "the Commission"] shall inquire into the written complaint duly signed by any person that has been discriminated against contrary to the act, and endeavor to effect a settlement."[5] In the official complaint to the Commission, Gloria wrote,

> On Sept 2nd 1964 at 10:50 am, I applied for a position on the staff at the Queen Elizabeth Hotel. This job was advertised in the paper. They advertised for a full-time and part-time Registered Nurse. I filled out an application form. I then saw the Personnel Manager. He informed me that the job was filled. I told him that I was applying for the part-time job. He informed me a second time that the job was filled.[6]

Once the Commission completed its investigation, Gloria, with the assistance of the Negro Citizenship Association (NCA), appeared in the Court of Sessions on 26 March 1964 before the Hon. Judge Marcel Gaboury (hereafter "the Court"). Did the QEH discriminate against Gloria because of race?

This article focuses on Gloria's role in the lawsuit. To get a sense of who Gloria was, I examine her childhood in Barbados, and her identity as a nurse, wife, and mother, albeit with unequal emphasis. I argue that Gloria's experience at the QEH cannot be divorced from Black women's historical relationship to nursing. To guide my analysis, I draw on intersectionality, with the intent to complicate and expand its scope beyond the oft-repeated tetrad of race, gender, class, and sexuality to include other vectors such as language and the nation. Where relevant, I also draw on Devon Carbado's use of colour-blind intersectionality, "which refers to instances in which whiteness helps to produce and is part of a cognizable social category, but is invisible or unarticulated as an intersectional subject position."[7] Historically, the nurse, especially the Registered Nurse (RN), is race-less because she is white. Colour-blind intersectionality allows us to unpack whiteness as a kind of currency, and intersectionality makes explicit the multiple positionalities of Black nurses in a gendered occupation.

Sources for the present study include selected excerpts from the court transcript; a response from Gerald N.F. Charness, one of two attorneys representing the Crown; newspaper clippings; a letter written by Gloria to historian Wendy Mitchinson; and interviews with Gloria's family members. In the absence of a complete transcript of *Her Majesty v. Hilton*, and with the case never having been published, it has not appeared in legal jurisprudence despite the newspaper and television publicity. Currently, there is no scholarly literature that focuses on the legal, political, theoretical, or historical relevance of the case.

Intersectionality

Black feminist scholars have long examined the intersection of race, gender, class, and sexuality. Legal and critical race theorist Kimberlé Crenshaw coined the term "intersectionality" in the late 1980s to explore the interplay of multiple identities, such as race and gender in relation to power and subordination. At the time of its inception, Crenshaw used "intersectionality to denote ways in which race and gender interact to shape the multiple dimensions of Black women's employment experiences."[8] She underscored how, despite the material impact of the intersection of racism and sexism in Black women's lives, these vectors are often explored individually in feminist and anti-racist theorizing and practice. Crenshaw insisted that "the intersection of racism and sexism factors into Black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately."[9]

No longer limited, however, to its earlier articulation of exploring the intersection of race and gender in relation to Black women, intersectionality in its current iterations is concerned with examining multiple dimensions of inequality beyond gender, class, race, and sexuality, and includes other marginalized and privileged subjects, as well as sites beyond employment, such as the nation. Intersectionality demands that we interrogate sameness and difference and the dynamics of power hierarchies while being attentive to historical and contextual specificity.

At the same time, intersectionality is more than a heuristic device concerned with categories and social identities. As a framework, it can be harnessed to explore social institutions and organizational structures, and to uncover their ideological and discursive formation and practice.[10] The intent is to expose the structural inequalities

that inhere within structures such as the law and institutions such as the court, which is generally viewed as a neutral site. Similarly, in a disproportionately female occupation such as nursing, the single-axis framework of gender is often used to capture nurses' experiences in the male-dominated medical profession. As a productive concept, intersectionality allows for the delineation of Black Canadian women's multiple and overlapping social identities.

As I have argued elsewhere, one cannot uncritically bring theories and perspectives to bear on Black Canadian women's lives without interrogating the usefulness of those theories, or attending to the historical, spatial, and temporal context. This means acknowledging Canada's evolution "as a white settler society, myths of it being a haven for escaped slaves, exclusionary immigration and citizenship policies, gendered and racialized labour workforce, and an official multi-cultural policy."[11] This epistemological project also requires cognizance of the multiple and varied ways that Black Canadian women respond to and resist inequality in whatever manifestation. Thus, a key aspect of intersectional studies is to unpack and center subjects such as Gloria. Intersectionality is also useful to make visible how gender intersects with whiteness to reinforce a conveniently normative nursing identity.

That *The Canadian Nurse* bothered to mention the case is certainly noteworthy given that the journal was and is dedicated to upholding a homogenous nursing identity that virtually ignores nurses as intersectional subjects differentiated based on race, gender, class, sexuality, or other markers of difference. Yet, in a "small-scale investigation" that featured "three Negro nurses" in the same issue, identifying them racially was important. Given the lawsuit, the apparent objective of *The Canadian Nurse* was to ascertain whether Gloria's experience was unique. Mrs. Lorna Ferguson, Miss Palma Nichols, and Mrs. Kathleen Daly, "all well-established, competent nurses," were interviewed "to find out if they had ever experienced discrimination and if they believed that the oft-quoted statement 'Canadians pay lip-service to equality' is true."[12] Based on the nurses' responses, Lindabury concluded that "prejudice – and, at times, discrimination – is frequently encountered by Negroes in our society, particularly when they seek living accommodation. It is rarely encountered in their professional lives."[13] Considering the gendered characteristics, such as caring and compassion, on which nursing is constructed, the responses of Ferguson, Nichols, and Daly are hardly surprising. Nurses who care can hardly be racist, hence Ferguson's opinion that "few Negro nurses encounter discrimination when they

seek employment in Canada."[14] Unlike the wider Canadian society, nursing emerges as an ostensibly neutral site devoid of racism and prejudice. It is as if the property owners, restaurants, hotel owners, and movie theatres that refused service and accommodation to Black Canadians clearly had had no nurses or other medical personnel in their families or social networks.[15] The interviewees and Lindabury portrayed nursing as existing in a vacuum unconnected to, or divorced from, the anti-Black bias germane to Canadian society. Moreover, the fact that as Canadians we know absolutely nothing about Gloria, the nurse at the centre of lawsuit, is indicative of national ignorance regarding Black women and civil rights in Canada. Moreover, the QEH's decision to refuse Gloria's employment requires attention to the historical construction of nursing as a profession for white middle-class women, and the occupation's exclusionary policies.

Nursing Exclusionary Policy

Whiteness, often unmarked and unnamed, is the organizing principle in cultural and social relations that signals its structural position of power and privilege historically, politically, and socially.[16] The Canadian nursing elite drew on notions of ideal womanhood based on Victorian ideals of propriety and femininity, which were linked to whiteness. While nursing historian Kathryn McPherson points out that "determining the precise class origins of inter-war nurses is difficult," she maintains that nursing was far from a homogenous group in terms of class.[17] Germane to this article is McPherson's argument that, "whether foreign or native-born, most Canadians nurses were White and of Anglo-Saxon descent."[18] In the world of nursing, shared whiteness, even if unnoticed, functioned to ensure exclusion. Writing about working-class nurses, McPherson points out that they "not only had to acquire the specific skills of bedside attendance, but also 'character' as defined by the bourgeois" or, in later periods, by white middle-class nursing leaders.[19] By virtue of their racial identity, white working-class women could socialize or be assimilated into middle-class respectability. No doubt Black women could learn and enact the values, norms, and ideals of middle-class female respectability that the occupation demanded, but their skin colour was an impediment.

Nursing leaders viewed prospective Black students as Other. To admit them to nursing schools would undoubtedly disrupt the "identification of the nurse with whiteness."[20] Ideas about race,

class, and gender informed nursing leaders' creation of certain policies, standards, and practices that simultaneously disadvantaged prospective Black students while privileging whiteness. Outside of a few exceptions, nursing scholars are oblivious to the occupation's investment in whiteness as evidenced in Black Canadian women's exclusion from training programs. When Black students attempted to enroll in nursing schools across Canada, the common response was that patients, physicians, and students would protest their presence in the dormitories and at the bedside. Nursing leaders were shielding racially unmarked patients, students, and medical personnel. Whiteness was not simply unspoken; it was the category against which blackness was constructed to justify banning Black students. The protection of white racial interests was reflected in the assumption that nurses, doctors, and patients would necessarily be white, revealing the assumed neutrality and naturalness of whiteness – as if hospitals were devoid of Black individuals, whether as nurses, other medical personnel, and even patients. An interrogation of how whiteness, though socially and culturally constructed, and its concomitant ideologies have shaped the occupation is necessary. Important, too, is how Black Canadians responded to the rejection of students from nursing schools.

Across Canada, individual people, organizations, unions, and church groups rose to challenge the occupation's exclusionary policy. Rebuffed by nursing schools across the province, Marissa Scott applied to Owen Sound General in her hometown. Reportedly, she was told, "Sorry, we don't accept coloured girls"[21] After becoming the subject of a national campaign, Scott was eventually admitted to St. Joseph's hospital nursing program, Guelph, in 1947. Similarly, Nova Scotian civil rights and community activist Pearleen Oliver played an instrumental role in ending the colour barrier in nursing. Like Scott, Oliver wanted to train as a nurse but knew that the occupation was not open to her or other Black girls.[22] It was the story of a young woman who was denied training at the Victoria General Hospital (VGH) because of her race that led Oliver to wage "a concerted public and private campaign to draw attention to this and other forms of discrimination in Canada."[23] Her relentless effort led to the first two young Black women, Ruth Bailey (Toronto) and Gywneth Barton (Halifax), to be enrolled as nursing students at the Children's Hospital in Halifax in 1948.

In making the case as to why young Black women deserved to be admitted to nursing schools, activists such as Oliver often

underscored the limits of Canadian citizenship. Oliver, for example, emphasized how her husband and brother were in the army while those at home were purchasing war bonds "and doing everything we could in support of the war effort." Yet, she noted, "here is this little girl from Guysborough, she couldn't even train to . . . be a nurse," referring to a student rejected by the VGH.[24] Oliver, activists, and parents of young Black women who were denied the opportunity to train as nurses made it abundantly clear that the struggle to integrate Canadian nursing schools was greater than the individual nurse but intricately connected to the overall struggles for racial equality. Even as Oliver and others viewed themselves as Canadians, nursing school policies suggested otherwise. Too often, intersectionality scholarship excludes the nation and overlooks how it functions as a vector that reinforces the kind of inequality revealed in the experiences of Black Canadians.

Chronicling the experiences of Black students and the struggle to integrate Canadian nursing is an important aspect of the occupation's history. Without knowledge of nursing's exclusionary history, Gloria's experience could easily be interpreted as an isolated or exceptional occurrence. Unlike Scott's and Oliver's strategies, political pressure and writing letters, Gloria chose the legal route as one response to structural and systemic racism. Before focusing on *Her Majesty v. Hilton*, an exploration of Gloria's biography is warranted for what it reveals not only about her subjectivity and identity, but also how intersectionality might be harnessed in exploring Black Canadian women's lives.

Growing Up in the Caribbean

Besides illuminating how various social categories intersect to influence the specificity of Black women's oppression, the recuperative aspect of intersectionality is also relevant, as it seeks to unearth and make visible the experiences of women such as Gloria, which are especially relevant in the Black Canadian context.

Born in Barbados in 1929 to Reynold Leon Clarke and Antoinette Margaret Clarke, Gloria grew up in a middle-class household with 13 other siblings. In tandem with the gender ideologies of the time period, Reynold was the primary breadwinner; he was employed as a floor manager at a general store, while Antoinette assumed responsibility for domestic duties and childcare. With a large family to support, the couple opened up a business dyeing hats, shoes, and

handbags in their home. The decision to operate a home-based business appeared to be mutual, but one cannot help but wonder whether it was primarily Antoinette's idea, inspired by her businessman father. The additional catalyst for the venture might have been Reynold's extracurricular activities, which were emblematic of Caribbean masculinity. He had a penchant for drinking and spent in excess on alcohol, and when he was not working, he preferred socializing with his friends. Even as her family represented the symbols of respectability, marriage, and legitimate children, with a male head of household and breadwinner, Antoinette assumed responsibility for the family's well-being. Given the circumstances, she had no alternative but to be resourceful and judicious in managing the family's affairs, including the finances.

The conditions around which Gloria's mother had to raise a family left an indelible impression on her. In discussions about her childhood, Gloria's daughter Françoise noted that her mother often made reference to the multiple skills her grandmother employed to maintain her family. Following Antoinette's passing in 1987, Gloria's recollection was echoed in a commentary that appeared in the *Sunday Sun*, a Barbadian newspaper. The writer mentioned how "[Antoinette] made the supreme sacrifice of her life, that of placing her family first," for example ensuring that her children were educated in the island's best schools. As indicative of her family's middle-class status, Gloria attended Thorpe's Private School and then Queen's College for girls, where she earned her Cambridge School Certificate. Antoinette clearly believed in education as a pathway to upward mobility. Outside of school, Gloria enjoyed an exciting though uneventful upbringing. Richard, Gloria's husband, recalled his wife speaking fondly of her childhood. Even though British cultural norms and values dictated Caribbean middle-class behaviour, even in the realm of play, Gloria participated in activities such as riding on a donkey cart, usually deemed the purview of boys. Gloria's response to an employer is additional evidence of her unwillingness to conform to the social norms of Caribbean girls' femininity.

The only academic reference to Gloria and *Her Majesty v. Hilton* is a paragraph in *Canadian Women: A History*. Historian Wendy Mitchison, one of the authors, included the story about the lawsuit in a discussion about professional Black women and their experiences with discrimination.[25] Mitchinson learned about the case from Gloria's daughter Françoise. In a letter to Mitchinson, Gloria

help shaped her own biography by providing background information as opposed to simply writing about the case. She told Mitchinson, "My first job at age 16 was a teacher at a private school. I sued my employer for wages owed to me and he settled out of court."[26] Gloria was keen to underscore how, despite her socialization as a young girl, that is, being raised in a culture where "young girls were to be seen and not heard," she was unencumbered by such cultural dictates. Even as a teenager, Gloria held particular convictions about injustice and was unafraid to seek a remedy regardless of her age and the gendered and cultural norms of the Caribbean. Gloria's decision to include information about the lawsuit in the letter was intended to offer some context for her reaction to and involvement in *Her Majesty v. Hilton* decades later. The information also allows for a more holistic view of Gloria. The extent to which Gloria facilitated her migration to Britain is further indicative of her ingenuity and fearlessness, characteristics her husband recognized.

Figure 1: A young Gloria, nursing in England
(Courtesy of Francoise Baylis)

Migration, Motherhood, and Work

In 1947, after seeing an advertisement in a British paperback looking for volunteers to train as nurses, Gloria applied to the Kingston General Hospital in London without telling her mother. According to her husband, Richard,

> She colluded with the postman to deliver any letters from England directly to her. She did not tell her mother until her acceptance was a fait accompli at which point face saving demanded that they send her. Imagine going from little Barbados, sea voyage of course, landing in Plymouth and discovering that you had to take a train to London. But she was a brave person and she coped.[27]

Gloria was among the mass exodus of Caribbean people travelling to the "Motherland" to help alleviate the post–World War II labour shortage. As British subjects, Caribbean migrants had the legal right to settle and work in England. In 1951, Gloria graduated from Kingston General Hospital, England, with her State Registered Nurse (SRN) credentials as well as a certificate in midwifery. In 1952, she migrated to Canada. Given the exploitative nature of the nursing apprenticeship system in England, Françoise explained how her mother, upon receiving her first paycheck, was shocked that she had extra funds available. Apparently Gloria kissed the ground and said she would never leave Canada.

Gloria met Richard, a British citizen, in 1955. The couple married in 1956 and had their first child in 1960. Unfortunately, the baby passed away a month later. According to Françoise, her mother disagreed with the official medical reason around her daughter's death, which was damage to the brainstem probably caused by forceps during delivery. According to Françoise, "When my mom spoke about this [referring to the baby's death] she said the baby was in the birth canal too long."[28] In evaluating her daughter's death, Gloria drew on her expertise and qualifications as a trained midwife and developed a counter-narrative – protracted labour – that deviated from the physician's explanation.

Before starting a family, Gloria worked at the Montreal General Hospital from 1954 to 1957 as a senior Operating Room (OR) nurse. While she might not have had any formal supervisory positions, Gloria acted in that capacity. Her husband Richard noted that she "took an active part in [Montreal General Hospital's] move to a new location."[29] Gloria was also an OR Instructor at Hotel Dieu Hospital. In light of Black women's exclusion from nursing, one might wonder about Gloria's being an instructor, or her role in the Montreal General Hospital's move. In addition to Gloria's own constitution, it is more than likely that she was the only Black RN on staff. Indeed, some Black nurses attest to the fact that, when there

is only one Black nurse as opposed to multiple in the workplace, gendered racism is sometimes tempered.

Gloria's application for the permanent part-time position at the QEH allows for some conjecture about how she navigated career and motherhood. Even as more women were entering the workforce during the period under discussion, vestiges of the gender ideology concerning marriage and motherhood persisted, and especially in Quebec given the influence of Catholicism. Regardless of geographic location, middle-class white nurses in particular were expected to prioritize their families; thus, it was common for them to leave the workforce entirely upon marrying. Gloria, however, continued her employment, even if sporadically; she worked for one year at the Reddy Memorial Hospital, citing pregnancy as the reason for leaving. She resumed work in 1961 at the Hotel Deiu Hospital for nine months and left again because of pregnancy. In 1963, Gloria worked as holiday relief nurse, again at the Hotel Dieu.[30] Indeed, her intermittent employment record suggests that, like her mother Antoinette, she prioritized her family and wanted to raise her children – but to forego her nursing career entirely was not an option. According to her son Frank, Gloria loved nursing. He recalled,

> Our mother loved nursing. She was always happiest when she was inside a hospital. She had a natural healing presence which allowed her to positively impact patients, calm them when they were afraid, give them courage to face their medical challenges, and always lift their spirits. Some of her most cherished memories were of her work in the operating room, assisting physicians. She loved being in the thick of things when there was a challenging case.[31]

Frank's description of his mother speaks to the gendered characteristics often associated with nurses, which are thought to be natural and intrinsic. That Gloria's best recollections of her nursing career were in the OR, a fast-paced, stressful, and challenging environment, provides additional clues to her disposition. In intersectionality, identity is often theorized and analyzed in relation to race, class, gender, religion, and sexuality. Yet other identities such as a professional identity for nurses, and in some cases motherhood, may be equally or more salient for Black women. Considering these other forms of identity is one way to expand the parameters of intersectionality.

With some exceptions, in writing Black Canadian women's history, there has been a tendency to explore Black women's subjectivity primarily as workers without a past or a history. As illustrated thus far, Gloria's subjectivity was informed and shaped by her early socialization in colonial Barbados. Her family's socio-economic status (class) afforded her educational opportunities and the ability to migrate. Gendered norms and expectations undoubtedly played a role in Gloria's choice of occupation, area of nursing specialization, and decision to marry and have children. No matter the inclination to view nursing and motherhood as inherently embodying certain characteristics, they too are socially constructed. While attention is paid to gender in nursing, its manifestation is often unspecified in some scenarios, and certain themes are ignored or downplayed as if they have had no role in shaping Black women's subjectivity and identity. The intersection of race and gender with professional identity and motherhood exemplified in Gloria's explanation of her daughter's death is one example. Moreover, the fact that Gloria was an SRN with midwifery training requires us to move beyond the proclivity to present Black practitioners as a monolithic group, often on the lower echelons of the nursing hierarchy, with an emphasis on racism as the only form of oppression they face. Indeed, the goal here is to incorporate other social categories and to interrogate how they might be used to ignore difference among difference. Structures and institutions also contribute to how identities are forged and oppression is experienced, as Gloria's involvement as the principal witness in *Her Majesty v. Hilton* demonstrates.

Gloria and the QEH

By the time Gloria's children were three and a half and two and a half years old, she was ready to re-enter the workforce permanently, albeit part-time. As it turned out, Gloria's friend and Françoise's godmother Pauline Tisseur had seen an advertisement in the *Montreal Gazette* for a full- and part-time bilingual graduate nurse at the QEH, and shared the information with her. On 2 September 1964, Gloria went to the hotel to apply for the permanent part-time position, which included "excellent working conditions, good salary and fringe benefits."[32] It is understandable why Gloria found the position attractive, as it would have allowed her to balance work and family. Once she returned home, Gloria spoke to Pauline about her trip to QEH, informing her that the positions were unavailable. Tisseur then explained that it was

impossible for the jobs to be filled because "she had an appointment to see [Dr. Schock] on the Friday, 4 September."[33] Suspicious, Gloria called the hotel's personnel department and inquired about the positions, specifically asking, "Could you tell me if the two jobs advertised in the *Gazette* had been filled?" She was told "no." Gloria repeated the question and asked, "If I came down could I make an application for these jobs?" and was told "yes."[34]

In the letter to Mitchinson about the lawsuit, Gloria wrote, "I was indignant and angry and planned to go down to see the man (in the vernacular) [*sic*] to 'give him a cussing out.'"[35] Richard also confirmed that his wife was "hopping mad" and intended to confront the person responsible for the misinformation. While on her way to "have it out with the QEH," Gloria met a friend who was a member of the NCA on the bus.[36] Donald Moore founded the NCA in 1951 in Toronto. The organization sought to challenge immigration policies that systematically denied Caribbean people legal entry to Canada. The NCA played a critical role in assisting nurses and students whose applications were rejected by Citizenship and Immigration Canada.[37]

Richard recalled that "they [the NCA] had been looking for a case of discrimination . . . to contest in the courts."[38] Gloria's friend dissuaded her from following through with the trip to the QEH, and convinced her to contact the NCA instead.

Gloria recounted the exchange that occurred at the QEH to Mr. Charles Milton Hoggs, Secretary of the NCA. On 3 September, Hoggs called the QEH to inquire whether the two positions were still available, and was told they were. For too long, Blacks in Montreal had faced discrimination, regardless of experience and skills, but there was no law prohibiting such practices. With respect to nurses, for example, historian James W.St.G. Walker maintains that "Montreal hospitals would not train or employ Black nurses for, as one priest explained, 'les malades ne voudront certainement pas recevoir les soins d'une noire.'"[39] Instead of defying racial stereotypes as a person of faith, the priest in question relied on the common excuse used to refuse Black students admission to nurse training. With the new legislation, the hope was that it would remedy discriminatory practices. The next step was to contact the Commission to investigate the allegations of discrimination by the QEH.

The Commission then contacted Gloria requesting that she complete and sign a questionnaire as required by section 5 of the Act. Once a complaint is verified, "failing settlement, the Commission,

itself or through one of its members or a person appointed by it, may investigate any complaint with all the powers immunities and privileges of the commissioners appointed under the Public Inquiry Commission Act."[40] In addition to Gloria's official complaint, separate statements from Hoggs and Tisseur were also collected. Following a preliminary investigation, the Commission determined that the Crown could pursue the case. Gloria, however, objected to the Crown-appointed attorney. According to Richard, "the Quebec lawyer was hopeless and so Gloria told the Association that she would not continue with the case unless she had better representation so the Association got in touch with [Gerald N.F.] Charness."[41] Charness had an impressive resume. He graduated from McGill University with BA and BCL degrees in 1952 and 1955, respectively. In 1956, Charness was called to the Quebec bar. In addition to working at the law firm he founded, Charness was a member of the board of directors of the Negro Community Center, the Joint National Committee on Public Relations of Canadian Jewish Congress, and B'Nai B'Rith. In 1960, Charness was elected to Montreal's city council. As a Jew, Charness was mostly likely aware of the activism of Montreal's chapter of the Jewish Labour Committee.[42] He was also interested in human rights issues, as is evident in his membership in the above organizations, and his response to and critique of the Act.

Satisfied with Charness, Gloria appeared in the New Court House at Montreal before Judge Marcel Gaboury on 26 March 1965. She was following in a tradition of a few courageous Black plaintiffs who used the courts to challenge racism despite, as Esmeralda Thornhill and others have pointed out, the law's complicity in their oppression.[43] Gloria's participation in *Her Majesty v. Hilton* unsettles the normalization and myth of Canada as a race-less and conveniently colour-blind society. Furthermore, the case also provides a window into Quebec, "a nation within a nation" that revelled in its minority status, a situation similar to that of Blacks elsewhere, but that refused to acknowledge those in its midst. David Austin explains how, during the Quiet Revolution, Quebec's position as "national minority living in the economic and cultural shadow of English Canada and the U.S." led to the development of what he refers to as "a peculiar reading of French Quebecers as 'nègres,' a word translated as both 'Niggers' and 'Negroes.'" French Quebecers, he argued, ignored the material lived reality of "Quebec's small but increasingly vocal Black population."[44] *Her Majesty v. Hilton* further captures the nuances

and dynamism of intersectionality in relation to Gloria's subjectivity and identity during the court proceedings in the context of Quebec, where the French language is an important dimension of nationality.

The Pre-trial and Trial

In addition to Gloria, three additional witnesses, Milton Hoggs, Pauline Tisseur, and the personnel manager of the QEH, Mr. Hoermann, provided information about the events that led to a trial. Following an assessment of the material, the Defence asked to throw out the case due to a lack of evidence because the position had already been filled. The lawyer explained,

> The Accused submits, my Lord, that at the time Mrs. Baylis, according to the facts, attended the Queen Elizabeth Hotel, there was no position available for part-time. Therefore we respectfully submit that the Crown has not successfully presented its case, and we ask Your Lordship that the case be dismissed.[45]

Judge Gaboury disagreed with the Defence and the trial reconvened on 1 April 1965.

The judge's description of Gloria is conceptually significant, but if the emphasis is one or two social categories, then other differences could be obscured or overlooked. The judge noted, "In answer to the advertisement, the said Mrs. Baylis, a Negro bilingual nurse, fully qualified like all other applicants, presented herself at the Queen Elizabeth Hotel in Montreal."[46] In this brief introduction, the Court learned about Gloria's marital status, race, and language proficiency. Equally important, she met the requisite qualifications for employment at the QEH. What might be inferred further from Judge Gaboury's description of Gloria? That Gloria was married, a clear marker of respectability, and belonged to a noble profession were both undoubtedly forms of social capital important in terms of her identity. Yet her marital status and occupation are highly related to gender and to how it co-constructs with race and class. The aforementioned demands further interrogation in terms of writing Black women's history, even if on occasions some markers of identity do not lend themselves to the same analytical potency. While Gloria's marital status was important, her qualifications as a nurse emerged as more salient during the initial Court proceedings.

Arthur Bovin, Gloria's other lawyer, asked whether she showed her nursing license when she went to the hotel as a way to establish her qualifications for the position. He also asked if Gloria had "any certificate here [meaning Quebec] establishing her qualifications as a nurse."[47] Gloria produced her license, a tangible and legitimate document entered into evidence as Exhibit P, and confirmed her employment at the time of the trial. On the surface, qualifications appear self-explanatory, either Gloria has them or not; no interrogation of their merits are necessary. Yet qualifications are also about social class. Gloria's middle-class upbringing facilitated her migration to pursue a nursing career and her graduation with an SRN diploma and a certificate in midwifery. Her formal qualifications coupled with job experience led to consistent employment in a number of hospitals. Even as scholars insist on historicizing social categories to reveal their fluidity, their manifestations are assumed and familiar. Unpacking and exposing qualifications and their connection to social class ought to reveal intra-racial inequality for Black women such as Gloria, whose reality was shaped by multiple dimensions of difference. While Gloria's nursing qualifications appeared inconsequential, her language capabilities were called into question.

More attention to how language intersects with other markers of difference is needed in intersectionality studies, especially because language acts as barrier for some groups of women. In terms of Quebec, the French language is an important dimension of its cultural and national identity, and implementing a range of efforts to ensure its preservation has been a consistent mission. Following the Quiet Revolution, for example, governments promoted the idea of "French in the workplace."[48] Language, Dickinson and Young note, "powered the mainstream nationalist movement."[49] This backdrop of language angst, and concerns of Francophone assimilation, might explain why Gloria's ability to speak French emerged in the case. Although the key social category in this case is race, the questions posed to Gloria by Mr. Guay, the attorney for Hilton of Canada, illuminates the intersection of gender, race, and language. The following exchange occurred between Guay and Gloria:

Q: In your interview with Mr. Hoermann what language was used completely?
A: I wouldn't say I had an interview but the language was spoken in English.

Q: Exclusively?
A: Exclusively Sir.[50]

Following the above questions by the attorney for the defendant, Charness then asked Gloria a series of questions about her employment history with the intent to demonstrate to the court that she was, in fact, bilingual.

Q: Where are you are presently working?
A: At the Catherine Booth Hospital.

Q: And how long is your period of employment there?
A: Minimum of two years.

Q: Then for the next two years you are sure of your employment there – is that correct?
A: Positive.

Q: In what language were you working there?
A: French.

Q: That was the language ordinarily carried on during the day?
A: Sure.

Q: Did you have any other French language employment?
A: I had worked at the Hotel Dieu for approximately three years at different periods, always in French.[51]

Charness also asked Gloria whether Hoermann had communicated to her in French, to which she replied "No."[52]

Again, *Her Majesty v. Hilton* had race at its core; still it was important for Charness to establish Gloria's linguistic proficiency, and to demonstrate that her employment was contingent on her ability to speak French. To disprove Gloria's claims of racial discrimination, however, the Defence privileged language as a social category.

When Mr. Hoermann was questioned by the Defence, Charness noted that "she [referring to Gloria] had heard Mr. Hoermann say in open court that her French was inadequate with its implication that although this is not the reason that she was told that the position was filled, nonetheless, that this might have gone against her."[53] Pointing out that Gloria's French was questionable was one way to signal that she did not belong at the hotel and by extension in Quebec. This

moment in the trial reveals how, in some occurrences, certain kinds of differences can "literally come together, but they might also be decoupled at certain points, for certain purposes."[54] In other words, differences, even as they mutually co-construct each other, do not always "work" in the same way; they can be symmetrical, or one can be more salient. Language was decoupled from race, underscoring the nuances of intersectionality, both materially and discursively.

Even as *Her Majesty v. Hilton* was about race, the intrusion of the category language in the Court proceedings shifted the direction of the proceedings. In that particular moment, the specificity of Gloria's discrimination was based on her being a Black bilingual nurse. She belonged to multiple groups of social differentiation even if unacknowledged. Unlike discrimination cases of the past where, according to Canadian legal scholar Constance Backhouse, race was often downplayed, this was not the case in *Her Majesty v. Hilton*. Even if the Defence introduced the idea that Gloria's French was inadequate, it was incumbent on the Crown to prove that the QEH discriminated against Gloria because she was Black, as opposed to her being "A Negro bilingual nurse." Because the Act does not allow for intersecting identities, only a single axis – namely race – was privileged in this case even though, in nursing, gender matters.

For the Crown, "proof of race was of course necessary since the accusation was racial discrimination" and only Gloria could testify and confirm that she was, in fact, a Negro.[55] When the prosecution called Tisseur, Gloria's white Francophone friend to the stand, her testimony included an acknowledgement that her friend Gloria was a Negro. According to Stewart Nebbs, a reporter, Tisseur's pronouncement caused a "welter of protests which was brought to an abrupt halt by Judge Gaboury who said, 'Mrs. Baylis is here and she will be proud to take the stand and say so.'"[56] Charness explained how "one of the most dramatic moments of the trial took place when Mrs. Baylis stood up in the witness stand and in answer to a question by me said proudly, 'I'm a Negro.'" What caused the "welter of protest"? Gaboury had already identified Gloria as a "Negro bilingual nurse," and Gloria had testified about her qualifications. If the audience was consistent throughout the trial, which began on 23 March and concluded on 15 June 1965, it would be impossible for members of the courtroom to be shocked by Gloria's presence, or the use of the term Negro. Still it is worth considering the reason for the "welter of protest." Is it possible that Tisseur's identification of her friend as "Negro" was the cause? Alternatively, up until that

moment, the reason behind the court case had been prematurely discussed, and Tisseur, by boldly describing Gloria as "Negro," was stating the core issue. In what was undoubtedly a predominantly white majority male environment, Gloria affirmed her identity as Black, the only form of identity the legal system allowed. Intersectionality is more than a theory of identity; it is concerned with how systems and institutions produce and maintain social inequalities. By agreeing to participate in *Her Majesty v. Hilton*, Gloria and the NCA used the judicial system to challenge the hotel's racism.

Verdict and Significance

Weighing the evidence presented, Judge Gaboury ruled that Hilton of Canada violated the Act Respecting Discrimination. Based on the investigation conducted by the Commission, coupled with testimony by Miss Planté and other witnesses, who remained race-less during the entire proceeding, the judge ruled "that one Miss Planté had already, and much before the second of September, been hired as a part-time nurse by Dr. Schock, the hotel doctor."[57] Consequently, he surmised,

> This would place Mrs. Baylis . . . in the same boat as all the other 23 applicants – whether part-time or for full-time in particular makes no difference. If there had been discrimination in the dictionary sense of the word by the previous hiring of Miss Planté, all the applicants had been treated in the same way, and the discrimination against Mrs. Baylis was the same as others and not on account of her race, and colour.[58]

Because the positions were unavailable, Gaboury opined that Gloria shared the same experience of rejection as the other nurses. Gaboury, however, ruled that during the application procedure Gloria was treated differently than the other applicants. Except for Gloria, all the other nurses had been referred to the medical doctor. The judge explained his decision:

> There is no doubt that if Mrs. Baylis had been treated exactly the same way as all the other 23 applicants we could hold that she had been discriminated against like all other applicants in the lexicon sense of the word "discrimination," but in view of the fact that, unlike all other applicants, her application was not endorsed, was not referred to Dr. Schock, and she was not asked to interview with Dr. Schock on the Friday, was treated differently from the rest. She was therefore, discriminated

> against, according to the terms of the Act on Discrimination in Employment, on account of her race and colour, in the opinion of the court.[59]

In terms of penalty, the Act stipulated the following: "Every person who infringes this act shall be liable, on summary proceeding, to a fine of twenty-five to one hundred dollars or, in the case of an employer's association or an association of employees, to a fine of one hundred to one thousand dollars."[60] Hilton of Canada was fined the minimum amount of $25 and associated costs. Despite the small fine, the case was relevant to the Black community in light of the larger issue of anti-discrimination legislation.

In writing about the case, Dr. Dorothy Wills, past secretary of the NCA, harkens back to a period before the Quebec Human Rights Commission and the Committee for Research Action on Racial Relations (CRARR). Until *Her Majesty v. Hilton*, Black Montrealers who experienced rampant discrimination kept quiet for fear of reprisal. According to Wills, "few were willing to come forward to have their experience documented in order to build the case for the institution of legislation to combat those areas of prejudice and discrimination, in Housing and Employment."[61] Gloria's courage to pursue litigation against the QEH meant, according to Wills, that "people were not as [intimidated] to come forward with their discriminatory experiences."[62] It is worth mentioning again Gloria's lawsuit at the age of 16 as evidence of a legal consciousness and later the development of a racial consciousness – the recognition that *Her Majesty v. Hilton* would benefit a larger constituency, beyond the individual. It bears repeating that until the 1964 Act, there was no mechanism for redress for Black Montrealers.

Of course, Blacks outside of Quebec would surely benefit from the case, as expressed by the *Oracle*, a Black newspaper:

> Despite the leniency of the sentence imposed on the hotel the outcome of the case represents a moral victory for Black people, especially at a time when racism seems to grow more rampant every day. The court, by acting as it did, has shown that the institutions of our society can play a positive role in combatting the cancer of racism.[63]

The author of the *Oracle* article, Gloria, and the NAC viewed the Court has having the capacity and power to create social change or else maintain the status quo.

In addition to empowering Black Montrealers to bring attention to discriminatory practices, the Court established jurisprudence by finding Hilton of Canada guilty of employment discrimination, which undoubtedly shaped future legislation such as the Quebec Charter of Human Rights and Freedoms. There is much to learn from the case as it relates to Gloria's positionality, and Gaboury's sentiments about Canada. Furthermore, the appeal by Hilton of Canada presents several legal contentions, especially in relation to how human rights cases are adjudicated.

Questions, Evocations, and Possibilities

On the stand, Gloria testified, "I was seen by the Personnel Manager who took my application form and immediately looked at me and said 'I'm sorry the job is filled.'"[64] To avoid a presumption of discrimination, the above interaction appeared to have no bearing on the judge's ruling, especially since the other 23 applicants were not hired. Is Gloria's distinct claim of racial discrimination nullified because the other nurses were not hired? In other words, is the refusal to hire any of the other 23 nurses proof that Hoermann did not discriminate against Gloria, especially when set against the backdrop of Black peoples' experience with discrimination? Russell Gilliece, a reporter, pointed out that "the Queen Elizabeth Hotel had no Negroes on its payroll since last Oct 1," which would have been a month after Gloria attempted to seek employment.[65] The fact is that, unlike the 23 presumably white applicants (if names are any indication of identity), Gloria was the only nurse told that the position was filled. The erasure of, or refusal to identify, the race of the 23 nurses is the unspoken hegemonic representation of whiteness as norm.

Crenshaw maintains that sometimes Black women face experiences of discrimination similar to those of white women, but insists that their experience can be differentiated based on the intersection of race and gender. The construction of the nurse embodies the nexus of femininity and respectability, which is linked to whiteness, a social category erased in the courtroom. The other nurses' racial identity was inconsequential; only Gloria was raced. The reasons used to justify prohibiting Black women from training as nurses is as much about gender as it is about race, evidenced by the fear of their presence and of their hands on white bodies. In addition to unpacking the simultaneous modes of difference in nursing, the Canadian

nation, including Quebec, ought to be included in intersectionality as "an organizing dimension of difference and inequality."[66]

The presentation of Canadian exceptionalism in Gaboury's judgment is worth juxtaposing against the response by Wills and the editorial in the *Oracle* about the significance of the case for Black Canadians. The nation, they imply, is complicit in Black people's oppression. Charness noted that the trial closed with a ringing declaration from the judge: "In Canada, there has existed, and continues to exist equality of opportunity without discrimination, by reason of race, national origin, religion or sex."[67] Gaboury's liberal view of Canada is perhaps why he presented *Her Majesty v. Hilton* as a regrettable occurrence. In summarizing the case, Gaboury explained how "Hilton Canada is compromised only by the acts of one of its minor employees, Mr. Hoermann, who took on the personal responsibility of showing discrimination towards the complainant, regardless of what the general policy of Hilton may be."[68] For the judge, racism and its concomitant ideologies are an individual problem as opposed to an organizing principle in Canada, a white settler nation legitimized and reinforced by institutions such as the QEH and nursing. By eschewing and leaving unaddressed how institutionalized and systemic forms of oppression operate to constrain and limit based on race and other social categories identified by the Act, the Court as a regime of power interprets and constructs how racism is understood, experienced, and lived by the people most affected.

By framing Gloria's experience as unique, the intricacies of *Her Majesty v. Hilton* are subsumed in favour of scripts that project or portray Canada as a safe haven and democratic society. Given that the law is hardly neutral, and neither are the people who interpret and apply it, would Gaboury's view of the nation be different if he were aware of cases that dealt with discrimination in Montreal such as *York v. Christie*, even if they were unrelated to employment?[69] The *Hilton v. Canada* appeal raises a number of additional questions beyond the scope of this paper that might be of interest to legal scholars.

As mentioned earlier, statutes existed at the provincial level prohibiting discrimination in employment and dating back as far as 1931, when British Columbia, for example, "introduced the *Unemployment Relief Act* in 1931 to distribute relief during the Depression."[70] Scholars have pointed out the limitation of some of these statutes, a viewpoint that Charness also shared in terms of the Act. For example, Ontario enacted a discrimination law in 1944 but,

as Mosher points out, "it did not deal directly with issues of access to employment."[71] In his deliberation, Judge Gaboury was concerned that there were no precedents or established guidelines. Until Gloria, no one had taken a case to court based on employment discrimination.[72] Here, Judge Gaboury explained one challenge relating to the case: "this Court has weighed the evidence in this case and with all sincerity and circumspection at its command, for the reason that it has, for the first time, to interpret a Statute which orders people not only to behave in a certain way but to think in a certain way."[73] At the heart of Gaboury's statement is the ongoing debate about whether people's behaviour can be legislated. In addition, the judge acknowledged another concern, namely the difficulty of adjudicating a case where no legal precedent has been set.

Hilton of Canada's appeal to Quebec's Superior Court also reveals a number of other judicial concerns, namely the constitutionality of the case. One of the many reasons for the appeal against Gaboury's judgment was outlined as follows:

> That the said Act, upon which charge and conviction against the Plaintiff is based, is *ultra vires* the Legislature of the Province and is unconstitutional, null and of no effect since it purports to create an offence of racial discrimination which is essentially and inherently a matter of criminal law, . . . and thus within the exclusive jurisdiction of the Parliament of Canada, and consequently the conviction against the plaintiff is illegal.[74]

The plaintiff was concerned with how the statute attacked race discrimination, with a court prosecution and a fine, and whether administering the penalty was the purview of the provincial or federal governments.[75] A question that is still debatable is whether civil rights issues were mainly the domain of the provincial or federal government, and which was the best body to adjudicate human rights cases. Alternatively, is there a role for tribunals, individual lay people, or communities?

Connected to the question of jurisdiction, another raison d'être for the appeal relates to how Judge Gaboury interpreted the Act. According to the plaintiff, "the representatives of the Minimum Wage Commission, by their own admission at the trial, did not endeavor to effect a settlement, which is mandatory under the terms of Article 5 of the Statute."[76] Consequently, the plaintiff argued, "the information in the present case was brought prematurely and

illegally, and the learned trial judge was without jurisdiction to proceed with it."[77] Appropriate redress and remedies, the latitude to determine compensation for victims of discrimination, is important. While Charness believed that negative publicity would "have a marked therapeutic effect on the employment practices in Canada," serving as a deterrent, he added that "publicity is no guarantee."[78] Charness proposed that "serious thought be given to increasing the penalty to maximum of $1000, and increasing beyond that in the case of offences by the same employer."[79]

Figure 2: Gloria Clarke Baylis
(Courtesy of Francoise Baylis)

Given that *Her Majesty v. Hilton* was never published, and that Wills's conjecture that it had a positive impact on Black Montrealers has yet to be substantiated, could a settlement, which might have meant no admission of guilt by Hilton of Canada, have been a viable option? The answer is at best speculative but worth considering. Hilton of Canada repeatedly appealed Gaboury's ruling, which subsequently made its way to the Quebec Court of Appeal. In 1977 (11 years later), the Quebec Court upheld the initial conviction, a fine of $25 and related costs.

Conclusion

As a theoretical framework, intersectionality considers social identities (race, class, gender, sexuality), and how they intersect and are constitutive of power relations. For the purpose of this article, I expanded intersectionality to include or underscore other vectors such as language and the nation. I also made attempts to highlight the specificity of social categories, such as gender, race, and class, beyond a mere acknowledgement that these categories matter. Nursing, for example, relied on notions of gender and race, including whiteness, albeit unnamed, to exclude prospective Black students from entering nursing schools regardless of their qualifications. The anxiety surrounding Black women touching and being in close proximity to whiteness was also about femininity, which ostensibly differed among white nurses.

While intersectionality is concerned with social identities, power relations, and the role of institutions in producing and sustaining hierarchical relations, there is also a concern about knowledge production. The omission of race, class, sexuality, and other social categories often reinforces the experiences of normative subjects. The goal then is to unearth and make visible the narratives of marginalized subjects such as Gloria as integral to Canada's and Quebec's history. This is particularly significant given the near absence of Black women across various disciplines, and the very few scholarly articles on Black women in Quebec. It is striking that the Black nurse at the centre of Canada's first discrimination in employment case appears only in a paragraph in one book, as an unnamed and faceless woman in *The Canadian Nurse*, and in brief mentions on the Internet.

In the letter to Mitchinson, Gloria wrote, "although I do not consider myself to be a 'Woman's libber,' I have always been independent."[80]

This response is hardly unusual given that Black women might not identify as such even while supporting feminist principles. Gloria's actions are in many ways feminist. She recognized the injustice and also the larger implications of the case for Black Canadians. Like Viola Desmond before her, Gloria was willing to bear witness in the halls of justice without fear of repercussion, and her actions sent a strong message about inequality, a goal that is still relevant today.

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Notes

1. Virginia A. Lindabury, editorial, *The Canadian Nurse* 62 (1966): 3.
2. *An Act Respecting Discrimination in Employment*, S.Q. 1964, C-46.
3. Thanks to Philip Girard for underscoring the distinction between the Act and other provincial statutes.
4. Sarah-Jane Mathieu, *North of the Color Line: Migration and Black Resistance in Canada, 1870–1955* (North Carolina: University of North Carolina Press, 2010), 211; Charness, one of Gloria's lawyers, described the Act as the "first piece of legislation in this country which specifically defines discrimination." Gerald N.F. Charness, "Racial Discrimination in Employment: Canada's First Case" (unpublished, private collection, c. 1965).
5. *Act Respecting Discrimination in Employment*, 964.
6. Complaint to the Minimum Wage Commission, Quebec, 30 September 1964.

7. Devon, W. Carbado, "Colorblind Intersectionality," *Signs: Journal of Women in Culture and Society* 38 (2013): 811–45, 817, https://doi.org/10.1086/669666.
8. Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43 (1991): 1241–99, 1244, https://doi.org/10.2307/1229039.
9. Crenshaw, "Mapping the Margins," 1244.
10. Patricia Hill Collins, "It's All in the Family: Intersection of Gender, Race, and Nation," *Hypatia* 13 (1998): 62–68.
11. Karen Flynn, "Black Canadian Feminist Theorizing: Possibilities and Prospects", *CLR James Journal* 20 (2014): 179–93, 180.
12. "Do Canadians Agree on Racial Equality? Three Negro Nurses Discuss Prejudice and Discrimination in Canada," *The Canadian Nurse* 62 (1966): 49–51; Lindabury, editorial.
13. Lindabury, editorial.
14. "Do Canadians Agree on Racial Equality?," 50.
15. See, for example, Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900–1950* (Toronto: University of Toronto Press, 1999); and Graham Reynolds and Wanda Robinson, *Viola Desmond's Canada: A History of Blacks and Racial Segregation in the Promised Land* (Black Point, NS: Fernwood Publishing, 2016).
16. Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis: University of Minnesota, 1993).
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18. McPherson, *Bedside Matters*, 118.
19. McPherson, 34.
20. Susan Gelfand Malka, *Daring to Care: American Nursing and Second-Wave Feminism* (Urbana: University of Illinois Press, 2007), 43.
21. Karen Flynn, *Moving Beyond Borders: A History of Black Canadian and Caribbean Women in the Disaspora* (Toronto: University of Toronto Press, 2011), 19.
22. Reynolds and Robinson, *Viola Desmond's Canada*, 164.
23. Reynolds and Robinson, 164.
24. Reynolds and Robinson, 164.
25. Alison Prentice, Paula Bourne, Beth Light, Wendy Mitchinson, Gail Cuthbert Brandt, and Naomi Black, *Canadian Women: A History*, 2nd ed. (Toronto: Harcourt Brace Canada, 1996), 360.
26. Letter from Gloria Baylis to Wendy Mitchinson, 11 March 1994.
27. Richard Baylis, email message to author, 20 May 2017.
28. Richard Baylis, email message to author, 22 May 2017.
29. Richard Baylis, email message to author, 19 May 2017.
30. The Queen Elizabeth Hotel: Application for Employment, 2 September 1964.

31. Frank Baylis, email message to author, 22 May 2017.
32. Charness, "Racial Discrimination in Employment," 27.
33. Complaint to the Minimum Wage Commission, 30 September 1964.
34. Court of Sessions, Presiding: Hon. Judge Marcel Gaboury, Quebec, no. 2716, 4 October 1965, *Her Majesty the Queen, Complainant v. Hilton of Canada Ltd., Accused*, 10.
35. Letter from Baylis to Mitchinson.
36. Richard Baylis, email message to author, 22 May 2017.
37. Donald Moore and the NCA came to the aid of Jamaican-born Beatrice Massop by helping her to secure her registration with the Registered Nursing Association of Ontario (RNAO) and employment at Mount Sinai Hospital; the application was rejected by Canadian Immigration. She later appealed and was successful.
38. Richard Baylis, email message to author, 19 May 2017.
39. James W.St.G. Walker, *"Race," Rights and the Law in the Supreme Court of Canada: Historical Case* (Waterloo, ON: Osgoode Society for Canadian Legal History, 1997), 140.
40. Commission du salaire minimum, Quebec, 23 September 1964.
41. Richard Baylis, email message to author, 17 May 2017.
42. According to Dominique Clément, Quebec Governments were reluctant to pass anti-discrimination laws. It was the lobbying efforts of the Jewish Labour Committee and the support of a range of other organizations, including the United Council for Human Rights and the Quebec Federation of Labour, that led to the enactment of the Act Respecting Discrimination in Employment 1964. Dominique Clément, *Equality Deferred: Sex Discrimination and British Columbia's Human Rights State, 1953–1984* (Vancouver: University of *British Columbia Press*, 2015).
43. Esmeralda M.A. Thornhill, "So Seldom for Us, So Often against Us: Blacks and the Law in Canada," *Journal of Black Studies* 38 (2008): 321–37; Barrington Walker, ed., *The African Canadian Legal Odyssey: Historical Essays* (Toronto: University of Toronto Press, 2012).
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45. Court of Sessions, 15.
46. Court of Sessions, 8.
47. Court of Sessions, 9.
48. John Dickinson and Brian Young, *A Short History of Quebec*, 4th ed. (Montreal: McGill-Queen's University Press, 2008), 316.
49. Dickinson and Young, *A Short History of Quebec*, 322.
50. Court of Sessions, 14.
51. Court of Sessions, 14.

52. Court of Sessions, 14.
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54. Suki Ali, Heidi Mirza, Ann Phoenix, and Jessica Ringrose, "Intersectionality, Black British Feminism and Resistance in Education: A Roundtable Discussion," *Gender and Education* 22 (2010): 647–661, 652.
55. Charness, "Racial Discrimination in Employment," 29.
56. Stewart Nebbs, "Charge Hotel Discriminated: Nurse Proud of Race Judge Tells Protestors," *Montreal Star*, 2 April 1965.
57. Court of Sessions, 20.
58. Court of Sessions, 20.
59. Court of Sessions, 25.
60. *Act Respecting Discrimination in Employment*, 965.
61. Dorothy Wills, "The Prosecution of the Queen Elizabeth Hotel for Discrimination in Its Employment Practices," 11 February 2012, http://www.blackmontreal.com/commentary.htm (accessed 2 August 2018).
62. Wills, "The Prosecution."
63. "Queen Elizabeth Hotel Fined for Anti-Black Bias," *Oracle*, 3 February 1977, 7.
64. Court of Sessions, 9.
65. Russell Gilliece, "Charge of Discrimination Presented," *The Gazette* (Montreal), 13 April 1965.
66. Patrick R. Grzanka, ed., *Intersectionality: A Foundations and Frontiers Reader* (Boulder, CO: West View Press, 2014), 197.
67. Charness, "Racial Discrimination in Employment," 31–32.
68. Court of Sessions, 24.
69. Fred Christie sued York Tavern for damages of $200 under Quebec's Civil Code of Lower Canada for refusing to serve him and his friends. The trial judge found in Christie's favour and awarded him $25 in damages. Upon appeal, the majority members of Quebec Courts of King's Bench held that "in the absence of any specific law, a merchant or trader is free to carry on his business in the manner he conceives to be best for that business." See *Christie v. The York Corporation*, Judgments of the Supreme Court of Canada, https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/8489/index.do (accessed 10 August 2018); Philip Gerard, *Bora Laskin, Bringing Law to Life* (Toronto: University of Toronto Press, 2005), 117–18; and Eric M. Adams, "Errors of Fact and Law: Race, Space, and Hockey in Christie v. York," *University of Toronto Law Journal* 62 (2012): 463–97.
70. "Human Rights Law," Canada's Human Right's History, https://historyofrights.ca/history/human-rights-law/2/ (accessed 10 August 2018).

71. Clayton James Mosher, *Discrimination and Denial: Systemic Racism in Ontario's Legal and Criminal Justice Systems, 1892–1961* (Toronto: University of Toronto Press, 1998), 108.
72. Charness, "Racial Discrimination in Employment."
73. Court of Sessions, 16.
74. *Hilton of Canada Ltd., Plaintiff v. Judge M. Gaboury, et al., Defendant*, Superior Court, Province of Quebec, District of Montreal, 1966, 3–4.
75. Thanks to Constance Backhouse for explaining this section of the Appeal.
76. *Hilton of Canada Ltd., Plaintiff v. Judge M. Gaboury, et al.*, 3–4.
77. *Hilton of Canada Ltd., Plaintiff v. Judge M. Gaboury, et al.*, 3–4.
78. Charness, "Racial Discrimination in Employment," 34.
79. Charness, "Racial Discrimination in Employment," 34.
80. Letter from Baylis to Mitchinson.