

CONJUGAL UNIONS AND DISUNIONS IN QUEBEC: RESEARCH REPORT

Part I: Couples, Money and the Law

Hélène Belleau, Carmen Lavallée and Annabelle Seery

**Hélène Belleau,** Full Professor

June 2023

National Institute for Scientific Research  
Center Urbanisation Culture Société

CONJUGAL UNIONS AND DISUNIONS IN QUEBEC: RESEARCH REPORT

Part I: Couples, Money and the Law

Hélène Belleau, Carmen Lavallée and Annabelle Seery

INRS Urbanization Culture Society

[Helene.belleau@ucs.inrs.ca](mailto:Helene.belleau@ucs.inrs.ca)

**Carmen Lavallée,** Full Professor Faculty of   
Law, Université de Sherbrooke  
[Carmen.Lavallee@USherbrooke.ca](mailto:Carmen.Lavallee@USherbrooke.ca)

**Annabelle Seery**, Doctoral student in sociology

University of Montreal

[Annabelle.seery@umontreal.ca](mailto:Annabelle.seery@umontreal.ca)

Broadcasting:

National Institute of Scientific Research

Center - Urbanization Culture Society

385 Sherbrooke Street East

Montreal, Quebec H2X 1E3

|  |  |
| --- | --- |
| Phone: | (514) 499-4000 |
| Fax : | (514) 499-4065 |

[www.ucs.inrs.ca](http://www.ucs.inrs.ca)

Language editing: [name of proofreader] and if there are none

do not enter ["the author" or "the authors"].

ISBN 978-2-89575-453-4   
Legal deposit: - Bibliothèque et Archives nationales du Quebec, 2023

- Library and Archives Canada

All rights reserved

# Table of Contents

[Table of Contents v](#_Toc138237937)

[List of tables and figures vii](#_Toc138237938)

[Introduction 1](#_Toc138237939)

[Part 1: Background and Literature Review 3](#_Toc138237940)

[1.1. Recent developments in common-law unions and marriage in Quebec 3](#_Toc138237941)

[1.2. Paradoxes of Quebec law 5](#_Toc138237942)

[1.3. "Free choice" or the protection of more vulnerable spouses and their children 7](#_Toc138237943)

[1.4. Love, money and law: from discourse to conjugal practices 10](#_Toc138237944)

[1.5. Theoretical approach rooted in social reality 12](#_Toc138237945)

[Part 2: Survey methodology 14](#_Toc138237946)

[2.1. The sample 14](#_Toc138237949)

[2.2. Participation and response rates 15](#_Toc138237950)

[Part 3: Portrait of respondents 17](#_Toc138237954)

[3.1. Gender and age 17](#_Toc138237956)

[3.2. Marital status and duration of union 18](#_Toc138237957)

[3.3. Types of family 19](#_Toc138237958)

[3.4. Same-sex couples 20](#_Toc138237959)

[3.5. Schooling 20](#_Toc138237960)

[3.6. Respondent activity 21](#_Toc138237961)

[3.7. Respondents' annual income and household income 21](#_Toc138237962)

[3.8. Women's contribution to household income 24](#_Toc138237971)

[3.9. Geographical distribution of respondents 25](#_Toc138237972)

[3.10. Language and country of birth of respondents 27](#_Toc138237973)

[Part 4: Money management in couples 29](#_Toc138237974)

[4.1. Ways of managing money within couples 29](#_Toc138237976)

[4.2. Distribution of respondents in the various ways of managing money 30](#_Toc138237977)

[4.3. Money management systems and income differences between spouses 32](#_Toc138237978)

[4.4. Money management in stepfamilies 36](#_Toc138237979)

[4.5. Who has more personal expenses? 39](#_Toc138237980)

[4.6. Management systems in same-sex couples 41](#_Toc138237981)

[4.7. Moneywork 42](#_Toc138237982)

[4.8. Bank accounts and money management 45](#_Toc138237983)

[4.9. Evolution of money management systems 46](#_Toc138237984)

[Part 5: Common savings and debt 48](#_Toc138237985)

[5.1. Long-term savings for retirement 48](#_Toc138237987)

[5.2. Common debts (other than a mortgage) 53](#_Toc138237988)

[Part 6: Wills and other notarized documents 55](#_Toc138237989)

[6.1. How many couples have made a will? 55](#_Toc138237991)

[6.2. Who are the heirs? 58](#_Toc138237992)

[6.3. How many couples have made a cohabitation contract/agreement? 58](#_Toc138237993)

[6.4. An alternative hypothesis concerning cohabitation agreements/contracts 60](#_Toc138237994)

[6.5. To own or to rent a home? 62](#_Toc138237995)

[Part 7: Relationship to marriage and legal knowledge 65](#_Toc138237996)

[7.1. To marry or not, a complex question 65](#_Toc138237998)

[7.2. Legal knowledge 66](#_Toc138237999)

[7.3. Legal knowledge of those who do not wish to marry 70](#_Toc138238000)

[7.4. Sources of information on family law issues 71](#_Toc138238001)

[Conclusion 77](#_Toc138238002)

[Financial and contractual practices of couples 77](#_Toc138238003)

[Couples' discourse and knowledge of family law 79](#_Toc138238004)

[Bibliographic references 81](#_Toc138238005)

# List of tables and figures

[Table 1: Bank Accounts of Respondents Aged 25-50, Quebec 29](#_Toc133925046)

[Table 2: Distribution of Respondents by Age Group 30](#_Toc133925047)

[Table 3: Marital Status of Respondents 31](#_Toc133925048)

[Table 4: Types of Marriages Performed among Married Respondents 31](#_Toc133925049)

[Table 5: Family Types 33](#_Toc133925050)

[Table 6: Composition of Couples by Gender of Respondents 33](#_Toc133925051)

[Table 7 : Education Level of Respondents 34](#_Toc133925052)

[Table 8: Respondents' Occupation 34](#_Toc133925053)

[Table 9: Annual Income of Respondents 35](#_Toc133925054)

[Table 10: Spouse's Annual Income 35](#_Toc133925055)

[Table 11 : Annual Family Income 36](#_Toc133925056)

[Table 12: Subjective Assessment of Income Differences between Spouses 36](#_Toc133925057)

[Table 13: Women's Contribution to Household Income 37](#_Toc133925058)

[Table 14: Geographic Distribution of Respondents in Census Metropolitan Areas 38](#_Toc133925059)

[Table 15: Geographical Distribution of Respondents in Administrative Regions 39](#_Toc133925060)

[Table 16: Language Most Frequently Spoken at Home 41](#_Toc133925061)

[Table 17: Country of Birth of Respondents and their Spouses 41](#_Toc133925062)

[Table 18: Distribution of Respondents According to Four Money Management Systems 44](#_Toc133925063)

[Table 19: Distribution by Four Money management Systems by Status 44](#_Toc133925064)

[Table 20: Type of Money Management System by Annual Family Income 45](#_Toc133925065)

[Table 21: Money Management Systems According to Women's contribution 46](#_Toc133925066)

[Table 22: Money Management Systems by Women's Contribution to Household Income among Married Couples 48](#_Toc133925067)

[Table 23: Money Management Systems by Women's Contribution to Household Income among Common-Law Unions 49](#_Toc133925068)

[Table 24: Money Management Systems in Simple, Complex and Fertile Stepfamilies 50](#_Toc133925069)

[Table 25 :Who Pays for Children's Medication Expenses in Simple Stepfamilies? 51](#_Toc133925070)

[Table 26: Who Pays for Childcare Expenses in Simple Stepfamilies? 51](#_Toc133925071)

[Table 27: Who Pays for Children's Clothing Expenses in Simple Stepfamilies? 52](#_Toc133925072)

[Table 28: Who Makes the Most Personal Expenditures by Gender 52](#_Toc133925073)

[Table 29: Who Spends the Most on Personal Expenses by Money Management System 53](#_Toc133925074)

[Table 30: Male Respondents' Personal Expenditures by Women's Contribution to Household Income when Spouses Pool their Income 54](#_Toc133925075)

[Table 31: Female Respondents' Personal Expenses by Women's Contribution to Household Income when Spouses Pool Income 54](#_Toc133925076)

[Table 32: Money Management System in Same-Sex Couples 55](#_Toc133925077)

[Table 33: Money Management in Same-Sex Couples by 55](#_Toc133925078)

[Table 34: Who is Mainly Responsible for the Moneywork, by Respondent's Gender. 56](#_Toc133925079)

[Table 35: Moneywork by Spouse's Contribution to Household Income 57](#_Toc133925080)

[Table 36: Moneywork by Household Income Level 57](#_Toc133925081)

[Table 37: Types of Bank Accounts by Money Management Systems 58](#_Toc133925082)

[Table 38: Setting Up of Financial Organization 59](#_Toc133925083)

[Table 39: Financial Organization Changes Over Time 60](#_Toc133925084)

[Table 40: Marital Arrangements for Retirement Planning by Gender 62](#_Toc133925085)

[Table 41: Couple’s Arrangements for Retirement Planning by Spouse’s Contribution to Household Income 63](#_Toc133925086)

[Table 42: Couple’s Arrangements for Retirement Planning by Money Management Systems 64](#_Toc133925087)

[Table 43: Couple’s Arrangements for Retirement Planning by Family Income 65](#_Toc133925088)

[Table 44: Couple’s Arrangements for Retirement Planning by Marital Status 66](#_Toc133925089)

[Table 45: Common Debts, Excluding Mortgages, by Marital Status 67](#_Toc133925090)

[Table 46: Common Debts, Excluding Mortgages, by Money Management Systems 67](#_Toc133925091)

[Table 47: Presence of a Will by Marital Status 68](#_Toc133925092)

[Table 48: Presence of a Will by Cohabitation Duration 69](#_Toc133925093)

[Table 49: Presence of a Will by Cohabitation Duration of Married Couples 69](#_Toc133925094)

[Table 50: Presence of a Will by Cohabitation Duration of Unmarried Couples 70](#_Toc133925095)

[Table 51:Presence of a Will by Age of Respondents 70](#_Toc133925096)

[Table 52: Presence of a Will by the Presence of at Least one Child in the Household 71](#_Toc133925097)

[Table 53: Cohabitation contract/agreement by Cohabitation Duration among Unmarried Couples 72](#_Toc133925098)

[Table 54: Having a Will and a Cohabitation Agreement/Contract 72](#_Toc133925099)

[Table 55: Having a Cohabitation Agreement/Contract by Household Type 73](#_Toc133925100)

[Table 56: Cohabitation Agreement/Contract by to legal knowledge among common-law partners 74](#_Toc133925101)

[Table 57: Owners and Renters by marital status of respondent 75](#_Toc133925102)

[Table 58: Who Signed the Deed of Purchase Before the Notary by Marital Status? 75](#_Toc133925103)

[Table 59: Down Payment for the Purchase of a House by Marital Status 76](#_Toc133925104)

[Table 60: Who Signed the Lease by Marital Status 77](#_Toc133925105)

[Table 61: Who Signed the Lease Among Couples with Common Children by Marital Status? 77](#_Toc133925106)

[Table 62: Opinion on a Statement Regarding Legal Status, by Marital Status 80](#_Toc133925107)

[Table 63: Opinion on a Statement Concerning Share of Property, by Marital Status 80](#_Toc133925108)

[Table 64: Opinion on a Statement Regarding Spousal Support, by Marital Status 81](#_Toc133925109)

[Table 65: Opinion on a Statement Regarding Children Custody, by Marital Status 81](#_Toc133925110)

[Table 66: Opinion on a Statement Regarding Child Support, by Marital Status 82](#_Toc133925111)

[Table 67: In your opinion, is the following statement true or false? “Even if custody is equally shared amongst partners, child support can be received.” 82](#_Toc133925112)

[Table 68: Opinion on a Statement Regarding Succession Rights, by Marital Status 83](#_Toc133925113)

[Table 69: Legal Knowledge of Unmarried Respondents Who Say They Do Not Want to Marry, by Gender 84](#_Toc133925114)

[Table 70: Primary Source of Family Law Information 86](#_Toc133925115)

[Table 71: Second Source of Information on Family Law 87](#_Toc133925116)

[Table 72: First Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge Regarding the Legal Status of Their Union 88](#_Toc133925117)

[Table 73: First Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge on the Division of Property upon Separation 88](#_Toc133925118)

[Table 74: Primary Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge on Spousal Support 89](#_Toc133925119)

[Table 75: First Source of Information of Unmarried Spouses According to Their Legal Knowledge on Intestate Succession Rigths 89](#_Toc133925120)

[Map 1: Proportion of Common-law Couples among Couples with Children of all Ages, Quebec, Administrative Regions, 2011 16](https://inrs.sharepoint.com/sites/ADM-Secrtariat/Documents%20partages/General/Réception%20Mtl/TravauxSurDemande/Belleau%20H%20Rapport/H.%20Belleau%20Rapport%20ANGLAIS%20.docx#_Toc133925121)

[Map 2: Proportion of Births Outside Marriage, 2012 17](#_Toc133925122)

[Map 3: Median Employment Income Ratio of all Spouses with Minor Children only, by Administrative Region of Quebec, 2010 22](#_Toc133925123)

[Map 4: Territorial Distribution of Sample Respondents Based on Postal Codes, Quebec, 2015. 40](#_Toc133925124)

[Figure 1: Contribution of Spouses with Minor Children to the Couple's Employment Income, Quebec, 2011 21](#_Toc133582710)

**Abstract**

This report gives a descriptive portrait of the first results emerging from the research project entitled: *Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux*. Based on a new survey (N= 3,250) of people living with a partner and aged from 25 to 50 years old, the study aimed to identify, for the first time in Quebec, the financial and legal arrangements of married or unmarried couples. We examined particularly the conjugal dynamics around money management, savings, debts and types of contracts between life partners. Although Quebec is the province with the highest proportion of cohabitant couples in Canada, it is the province with the most minimalist protection available to *de facto* partners. In this context, we have sought to ascertain whether cohabitants understand the distinctions made by the Quebec government in their treatment of social and fiscal legislation, on one hand, and private law (Civil Code), on the other hand. Do they foresee the possibility of a breakup of their relationship by the drafting of cohabitation contracts/agreements or by putting in place financial arrangements different from those of married couples? Our survey shows that almost 50 % of cohabitants do not know the legal rules that apply to them. The results also clearly show that marriage is not synonymous with asset mergers, nor can cohabitation be associated with complete financial independence between partners. If there are differences between the two types of union, they appear to be very modest and do not, in our view, justify the distinct legal treatment of family law in Quebec.

**Key Words:**

Cohabitation; family economics; marriage; money management; family law; cohabitation contract; cohabitation agreement

**Résumé**

Ce rapport brosse un portrait descriptif des premiers résultats qui se dégagent du volet « patrimonial » du projet de recherche intitulé *: Unions et désunions conjugales au Québec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux*. L’enquête réalisée auprès de 3250 répondants âgés de 25 à 50 ans et vivant en couple visait à cerner, pour la première fois au Québec, les arrangements financiers et juridiques des conjoints mariés ou en union libre concernant les modes de gestion de l’argent, les dynamiques conjugales autour de l’épargne, des dettes, les types de contrat entre partenaires de vie, etc. Même si le Québec est la province ayant la plus forte proportion de couples en union libre au Canada, elle est la province qui accorde la protection la plus minimaliste aux conjoints de fait. Dans ce contexte, nous avons cherché à savoir si les conjoints de fait comprennent les distinctions faites par l’État québécois dans le traitement qui leur est réservé dans les lois sociales et fiscales d’une part, et en droit privé (Code civil), d’autre part. Prévoient-ils l’éventualité d’une rupture par la rédaction de contrats de vie commune ou par des arrangements financiers différents de ceux des couples mariés? Notre enquête permet de constater que près de 50 % des conjoints en union libre ne connaissent pas les règles de droit qui les concernent. Elle montre aussi clairement que le mariage n’est pas synonyme de fusion des avoirs pas plus que l’union libre ne peut être associée à une indépendance complète des conjoints sur le plan financier. Si des différences existent entre les deux types d’unions, elles apparaissent très modestes et ne permettent pas, à notre avis, de justifier le traitement juridique distinct qui prévaut en droit de la famille au Québec.

**Mots clés :**

Conjoints de fait; économie familiale; mariage, gestion de l’argent; connaissance du droit; contrat de vie commune

# Introduction [[1]](#endnote-2)

This report is drawn from a research[[2]](#endnote-3) project that deals, on the one hand, with the recent transformations in conjugality characterized by a disaffection with marriage or its postponement until later in life and, on the other hand, by the growing number of couples living in common-law[[3]](#endnote-4) relationships, often even after the birth of children.[[4]](#endnote-5) More specifically, it focuses on the way in which spouses, married or not, organize their relationship at the time of important events in their conjugal life (arrival of children, loss of employment, illness) and in the event of a break-up. The aim of this research was to learn about patrimonial aspects of couples’ arrangements (money management, division of property, inheritance, etc.) and extrapatrimonial aspects (custody of children, parental authority, child and ex-spouse support, etc.). This report is devoted to the analysis of patrimonial aspects. The extra-patrimonial aspects will be dealt with in a second report entitled *“Désunions et parentalité”*[[5]](#endnote-6)*.*

This project had two distinct objectives. First, it intended to identify the social representations of marriage and common-law unions of spouses between the ages of 25 and 50 and their economic and legal practices at certain key moments in family life (cohabitation, birth of a child, purchase of a house, etc.). Secondly, it aimed to identify the social representations and practices (patrimonial and extrapatrimonial arrangements) of married and common-law spouses in Quebec, in relation to the possibility of a break-up.

To achieve this double objective, we have developed an unprecedented body of data from a random sample representative of the Quebec population, making our survey the first of its kind in Canada. We were thus able to analyze from a social and legal point of view the crucial issue of the growing importance of common-law unions in Quebec, in order to inform the decision-making of the State (laws, social programs, taxation, etc.) and of legal professionals (judges, lawyers, notaries, mediators, etc.) with respect to couples and their children.

The social relevance of this project stems from the fact that it is part of the Quebec government's current reflections following a Supreme Court of Canada decision in Lola v. Éric [[6]](#endnote-7). Although the Supreme Court of Canada declared the Quebec law discriminatory but justified in a free and democratic society[[7]](#endnote-8), the short majority of this decision forces the Quebec legislator to question the need to reform family law[[8]](#endnote-9). Is it appropriate to impose a legal framework on *de facto* spouses or is the *status quo* preferable? If protective measures are required for common-law spouses, what should be the terms and conditions? The angle proposed in this study is resolutely sociological in that it analyzes the concrete practices of spouses and their representations of conjugal and family life during the union and when a separation occurs.

This report is divided into seven parts. The first part is devoted to a brief contextualization of the research project based on the existing literature. The second and third parts present, respectively, the methodological aspects of the survey and a general portrait of the 3,246 respondents. The following sections discuss the initial results of the study in a descriptive manner. The fourth part deals with the different ways of managing money and sharing certain expenses between spouses. The fifth section briefly discusses joint debt and retirement planning among couples. The sixth part deals with the place of contracts (will, cohabitation contract, deed of purchase, etc.) in relationships’ dynamics. Finally, the seventh part addresses the question of social representations of marriage in relation to the respondents' legal knowledge: why do we get married? What is the place of legal rules in the decision to marry or not? In conclusion, we will provide a critical synthesis of the results of this study.

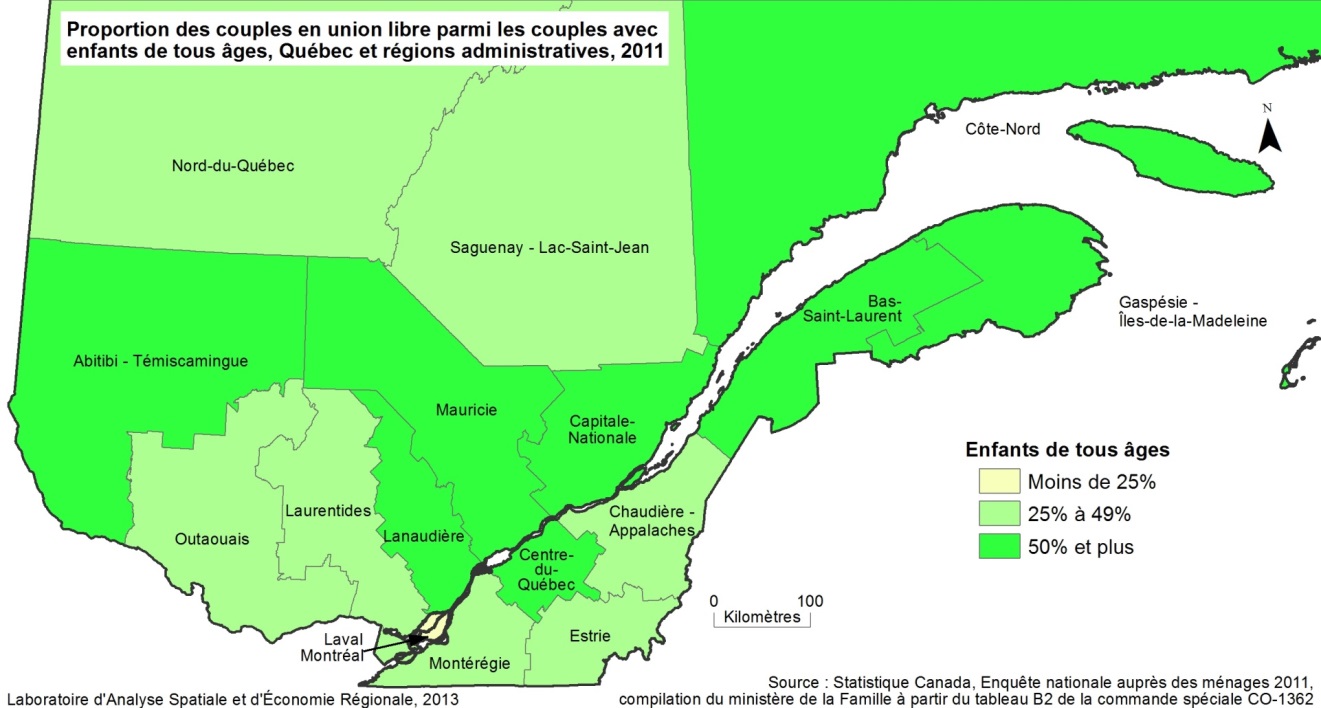
This project is part of the programming of the research partnership *Familles en mouvance* of the Institut national de la recherche scientifique (INRS) titled "Regards croisés sur les familles contemporaines : enjeux sociaux et juridiques" (Crossed perspectives on contemporary families: social and legal issues), which brings together a dozen researchers, representatives of various ministries and community partners.

# Part 1: Background and Literature Review

## Recent developments in common-law unions and marriage in Quebec

Over the past 50 years, Quebec society has experienced major upheavals regarding family values and norms. These changes have been accompanied by several reforms in private and social law. One of the most striking elements is the fact that, over a short period of time, the adult population of Quebec, which was predominantly married and Catholic, has become one of the most openly disavowed of marriage. In fact, in 2011, 38% of couples in Quebec were cohabiting, compared to less than 20% elsewhere in Canada[[9]](#endnote-10). This is the highest proportion of common-law couples in Canada. This high proportion also places Quebec at the top of the list of countries for which recent data is available, including Sweden (25.4%) and Finland (23.9%)[[10]](#endnote-11).

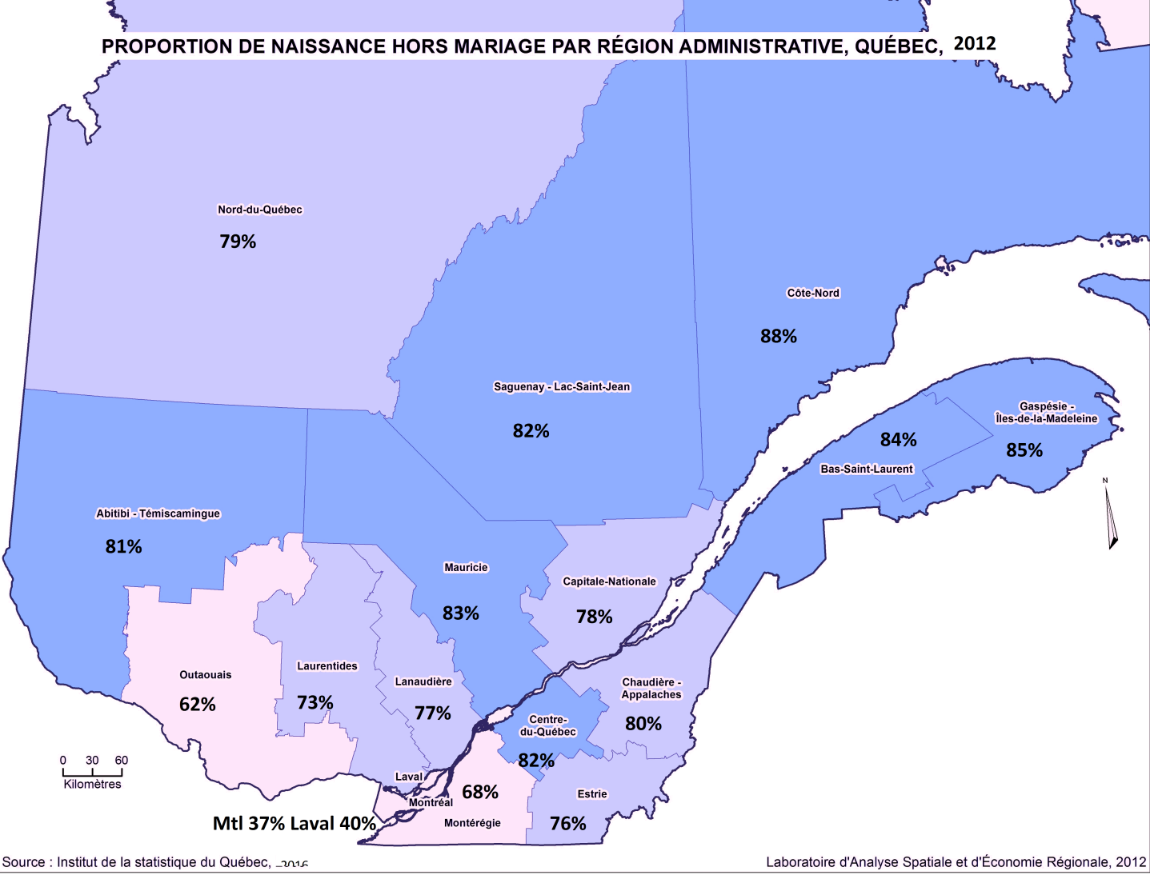
Map 1: Proportion of Common-law Couples among Couples with Children of all Ages, Quebec, Administrative Regions, 2011



Map 1 shows that the proportion of common-law couples among couples with children of all ages is much higher in predominantly Francophone regions. Contrary to popular belief, this proportion reaches more than 50% in several regions, whereas in Montreal and Laval, only 20% and 24% of couples with children are in common-law relationships. This phenomenon can probably be explained by the fact that Quebecers of French-Canadian and Catholic origin have been the most likely to abandon marriage, which is associated with religion, whereas a large proportion of immigrants live in Montreal and are clearly more likely to be married.

Consequently, in 2012, more than 80% of children were born out of wedlock in several regions of Quebec: Bas-Saint-Laurent, Saguenay-Lac-Saint-Jean, Mauricie, Abitibi-Témiscamingue, Côte-Nord, Gaspésie-Îles-de-la-Madeleine and Centre-du-Quebec.

Map 2: Proportion of Births Outside Marriage, 2012



Source: Institut de la statistique du Quebec, http://www.stat.gouv.qc.ca/statistiques/population-demographie/naissance-fecondite/5p3.htm, (accessed April 27, 2016)

Nevertheless, we note that in Quebec, common-law unions and marriages are increasingly similar: the former are more stable and more fertile than elsewhere in Canada and conversely, marriages are more unstable[[11]](#endnote-12). Quebec is well ahead of the other provinces in terms of the social institutionalization of cohabitation[[12]](#endnote-13). However, common-law unions cover a wide variety of situations: first unions, blended families, late unions, etc.[[13]](#endnote-14).

In recent years, in parallel with the increase in common-law unions, two important phenomena have been noted. First, marriages are taking place later in life (average age 32), with a slight increase in the marriage rate among those over 35. The majority of spouses are cohabiting and sometimes have had children before getting married[[14]](#endnote-15). Second, one out of three marriages is a remarriage for at least one of the spouses[[15]](#endnote-16). The new spouses have therefore often had children and accumulated assets from a previous union.

## Paradoxes of Quebec law

The courts, in particular, are currently considering whether or not family law reform is appropriate in light of these changes[[16]](#endnote-17). With the exception of Quebec, all Canadian provinces offer some protection to common-law relationships, to a greater or lesser extent[[17]](#endnote-18). Historically, the Quebec legislator has been very attached to the notion of autonomy and freedom of choice of *de facto* spouses[[18]](#endnote-19). To understand the nature and scope of this difference, it is important to remember that in Quebec, private law is essentially civil law, whereas the other Canadian provinces and territories are governed by common-law systems. These two major legal systems have significant differences in terms of both their basic philosophy and their implementation.

### Private and public law

In Quebec, legal unions such as marriage and civil union, and conjugality are currently governed by different laws, determined on the one hand by private law and on the other by public law. Thus, on the one hand, civil law establishes the normativity of patrimonial and extrapatrimonial relationships between individuals, relationships that can be described as horizontal. The Civil Code defines the rights and obligations that prevail between parents and children, but also between married (or civil union) spouses. It does not recognize a real legal status for *de facto* spouses, in the name of respecting the freedom of choice of persons who prefer not to be subject to the effects of marriage. Thus, *de facto* spouses have no rights or obligations towards each other in civil law, particularly in the event of a break-up or the death of one of them.

On the other hand, public law (especially social and fiscal law) deals with so-called vertical relationships, that is, the relationship between the State and its citizens. In recent decades, based on a policy of non-discrimination, several social and tax laws have equated *de facto* spouses who have a child or who have been living together for some time with married couples[[19]](#endnote-20). These two divergent approaches to conjugality and unions recognized by law in Quebec produce confusion among the population as to the consequences of the different matrimonial statuses.

### The common-law marriage myth

Several authors from legal, community and government circles have pointed out the confusion among the population with respect to the legal framework of *de facto* unions, due in part to the different statuses given by the Quebec government to common-law unions in the Civil Code and in social and tax laws[[20]](#endnote-21). From the citizens' point of view, the legislator's attitude is akin to double talk, which has perverse effects[[21]](#endnote-22). A survey conducted in 2007 for the Chambre des notaires du Quebec among 805 residents of the province showed that 60% of common-law spouses thought they had the same legal status as married couples after a few years of living together and that 77% believed that the poorer spouse would be entitled to alimony following a separation, which is not true [[22]](#endnote-23). Another survey was conducted by Crop in 2013 on behalf of the Chambre des notaires du Quebec, after the well-publicized Lola v. Éric decision. It showed that out of 246 respondents in common-law unions, 71% believed that common-law spouses had the same rights and obligations as married couples, that 50% believed that property acquired during the union would be shared equally between common-law spouses and that 41% believed that the poorer spouse would be entitled to alimony in the event of a break-up, which is false[[23]](#endnote-24).Three of our qualitative empirical studies have hypothesized a common-law marriage myth in Quebec, the belief that after a certain number of years of living together, or the birth of a child, common-law couples are considered married when a break-up or death of a spouse occurs[[24]](#endnote-25). It is in this context that the current debate on the regulation of *de facto* unions is taking place.

## "Free choice" or the protection of more vulnerable spouses and their children

The current debate surrounding common-law unions has been polarized between two positions, one in favour of a legal framework for common-law unions, based on the idea of protecting economically weaker spouses and their children, and the other against such a framework, based on respect for the free choice of individuals who wish to live outside legal frameworks[[25]](#endnote-26). In any case, in the absence of empirical studies on the motivations of *de facto* spouses not to marry, the legislator has favoured the importance of the free choice of individuals to live without legal constraints. [[26]](#endnote-27) Is it the legal framework that common-law couples reject? What are the reasons given by spouses for marrying or not? Are the multiple influences of the spouses' entourage - parents, friends, colleagues - determining factors?

### Persistent inequalities between spouses

While significant progress has been made in gender equality, 2011 census data still reveal large income gaps within households. Indeed, among common-law couples with only one minor child, 46 % of women contribute less than one-third of household income. Among married couples with only a minor child, this proportion is 49 %. Only 13% of women with minor children report earning more than 65 % of household income. Of these, half (7%) have personal incomes of less than $40,000 per year, which is not very high[[27]](#endnote-28). The earnings share of women with children is therefore still very variable. Finally, among couples in which both spouses are active, common-law unions have become the norm, in all social classes in Quebec[[28]](#endnote-29).

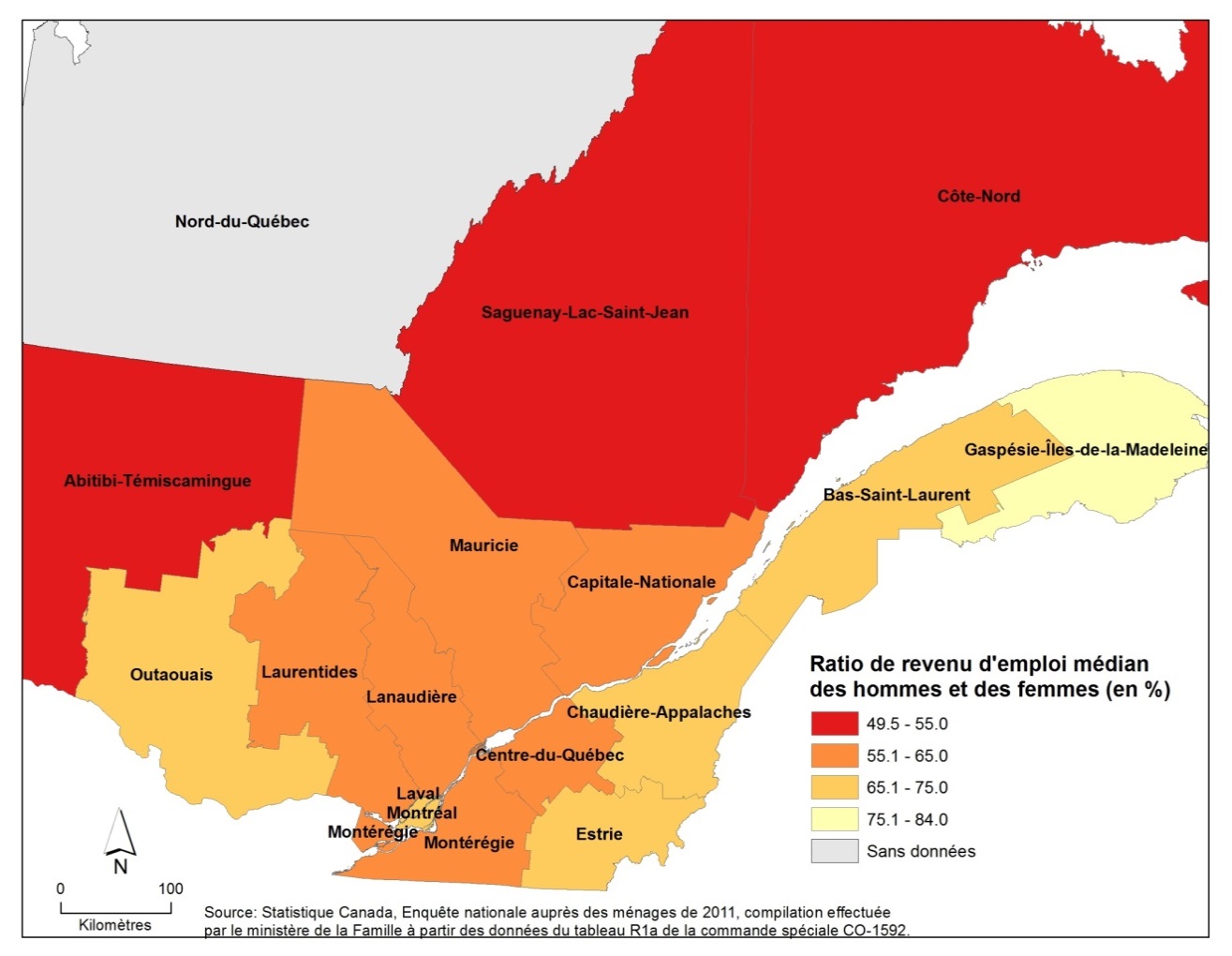
Figure 1: Contribution of Spouses with Minor Children to the Couple's Employment Income, Quebec, 2011

Source: Statistics Canada, 2011 National Household Survey, compiled by the Department of Families from data in Table R1a of Special Order CO-1592

From one region of Quebec to another, the income gaps between men and women vary greatly (see Map 3). In the regions with the largest income gaps, there are also large proportions of *de facto* couples. If a breakup occurs, the risks of impoverishment are therefore potentially much greater for women and children living in these areas. Although our study cannot explain such income differentials, they may be partly due to the presence of resource-based industries in these areas. These typically male jobs are often better paid than those found in the service sector, a traditionally female sector that is less present in these regions. To confirm or refute this hypothesis, it would also be necessary to look at the real possibilities of reconciliating family and work in relation to the different workplaces, the distances to be travelled and the conditions linked to the north (climate, road conditions, etc.). The availability or not of childcare services accessible everywhere on the territory would also be a factor to consider.

In sum, these regional characteristics demonstrate that marital employment decisions cannot be reduced to a simple matter of individual choice. Indeed, the existence of these structural constraints exceeds the will of individuals and couples alone and thus limits their capacity for choice.

Map 3: Median Employment Income Ratio of all Spouses with Minor Children only, by Administrative Region of Quebec, 2010



However, in the event of a break-up, these spouses may find themselves in precarious financial situations and their children may have to bear, in part, the lower standard of living of the custodial parent. Married spouses are better protected: in addition to sharing the value of the family property, they, unlike common-law spouses, can be awarded a pension to ensure their own maintenance needs, in addition to receiving a pension for the needs of the children. Does this difference in treatment between children born in and out of wedlock constitute a form of indirect discrimination, which is prohibited by the International Convention on the Rights of the Child?[[29]](#endnote-30) Do the spouses make amicable agreements to compensate for this difference? Do they make arrangements for the custody of the children? Do they plan to maintain the children's standard of living? If so, how and what motivates these choices? These questions were addressed in our survey and will be analyzed in a second report.

### Similarities in life together, whether married or not

There are great similarities in the way couples with children manage their money in Quebec and elsewhere in the world, whether they are married or in a common-law relationship[[30]](#endnote-31). Some couples pool some or all of their income, while others manage it separately (by sharing expenses equally or in proportion to each spouse’s income). These different money management systems may indicate a lack of understanding of the economic consequences of a break-up or death of one of the common-law partners[[31]](#endnote-32). They may also indicate the implementation of values of equality and autonomy by the spouses themselves[[32]](#endnote-33). Money and the way it is managed are used here as indicators to study the possible gaps between discourse and practice. Money is an indicator of the place of the collective and the individual in the couple, because it can be personalized/individualized or pooled, in addition to being measurable and comparable [[33]](#endnote-34). A very rich literature has developed in the last decades around money management[[34]](#endnote-35).

### To get married or not: a free and legally informed choice?

The "free choice" or freedom of contract position that has long governed matrimonial law is based on at least two assumptions: (1) that individuals are assumed to be knowledgeable about the laws that govern their union, and (2) that it is a "free" choice on the part of both partners[[35]](#endnote-36). If the knowledge of *de facto* spouses on the subject can be questioned (common-law marriage myth), our studies and those of other authors also point out that a significant proportion of spouses do not agree on the "choice" of whether or not to marry, for a wide variety of reasons (personal or religious beliefs, cost of marriage, etc.) which most often have nothing to do with the law[[36]](#endnote-37).

## Love, money and law: from discourse to conjugal practices

On the other hand, our recent studies show that the ideology of love that promotes renewed marital commitment outside of institutional frameworks feeds the common-law marriage myth[[37]](#endnote-38). While being a feeling, love can be approached as a code of symbolic communication[[38]](#endnote-39) or as an ideology, that is to say a more or less coherent system of representations, values, norms and rules which allow to communicate, to interpret, and even to orient certain behaviors[[39]](#endnote-40). Our research[[40]](#endnote-41) and that of other authors[[41]](#endnote-42) on money management leads us to hypothesize that certain components of the semantic of love sometimes limit individual claims, but also "negotiations" between spouses on the legal and financial level. Several authors point out the existence of contrasting perceptions, but little or no discussion between spouses, and the presence of sometimes significant gaps between egalitarian discourses, practices and their effects[[42]](#endnote-43).

The primary goal of the relationship being to last forever leads spouses to not want to anticipate the breakup (and therefore to contract for the consequences). Although they have an accurate knowledge of divorce rates, couples are generally very optimistic about their relationship and therefore do not see the need to take any action in the event of a break-up[[43]](#endnote-44). This optimism is related to two phenomena. The first, known as the "above average effect", consists of believing that they are less likely to experience certain negative events than the average[[44]](#endnote-45). This bias is all the stronger when spouses feel that they have some control over negative events that could occur, particularly a break-up[[45]](#endnote-46). The second bias, the optimism bias, plays a central role in the process of constructing marital life. This bias functions as a self-fulfilling prophecy[[46]](#endnote-47): spouses are overly optimistic about their relationship and believe they are safe from a possible break-up. This optimism leads them to make a real investment that in turn helps to strengthen the relationship itself. Conversely, imagining the end of the relationship may lead to disengagement and may contribute to the breakdown of the relationship.

This optimism bias is also present when talking about a possible break-up. Indeed, many of them believe that the love they have for each other will be sufficient for the break-up to be amicable and mature. This is evidenced by the quality of their current relationship, the number of years they have lived together, etc.[[47]](#endnote-48). We have therefore tried to explore these questions: do married or common-law couples anticipate the possibility of a break-up or the death of one of them? Do they take concrete measures (wills, contracts, child custody agreements, etc.) to deal with this eventuality?

## Theoretical approach rooted in social reality

We have postulated in this research project that the ideal of the pure relationship, defined from the norms of equality, free choice, but also of contractual relationships negotiated between autonomous persons outside the institutional frameworks, while being present in the ambient social discourse[[48]](#endnote-49), reflects only a part of the contemporary realities[[49]](#endnote-50). The transformations of intimacy and identity have been accompanied by a certain retreat of the institutional regulations (religious, legal, social, etc.) of marital life[[50]](#endnote-51). Nevertheless, marital relationships are still part of a complex social and normative landscape where structural inequalities exist (wage gaps, for example), gender relations, social expectations, duties and responsibilities that limit the capacity of individuals[[51]](#endnote-52) to "choose".

We rely on a theoretical approach anchored in social reality that defines individuals, couples, families, the State and its agents as being inscribed in the same social space ("the family field"[[52]](#endnote-53)), and mobilized by the same stakes of protection, solidarity and preservation of individual liberties with respect to the legal framework of unions. This theoretical framework postulates the coexistence of different, but interacting[[53]](#endnote-54), social representations and normative systems (family, marital, legal). Thus, spouses approach these issues in terms of the bonds of affection (ideology of love), obligation (morality), and responsibility, as well as in terms of the inter-individual dynamics of resource distribution (financial, status and power). They deal with a growing process of individualization that imposes limits on informal solidarities. By conceptualizing spouses as central actors in this issue, which both mobilize them individually and goes beyond them, this research takes into account singular discourses and practices (money management, reasons for marrying or not, etc.) that respond to individual motivations, but also to evolving collective imperatives.

Conversely, the law as a normative framework provokes social changes through its interventions or, on the contrary, hinders certain social evolutions[[54]](#endnote-55). The legal institution of marriage is in decline, no doubt in part because of the breakdown of the normative coherence that traditionally supported it (religious, social, economic, etc.). While family law still restricts the alliance to marriage, regardless of whether the spouses are of the same or opposite sex (and, recently in Quebec, to civil union), social representations seem to have largely freed themselves from a conception of the couple and the family based on marriage. This observation leads us to the hypothesis that it is life together, its duration and the eventual presence of children, which would be the true indicators of economic interdependence, rather than marriage.

These theoretical and empirical foundations serve as a basis for the presentation in the next sections of the survey methodology and a summary portrait of the population studied. We will then discuss the initial results of our descriptive analyses.

# Part 2: Survey methodology

The survey was conducted using a closed-ended questionnaire developed by our research team based on insights gained from several qualitative studies conducted between 2005 and 2012[[55]](#endnote-56). In addition to being validated in the qualitative surveys, the questions that formed the core of the quantitative survey were also validated a second time in a non-representative online survey (1,600 respondents) and in pretests of the final questionnaire.

Specifically, the random sample was drawn both by telephone (1,199 people) and on the web (2,047 people) for a total of 3,246 people reached in January and February 2015 in Quebec. The interviews, which lasted 20 minutes, were conducted by the Bureau des interviewers professionnels (BIP).

The sample for our survey was drawn from the BIP web panel, which includes a population of 25,000 Quebecers. The entire BIP panel was recruited randomly by telephone. This method allows us to get as close as possible to a probability sample taken from the general population rather than a population of Internet users. The profile of the panelists matches that of the telephone survey population in terms of age, gender, language of interview and region. They are therefore representative of the Quebec population.



## The sample

The statistical universe includes cohabiting couples living in Quebec with at least one spouse between the ages of 25 and 50. The main objective of the study was to compare common-law and married couples. Since there are fewer common-law couples than married couples, the sample was stratified by type of union in order to obtain approximately the same number of common-law and married couples.

The analytical sample is comprised of two separate samples: a randomly selected sample from an existing panel of respondents who completed the online questionnaire, and a sample recruited and interviewed via a telephone survey.

The panel from which the first sample was drawn was randomly selected from the Quebec population by means of a telephone survey. The panel consisted of 13,882 people between the ages of 25 and 50, all of whom were contacted.

The second sample was drawn according to the usual rules of telephone surveys, using a software program that allows for the random drawing of telephone numbers from the Quebec population. This software, ASDE Sampler Canada, uses both telephone lists and a random number generation algorithm that allows, in principle, to reach all the telephone numbers of a given region except those that appear in the National Do Not Call List at the express request of their holder. A sample of 50,000 numbers was drawn and geocoded using postal codes or telephone exchanges. This sample was randomly sorted and separated into 10 batches of 5,000 numbers to be successively exhausted in order to reach the desired size. In the end, 22,742 numbers were needed to complete the study. Data collection took place from January 12 to February 27, 2015. A total of 3,251 respondents completed the survey, with 2,049 in the first (web) sample and 1,202 in the second (telephone) sample. After reviewing the responses, 3,246 interviews were selected for analysis.

## Participation and response rates

The 13,882 panel members selected to make up the web sample were first contacted on January 12, 2015, and were followed up up to three times. Of these, 2,929 undertook to complete the questionnaire; thus, the participation rate for the first sample is 21.1%. This rate is normal for an online questionnaire that takes an average of 19.2 minutes to complete.

According to Marketing Research and Intelligence Association (MRIA) standards, the response rate for the telephone survey was 63.5%.



### Comparison with the General Social Survey (GSS)

Given that our sample is slightly more educated than the Quebec population, slightly more women than men, and a higher proportion of common-law partners than married partners, we used a weighting variable that takes into account sex, age, region, marital status and education. This weighting adjustment provides the most accurate reflection of the population of the province. In addition, we introduced questions from the General Social Survey (2011) on bank accounts and their use into our questionnaire in order to assess how our sample behaves. Comparing the results of this survey with the weighted data of our study reveals proportions that are, on the whole, very similar as shown in Table 1.

Table 1: Bank Accounts of Respondents Aged 25-50, Quebec

|  |  |  |
| --- | --- | --- |
| Types of bank accounts | General **Social Survey (2011)**  (N=2086) | Union Disunion Survey, Belleau & Lavallée (2015)  (N=3246) |
|  | % | % |
| Personal account | 26 | 33 |
| Joint account | 19 | 17 |
| Personal and spousal account | 55 | 50 |
| Total | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | | |

# Part 3: Portrait of respondents

In relation to the problematic of this research, certain criteria were retained for the selection of respondents. As mentioned above, all respondents had to be living as a couple, i.e. cohabiting under the same roof. They had to be between 25 and 50 years old, with or without children, and living in an intact or reconstituted household. In accordance with our research objectives, we sought to obtain as many common-law respondents as married ones. The following portrait therefore presents some characteristics of the sample that are useful for a better understanding of the survey data. In total, the sample consists of 3,246 Quebec residents.



## Gender and age

The sample is slightly more female (52%) than male (48%). As shown in Table 2, respondents are fairly evenly distributed (20-21%) across three age groups, 30-34, 35-39, and 40-44. There are slightly fewer young people with 14% of respondents aged 25-29 and a larger proportion of older respondents with 24% in the 45-50 age group.

Table 2: Distribution of Respondents by Age Group

|  |  |
| --- | --- |
| **Age group** | % |
| 25 to 29 years old | 14 |
| 30 to 34 years old | 21 |
| 35 to 39 years old | 20 |
| 40 to 44 years old | 21 |
| 45 to 50 years old | 24 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

The average age of our sample is 38 years. It should be noted, however, that the married spouses in our sample are slightly older than the respondents in common-law relationships, with an average age of 39 years compared to 37 years for common-law spouses.

## Marital status and duration of union

In keeping with the objectives of the survey, half of the respondents are common-law couples (52%) while the other half (48%) are married. Because of the legal similarity between marriage and civil union, and the small number of civil unions that occur each year, we have combined them with married couples.

Table 3: Marital Status of Respondents

|  |  |
| --- | --- |
| **Marital status** | % |
| Married | 48 |
| Common-law | 52 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

Of the married respondents, 42% had a civil ceremony, 55% had a religious ceremony, while 2% said they had both a civil and religious ceremony.

Table 4: Types of Marriages Performed among Married Respondents

|  |  |
| --- | --- |
| **Wedding** | % |
| Civil | 42 |
| Religious | 55 |
| Both | 2 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

We compared the duration of unions based on years of cohabitation and not from the day of the wedding for legally married couples. In fact, the latter cohabit on average a little less than 5 years before officially celebrating their union. In our survey, the average length of life together for all respondents is 10.2 years. However, there is a significant difference by marital status. Married couples have an average of 11.11 years together while common-law couples have an average of 9.39 years. The fact that common-law respondents are somewhat younger in our sample may have something to do with this. Throughout the analysis, these differences between the married and common-law groups will need to be kept in mind as the length of the relationship influences the financial arrangements between the spouses.

## Types of family

The respondents were grouped into two broad categories. On one hand, those belonging to a so-called intact family, i.e. those who have not experienced a break-up from a previous union. On the other hand, individuals living in a reconstituted family, i.e. those where one or both spouses have had children from a previous union. More specifically, we adopted the following definitions in order to take into account the presence or absence of children common to both spouses:

Box 1: Definitions of Household Types[[56]](#endnote-57)

|  |  |
| --- | --- |
| **Types of households** | **Definition** |
| Intact without children | Spouses do not have children in common or with a former spouse. |
| Intact with child | The spouses have at least one child in common and neither spouse had a child from a previous union. |
| Simple Recomposed | The spouses have no children in common and only one has a child or children from a previous union. |
| Recomposed complex | The spouses have no children in common and they both have one or more children from previous unions. |
| Recomposed fertile | Recomposed simple or complex, these couples have in addition at least one child from the present union. |

The majority of respondents (78%) live in a household with children, either shared by both spouses or children from previous unions. Among intact families, 89% have at least one minor child, compared to 66% of stepfamilies. Overall, 82% of households with children have at least one minor child, which represents 64% of all respondents in our survey. However, these data do not mean that the children necessarily live with the respondent. Only 22% of the respondents in our sample therefore live in a household without children. The majority live in an intact family with children (55%) while just under a quarter (23%) are in a blended family (simple, complex or fertile).

Table 5: Family Types

|  |  |
| --- | --- |
| **Household** | **%** |
| Simple | 8 |
| Fertile | 10 |
| Complex | 5 |
| Intact without children | 22 |
| Intact with child | 55 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

If we look only at stepfamilies, we see that fertile stepfamilies are the most numerous (41%), followed by simple stepfamilies, which represent one third, and complex stepfamilies, which represent one quarter of stepfamilies.

## Same-sex couples

Although the majority of respondents are male-female couples (94%), there are also nearly 186 respondents or 6% of the sample who are same-sex couples. In our sample, there are twice as many male couples as female couples. Proportionally, however, women are almost twice as likely as men to be living with a child or children.

Table 6: Composition of Couples by Gender of Respondents

|  |  |
| --- | --- |
| **Composition** | **%** |
| A man and a woman | 94 |
| Persons of the same sex | 6 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

## Schooling

The respondents to our survey are relatively better educated than the Quebec average. This high level of education was taken into account in the weighting of the analyses. In the end, nearly two out of 10 respondents have a university degree, nearly four out of 10 have a college diploma and slightly more than four out of 10 have a high school diploma or less.

Table 7 : Education Level of Respondents

|  |  |
| --- | --- |
| **Diploma** | **%** |
| High school diploma or less | 44 |
| College diploma | 37 |
| University degree | 19 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

## Respondent activity

Over 80% of respondents are employed, either full-time (73%) or part-time (7%). A small proportion are unemployed (5%), or students with or without jobs (3%). About 7% are "at home" and 4% are on maternity/paternity leave. Finally, about 1% are retired.

Table 8: Respondents' Occupation

|  |  |
| --- | --- |
| **Occupancy** | **%** |
| Full-time worker (30h or more/week) | 73 |
| Part-time worker (less than 30 hours/week) | 7 |
| Unemployed or not employed | 5 |
| Unemployed student | 2 |
| Student with a job | 1 |
| Retired | 1 |
| At home | 7 |
| Maternity / paternity leave | 4 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

## Respondents' annual income and household income

A small proportion (11%) of respondents report an annual income of less than $20,000. Almost as many people, about 30%, have annual incomes between $20,000 and $39,999 as between $40,000 and $59,999. Almost as many respondents, or about 15%, also report earning personal income in the higher income brackets ($60,000-$79,999 and $80,000+). Note, however, that the non-response rate for this question is about 25%. We will come back to this a little later.

Table 9: Annual Income of Respondents

|  |  |
| --- | --- |
| **Annual income of respondents** | **%** |
| Less than $20,000 | 11 |
| 20 000 à 39 999 $ | 27 |
| 40 000 à 59 999 $ | 30 |
| 60 000 à 79 999 $ | 17 |
| 80,000 or more | 15 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |



### Annual Income of Respondent's Spouse

When respondents are asked about their spouse's income, we find more or less the same distribution of incomes according to income categories as for themselves. However, here again, we obtain a very high non-response rate of 33%.

Table 10: Spouse's Annual Income

|  |  |
| --- | --- |
| **Annual income** | **%** |
| Less than $20,000 | 11 |
| 20 000 à 39 999 $ | 27 |
| 40 000 à 59 999 $ | 31 |
| 60 000 à 79 999 $ | 18 |
| 80,000 or more | 13 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

### Annual household income

We added the income of respondents to that of their life partners to get an idea of the annual household income in our survey. We observe that the majority of households, 52%, are between $40,000 and $100,000. Approximately 8% report a household income of less than $40,000 and in contrast, over 40% report an annual household income of over $100,000.

Table 11 : Annual Family Income

|  |  |
| --- | --- |
| **Annual family income** | **%** |
| Less than $40,000 | 8 |
| 40 000 à 79 999 $ | 32 |
| 80 000 à 99 999 $ | 20 |
| 100,000 or more | 40 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

It is important to note here that 28% of respondents refused to disclose their income or that of their life partner. As a result, it is not possible for us to know where these respondents fall on the income scale. To get around this difficulty, which is found in many studies, and given the objectives of our survey, which were to understand the impact of income differences between spouses on their financial arrangements, we included another question intended only for respondents who refused to disclose their income and/or that of their spouse. The purpose of this question was to subjectively assess income differences between spouses. This question reached just over 900 respondents. Only 5 people refused to answer. The following table shows their perception of the income gap between themselves and their life partner.

Table 12: Subjective Assessment of Income Differences between Spouses

|  |  |
| --- | --- |
| **Which statement most closely matches your situation**  **in the last two years?** | **%** |
| 1. My spouse earns much more than I do | 36 |
| 2. My spouse earns a little more than I do | 16 |
| 3. We earn about the same income | 20 |
| 4. I earn a little more than my spouse | 15 |
| 5. I earn much more than my spouse | 13 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

Among those who did not wish to disclose their income, many more women (48%) than men (19%) said their spouse earned significantly more than they did. Slightly more men (25%) than women (17%) say they have about the same income. Finally, and not surprisingly, more male respondents (21%) than female respondents (7%) said they earn significantly more than their spouse.

## Women's contribution to household income

One way to understand income differences within couples is to analyze women's contribution to household income. Table 13 shows, for example, that 18% of women (respondents and spouses) contribute less than 25% of household income and 24% contribute between 25% to 40%. Just under half (45%) have an income similar to that of their spouse, while only 12% earn more than 60% of the household income. In sum, a significant proportion, 42%, of wives earn significantly less than their spouse in the households in our survey. It should also be noted that 5% of the women in our sample declared that they did not contribute to the household income and 1% were the sole providers of the household.

Table 13: Women's Contribution to Household Income

|  |  |
| --- | --- |
| **Woman's contribution to household income** | **%** |
| Less than 25% of the total | 18 |
| 25 % à 40 % | 24 |
| 41 % à 60 % | 45 |
| More than 60% of the time | 12 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

## Geographical distribution of respondents

Approximately 6 out of 10 respondents live in either the Montreal (50%) or Quebec and 4 out of 10 (41%) live outside these urban areas.

Table 14: Geographic Distribution of Respondents in Census Metropolitan Areas

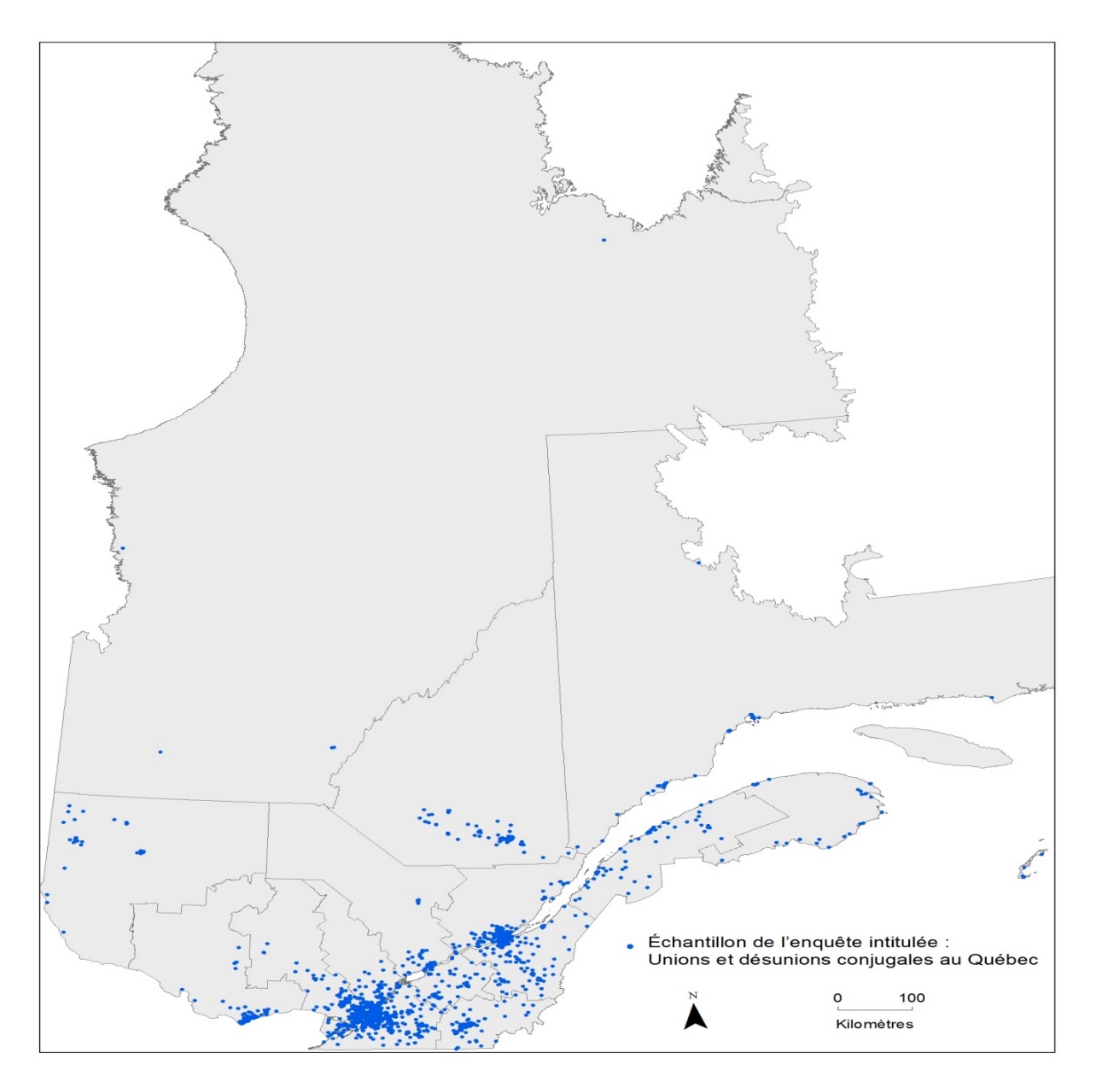
|  |  |
| --- | --- |
| **Regions** | **%** |
| Montreal | 50 |
| Quebec | 9 |
| Elsewhere in Quebec | 41 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

An analysis of the distribution of respondents by administrative region reflects this reality and also shows that respondents come from all regions of Quebec.

Table 15: Geographical Distribution of Respondents in Administrative Regions

|  |  |  |
| --- | --- | --- |
| **Regions** | **Frequency** | **%** |
| Bas-St-Laurent | 71 | 2 |
| Saguenay - Lac-Saint-Jean | 103 | 3 |
| Capitale-Nationale | 285 | 9 |
| Mauricie | 95 | 3 |
| Cantons-de-l’est | 117 | 4 |
| Montreal | 858 | 26 |
| Outaouais | 157 | 5 |
| Abitibi-Témiscamingue | 56 | 2 |
| Côte-Nord | 38 | 1 |
| Nord-du-Quebec | 17 | 1 |
| Gaspésie – Iles-de-la-Madeleine | 33 | 1 |
| Chaudière-Appalaches | 159 | 5 |
| Laval | 165 | 5 |
| Lanaudière | 191 | 6 |
| Laurentides | 226 | 7 |
| Montérégie | 586 | 18 |
| Centre-du-Quebec | 89 | 3 |
| Total | 3246 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | | | |

Map 4: Territorial Distribution of Sample Respondents Based on Postal Codes, Quebec, 2015.

****

## Language and country of birth of respondents

### Language spoken at home

When asked what language is commonly spoken at home, the majority of respondents said they speak French (84%) or English (13%). Approximately 3% of respondents speak a language other than French or English at home, primarily Arabic, Creole, Spanish or Romanian.

Table 16: Language Most Frequently Spoken at Home

|  |  |
| --- | --- |
| **Language** | **%** |
| French | 84 |
| English | 13 |
| Arabic | 0,4 |
| Creole | 0,2 |
| Spanish | 0,7 |
| Portuguese | 0,1 |
| Romanian | 0,5 |
| Other | 1,5 |
| Total | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

### Country of birth of respondents and their spouses

In the survey, nearly 9 out of 10 respondents were born in Canada while 10% were born outside the country. In addition, 87% of respondents have a spouse who was born in Canada and 13% of respondents have a spouse who was born outside the country. The majority of respondents (83%) are in couples where both spouses were born in Canada, while 17% of couples include at least one person born outside the country. Respondents or their spouses who were not born in Canada were mainly from Algeria, France, Morocco, Romania, the United States and Haiti.

Table 17: Country of Birth of Respondents and their Spouses

|  |  |  |
| --- | --- | --- |
| **Country** | **Respondent**  **%** | **Spouse**  **%** |
| Canada | 89 | 86,5 |
| Algeria | 0,8 | 1,0 |
| France | 2,1 | 2,1 |
| Morocco | 0,5 | 0,8 |
| Romania | 0,4 | 0,6 |
| United States | 0,3 | 0,6 |
| Haiti | 0,7 | 0,9 |
| Other | 5,7 | 7,6 |
| Total | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | | |

# Part 4: Money management in couples

Financial arrangements between spouses were the focus of our survey. This section presents the descriptive analyses of these (money management systems, personal expenses, moneywork, management of expenses for children, etc.) according to the different characteristics of the couples.



## Ways of managing money within couples

To understand the financial organization of spouses, we must first look at the management systems they adopt. To do this, four important dimensions must be considered[[57]](#endnote-58):

1. *Who has the money? Who* earns the money in the household in the labour market? Is there one or two incomes? What are the income differences between spouses?
2. *Who has access to the money?* Does one spouse have to go through the other to access some of the money? Do both spouses have access to all of the money earned by both? Is it all of each spouse's assets or only a portion that is considered in the couple's financial arrangements?
3. *Who controls the money?* Does one spouse have more right to spend than the other? Does one spouse have a veto over major expenditures, especially because he or she earns more than the other?
4. *Who does the moneywork*[[58]](#endnote-59)*?* Who keeps the budget? Who keeps track of account payments, bank transfers and deposits?

There are a multitude of money management systems within households, but they can be grouped according to two main logics: the pooling of income and the sharing of expenses.

### Income pooling

As the name implies, income pooling refers to situations where the incomes of both spouses are pooled. All expenses, personal or collective, are made from this common pot. This is the type of arrangement referred to as "family income" which is the basis of all social policies in Quebec. It refers to the idea of a total pooling of income and a more or less egalitarian redistribution of the money between the spouses[[59]](#endnote-60). We distinguish in this logic the so-called domestic allowance, which means that when one of the spouses has no income or a very low income, the other can take charge of the common expenses. He or she then pays an allowance or an amount of money intended for the running of the household and/or the personal expenses of the less well-off spouse. Unlike income pooling, in this type of management, only a portion of the money is pooled. The person who has little money does not have access to his or her spouse's income.

### Sharing of expenses

The second management logic is to share expenses rather than income. Thus, the spouses establish a list of common expenses that generally includes rent, food, certain current accounts and expenses related to the children. However, this list varies greatly from one couple to another. Some include expenses for entertainment, vacations, computer supplies, clothing, etc., while others do not. Each spouse keeps his or her income in an account and pays his or her share of the joint expenses. This sharing can be done equally (50/50) or on a pro-rata basis according to each person's income. Pro-rata system is designed to balance the contributions of both spouses when their incomes are not equal. This means that the person who earns more pays more.

In all the management system, some couples operate in a very strict manner, i.e., by keeping precise accounts, while others adopt a more vague, sometimes even very approximate management. In this study, we asked a series of questions that sought to identify these different ways of managing money.

## Distribution of respondents in the various ways of managing money

Table 18 shows that slightly more than half of respondents (54%) report pooling all their money in the family income model. The household allowance is found in 9% of households. Finally, 16% of respondents said that they share common expenses half and half (50/50), while 21% operate on a “prorata basis” that is in proportion to each person's income.

Table 18: Distribution of Respondents According to Four Money Management Systems

|  |  |
| --- | --- |
| **Money management systems** | **%** |
| Pooling of resources | 54 |
| Household allowance | 9 |
| Prorata | 21 |
| 50-50 | 16 |
| Total | 100 |
| Source: Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux. CRSH (2014-2017). | |

Given the important legal differences between marriage and common-law unions, one could hypothesize that these differences are reflected in the ways in which couples manage their lives. Indeed, there are some differences, but they are much less marked than one might have expected. In Table 19, two things can be noted. First, more married couples (65%) collect all their income than common-law couples (44%). Second, more common-law couples (23%) share expenses fifty-fifty, compared to 8% of married couples.

These differences will be the subject of more detailed analyses in the near future, which are well beyond the scope of this report. It should simply be noted that we will have to take into account the impact of several variables, including the length of the unions, the age of the respondents, the presence or absence of common children, etc.

Table 19: Distribution by Four Money management Systems by Status

|  |  |  |
| --- | --- | --- |
| **Money Management Systems** | **Married**  **%** | **Common-law**  **%** |
| Pooling of resources | 65 | 44 |
| Household allowance | 8 | 9 |
| Prorata | 19 | 24 |
| 50-50 | 8 | 23 |
| Total | 100 | 100 |
| Source: Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), N=3171, Cramer's V = 0.253, Approx. significance = 0.000 | | |

Money management systems also appear to vary, but to a lesser extent, by household income. The following table shows that respondents reporting an annual family income of $40,000 or less, are more likely to pool all their income. As family income increases, the proportion of couples managing through equal sharing of expenses increases from 10% among those with family incomes of $40,000 and less to 21% among those earning $81,000 to $100,000. After the $100,000 mark, slightly more respondents report sharing expenses in proportion to each spouse’s income (prorata) (26%) than in other income categories.

Table 20: Type of Money Management System by Annual Family Income

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Annual family income** | | | | | |
| Money Management Systems | Less than  40 000 $  % | 41 000 $ à  80 000 $  % | 81 000 $ à  100 000 $  % | 101 000 $  and more  % | Total  % |
| Pooling of resources | 68 | 55 | 52 | 52 | 54 |
| Household allowance | 16 | 9 | 6 | 6 | 8 |
| Prorata | 6 | 19 | 21 | 26 | 21 |
| 50-50 | 10 | 17 | 21 | 16 | 16 |
| Total | 100 | 100 | 100 | 100 | 100 |
| Source: Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), N=2169, Cramer's V = 0.097, Approx. significance = 0.000 | | | | | |

## Money management systems and income differences between spouses

The financial contribution of each spouse to the household income, whether or not the spouses are married, seems to influence the financial arrangements of couples in the direction of greater economic solidarity when the gaps are large. In fact, the greater the income gap between spouses, the fewer couples share expenses half and half. It should be noted, however, that when the spouses earn the same salary, the management of income in proportion to income or the sharing of half-and-half expenses is equivalent.

Table 21 reveals variations according to the gender of the highest earner in the couple. For example, couples in which the woman earns more than her spouse have the highest proportion of those who say they manage through income pooling, 57% versus 53% when the man earns more. When the woman earns more than her spouse, we also find fewer couples who have adopted the allocation system (7% versus 13%), or *prorata* management (21% versus 24%). Recall that the distinction between pooling and the home allowance is one of access to money. In the domestic allowance mode, one spouse has access to only part of the other spouse's income, whereas in the pooling mode, both members of the couple have access to all of the income earned by each. Finally, more households opted for a 50-50 sharing of expenses when the woman earns more than her spouse (15% versus 10%). To properly measure the impact of this money management system, it is important to take two elements into account. First, the level of income of each spouse and second, the duration of this type of money arrangements in couple’s relationships.

Table 21: Money Management Systems According to Women's contribution

|  |  |  |  |
| --- | --- | --- | --- |
| **Women's contribution to household income** | | | |
| Money management systems | Less than 40% | Between 40% and 60 | More than  60 % |
| Pooling of resources | 53 % | 54 % | 57 % |
| Household allowance | 13 % | 3 % | 7 % |
| Prorata | 24 % | 19 % | 21 % |
| 50-50 | 10 % | 24 % | 15 % |
| Total | 100 % | 100 % | 100 % |
| Source: Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), N=2108, Cramer's V = 0.161, Approx. significance = 0.00 | | | |

Indeed, when income differences are significant, spouses tend to have a standard of living corresponding to the higher income of both spouses. The person who earns the least is likely to go into debt in the long run. In this respect, it is also important to distinguish between marital status. The negative impact of a relationship breakdown is potentially greater for common-law spouses who have not made any cohabitation agreement to settle the division of property at the end of the union.

### Money management systems by income gap and type of union

Comparing financial arrangements by income differences sheds further light on the issue of differences between married and common-law spouses.



#### Money management systems by income differences among married couples

In the case of married couples, the law stipulates that the spouses contribute to the expenses of the household in proportion to their respective means (art. 396 C.C.Q.). This contribution can be in goods or services. Financially, it can be done by pooling income, by managing expenses in proportion to income, or, when incomes are equal, by sharing expenses half and half. Approximately 82% of married couples operate under one of these arrangements.

On the other hand, 8% of married couples operate on the domestic allowance. Unfortunately, we do not know the amount of the allowance and cannot assess whether it is proportional to each person's income. This is one of the limitations of our survey. Finally, between 5% and 11% of spouses share half and half the expenses even when there are large income differences. When these differences are significant, the two management systems of domestic allowance and half-and-half expense sharing have in common that the wealthier spouse limits the other's access to his or her income. These money management systems appear to be two facets of the same reality, which varies according to the gender of the higher earner. When the man is the main provider, there is twice as much domestic allowance (13% rather than 5%) but conversely less separate management (5% rather than 11%) than when the wife is the main earner. In sum, between 4% and 11%[[60]](#endnote-61) of married couples may not be contributing proportionately to the financial burden of the household despite the law. With respect to other types of management, the gender differences are less pronounced. Whether the primary provider is a man or a woman, the same number of spouses collectivize their income (65%) or share expenses in proportion to each spouse’s income (18% and 19%).

Table 22: Money Management Systems by Women's Contribution to Household Income among Married Couples

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Women's contribution to household income** | | | |  |
| **Money management systems** | **Less than 40** | **Between 40% and 60%.** | **More than  60 %** | **Total** |
|  | (n=453) | (n=415) | (n=129) | (n=997) |
| Pooling of resources | 65% | 68% | 65% | 65% |
| Household allowance | 13% | 3% | 5% | 8% |
| Prorata | 18% | 16% | 19% | 19% |
| 50-50 | 5% | 13% | 11% | 8% |
| Total | 100 % | 100 % | 100 % | 100 % |
| Source: Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), N=997, Cramer's V = 0.148, Approximate significance = 0.00 | | | | |

#### Money management systems by income differences among common-law unions

Although they are not required to contribute to household expenses, 68% of common-law couples either pool their income or share expenses in proportion to their income (prorata). Common-law couples are, however, more likely than married couples to share expenses half and half even when the income differences between spouses are large (i.e., between 16% and 20%). The gender of the higher earner appears to play a greater role in the financial arrangements of common-law couples than it does for married couples. Households where the woman is the primary provider are more likely to pool their income (48% vs. 40% for men who earn more). Conversely, households in which the man is the primary breadwinner are more likely to share expenses in proportion of each spouse’s income (31% versus 23% for female primary breadwinners). Finally, there are also gender distinctions in the use of the household allowance and 50/50 expense sharing when there are large income differences between common-law partners. Among common-law couples where women earn more, the household favours the domestic allowance less (9%) but the 50-50 split more (20%). When men earn more, the opposite is true, with 13% for the domestic allowance and 16% for the 50-50 split. The proportion of households in which common-law partners do not contribute proportionately to household expenses is 17%[[61]](#endnote-62) compared to 11% among married couples.

Table 23: Money Management Systems by Women’s Contribution to Household Income among Common-Law Unions

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Women’s contribution to household income** | | | |  |
| **Money Management Systems** | **Less than 40** | **Between 40% and 60%.** | **More than  60 %** | **Total** |
|  | (n=447) | (n=523) | (n=132) | (n=1105) |
| Pooling of resources | 40% | 43% | 48% | 44% |
| Household allowance | 13% | 4% | 9% | 8% |
| Prorata | 31% | 21% | 23% | 24% |
| 50-50 | 16% | 32% | 20% | 23% |
| Total | 100 % | 100 % | 100 % | 100% |
| Source : Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), N=1105, Cramer’s V = 0,169, Approx. Significance = 0,00 | | | | |

In sum, the above analysis shows that there are many similarities in the financial arrangements between married and unmarried spouses. Whether or not the financial arrangements are collective does not, however, make it possible to assess the relative financial autonomy of the spouses, particularly in a common-law union, in the event of a marital breakdown. In fact, to answer the question of what would happen to each of the spouses at the end of a common-law union, we must examine not only the money management systems but also several other elements, including the way in which savings are managed, the presence of a cohabitation agreement/contract and the occupation of the spouses. It will be the subject of further analysis in the next sections of this report.

## Money management in stepfamilies

Family configurations also influence the ways in which money is managed within households. The literature specifically on couples in blended families is rather limited, and the results reported do not allow for unequivocal conclusions. Even if the basic hypothesis is generally that couples in stepfamilies opt for independent management of income (i.e., sharing of expenses), it is not always verified[[62]](#endnote-63). In fact, some studies report greater pooling or no relationship between being in a second relationship and the couple’s preferred management system[[63]](#endnote-64).

The analysis of our survey data shows that, contrary to the assumptions made by several authors, blended families favour the pooling of their financial resources as do intact families. In this survey, we distinguished three types of blended families: simple, complex and fertile (see Box 1). Income pooling is most prevalent in fertile stepfamilies (57% of cases) as can be seen in Table 24. The latter make the least use of 50/50 expense sharing, at only 12 %. As in intact families, the presence of a common child thus seems to have a significant influence on the financial organization of couples.

We also observe that couples living in complex blended families use income pooling the least (39% of cases) compared to other household types. On the other hand, they seem to be more likely to share their expenses in proportion to each spouse’s income, 28% compared to 22% for simple stepfamilies and 21% for fertile blended families. In sum, in these complex stepfamily households, although the financial situation is undoubtedly more complex because of the financial obligations of both spouses outside the union, there is also a concern for balancing the contribution of each to the household in a significant number of couples.

Table 24: Money Management Systems in Simple, Complex and Fertile Stepfamilies

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Types of stepfamilies** | | |
| **Money Management Systems** | **Simple** | **Complex** | **Fertile** |
| Pooling of resources | 45 % | 39 % | 57 % |
| Household allowance | 7 % | 6 % | 10 % |
| Prorata | 22 % | 28 % | 21 % |
| 50-50 | 26 % | 27 % | 12 % |
| Total | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=732, Cramer’s V =0.149, Approx. Significance = 0.000* | | | |

### Child-related expenses in stepfamilies

In this survey, we investigated whether in stepfamilies both spouses pay for certain expenses directly related to the children of one spouse. In particular, we looked at expenditures for clothing, medication, and childcare. The next three tables focus only on simple stepfamily households, that is, couples where only one spouse has children from a previous union. The analysis clearly shows that it is overwhelmingly the parent who pays alone or almost alone, or with the other parent who does not live in the household. In fact, more than three times out of four, new spouses do not pay for their partner’s children’s medication (76%), for their children’s clothing (80%) or for their children’s care (78%). In other words, even though a significant proportion of these couples manage jointly, expenses related to children from a previous union are generally considered to be the sole responsibility of the parent and probably the child’s other parent.

Table 25: Who Pays for Children’s Medication Expenses in Simple Stepfamilies?

*In your current relationship, most of the time, the medication of the children living under your roof is paid for by the money earned by..*

|  |  |  |  |
| --- | --- | --- | --- |
|  | Only respondent has a child from a previous union | | Respondent’s spouse has a child from a previous union |
| Me / mostly me | | 76 % | 18 % |
| Both in equal parts | | 13 % | 30 % |
| My spouse/mostly he/she | | 11 % | 51 % |
| Total | | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=155, Cramer’s V =0.582, Approx. Significance = 0.000* | | | |

Table 26: Who Pays for Childcare Expenses in Simple Stepfamilies?

*In your current relationship, most of the time, the custody of the children living under your roof is paid for by the money earned by...*

|  |  |  |  |
| --- | --- | --- | --- |
|  | Only respondent has a child from a previous union | Only the respondent’s spouse has a child from a previous union | |
| Me / mostly me | 78 % | | 10 % |
| Both in equal parts | 16 % | | 36 % |
| My spouse/mostly he/she | 6 % | | 54 % |
| Total | 100 % | | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=126, Cramer’s V =0.696, Approx. Significance = 0.000* | | | |

Table 27: Who Pays for Children’s Clothing Expenses in Simple Stepfamilies?

*In your current relationship, the clothes of the children who live under your roof are most often paid for by the money earned by the...*

|  |  |  |
| --- | --- | --- |
|  | Only respondent has a child from a previous union | Only the respondent’s spouse has a child from a previous union |
| Me / mostly me | 80 % | 16 % |
| Both in equal parts | 11 % | 39 % |
| My spouse/mostly he/she | 9 % | 45 % |
| Total | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=157, Cramer’s V =0.635, Approx. Significance = 0.000* | | |

In the three preceding tables, we note that when it comes to the spouse’s children, a significant proportion of respondents believe that they also pay for these expenses. Depending on the budget item, between 30% and 39% of respondents feel that they share the costs of clothing, medication and childcare with their spouse from a previous union.

## Who has more personal expenses?

Nearly six in ten respondents reported that their personal expenses are equal to those of their spouses. Personal expenses vary by gender, money management system, but also by each person’s contribution to the family income.

### Personal expenditures by gender

Men appear to be slightly more likely to have more personal expenses than women. In fact, 22% of men and 18% of women say they have more personal expenses than their spouse. However, these differences are still small.

Table 28: Who Makes the Most Personal Expenditures by Gender

|  |  |  |
| --- | --- | --- |
|  | **Gender** | |
| Personal expenses | Male | Female |
| Our personal expenses are equivalent | 60 % | 62 % |
| My spouse has more personal expenses | 18 % | 20 % |
| I have more personal expenses | 22 % | 18 % |
| Total | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3060, Cramer’s V = 0.057, Approximate significance = 0.007* | | |

### Personal expenses by management system

Personal spending varies according to how couples manage money. For example, those who pool their income are much more likely to feel that their personal expenses are equal. 70% of those who pool their income have the same level of personal expenses compared to about half of couples who share their expenses (prorate or 50/50), or those who use the allowance system. Expenses sharing in proportion to each spouse’s income (egotia) generally indicate income differences between spouses. This group has the highest proportion of spouses who say that one or the other has more personal expenses (52%). Finally, we should point out the differences observed between pooling and domestic allocation. The latter, in which one spouse does not have access to all of the household income, seems closer to arrangements that rely on sharing common expenses, since in half of the cases, one spouse spends more on personal expenses than the other.

Table 29: Who Spends the Most on Personal Expenses by Money Management System

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Money Management Systems** | | | |
| **Personal expenses** | **Pooling of resources** | **Household allowance** | **Prorata** | **50-50** |
| Our personal expenses are equivalent | 70 % | 51 % | 48 % | 55 % |
| My spouse has more personal expenses | 15 % | 22 % | 27 % | 21 % |
| I have more personal expenses | 15 % | 27 % | 25 % | 24 % |
| Total | 100 % | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3185, Cramer’s V = 0.143, Approximate significance = 0.00* | | | | | |

The income pooling system, associated with family income, generally implies that there is a more or less equal redistribution or access to all income, regardless of the actual financial contribution of each spouse. With regard to this money management system, it is interesting to compare the declarations of men and women with regard to personal expenses while considering the contribution of women to household income. Thus, all things considered, in this type of management, men declare that they have more personal expenses (26%) than their wives when their wives contribute less than 40% of the household income, according to Table 30. In contrast, women report more personal expenses (28%) than their spouses when their spouses contribute more than 60% of the household income. In sum, in a quarter of households, the person who earns more seems to be able to spend more than the other. Men and women seem to have a very similar view of this issue.

Table 30: Male Respondents’ Personal Expenditures by Women’s Contribution to Household Income when Spouses Pool their Income

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Women’s contribution to household income** | | |
| Personal expenses according to men | Less than  40 % | Between 40% and 60 | More than  60 % |
| Our personal expenses are equivalent | 60 % | 68 % | 58 % |
| My spouse has more personal expenses | 14 % | 19 % | 29 % |
| I have more personal expenses | 26 % | 13 % | 13 % |
| Total | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=566, Cramer’s V = 0.141, Approximate significance = 0.00* | | | |

Table 31: Female Respondents’ Personal Expenses by Women’s Contribution to Household Income when Spouses Pool Income

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Women’s contribution to household  income** | | |
| Personal expenses according to women | Less than 40 | Between 40% and 60 | More than  60 % |
| Our personal expenses are equivalent | 68 % | 74 % | 62 % |
| My spouse has more personal expenses | 20 % | 15 % | 10 % |
| I have more personal expenses | 12 % | 11 % | 28 % |
| Total | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=567, Cramer’s V = 0.127, Approx. Significance = 0.001* | | | |
|

## Management systems in same-sex couples

In Quebec, same-sex couples generally operate in the same way as heterosexual couples. Male and female couples also manage money in much the same way with one exception. Lesbian couples are slightly less likely to adopt the household allowance system and conversely slightly more likely to share expenses 50-50 than gay couples.

Table 32: Money Management System in Same-Sex Couples

|  |  |
| --- | --- |
| Money Management Systems | Same-sex couples |
| Pooling of resources | 57 % |
| Household allowance | 6 % |
| Prorata | 17 % |
| 50-50 | 20 % |
| Total | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | |

Table 33: Money Management in Same-Sex Couples by

|  |  |  |
| --- | --- | --- |
|  | Gender of respondent | |
| Money management systems | Men | Women |
| Pooling of resources | 57 % | 58 % |
| Household allowance | 8 % | 3 % |
| Prorata | 16 % | 18 % |
| 50-50 | 19 % | 21 % |
| Total | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=180, Cramer’s V =0.089, Approx. Significance = 0.703* | | |

## Moneywork

Moneywork consists of paying bills, sometimes keeping a budget, making transfers, etc., on a daily, weekly or monthly basis. It is a task usually associated with housework because it is repetitive and often demanding[[64]](#endnote-65). This task can be stressful when money runs out. However, it cannot be associated with real power within a couple, although this work gives access to information that is essential to egotiate. Does this task, traditionally a woman's job in Quebec[[65]](#endnote-66), still fall to women? According to Table 34, half of the women say they are responsible for these tasks, compared to 41% of the men. At the same time, slightly more men (27%) report that their wives keep the family accounts. Finally, almost one-quarter (21%-25%) of respondents said they both were responsible for the household moneywork.

Table 34: Who is Mainly Responsible for the Moneywork, by Respondent’s Gender.

|  |  |  |
| --- | --- | --- |
|  | Gender of respondent | |
|  | Male | Female |
| Mostly myself | 41 % | 50 % |
| Mostly my spouse | 27 % | 23 % |
| My spouse and I | 25 % | 21 % |
| It is variable | 7% | 6 % |
| Total | 100 % | 100 % |
| Source : Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), *N=3046, Cramer’s V = 0.099, Approximate significance = 0.00* | | |

This daily moneywork also seems to vary according to the women’s contribution to the household income and according to the level of income. Indeed, the following table shows that as women’s contribution to household income increases, more and more of them take on this task. However, when they are the sole or main provider with a contribution of more than 80 % of the household income, the proportion of women who take on this management task decreases. On the contrary, almost half of the men keep the accounts when their spouse’s contribution is less than 25 % of the household income. When the incomes of the two spouses are almost equal (the wife’s contribution is between 40% and 60%), only a quarter of the men are responsible for keeping the accounts. However, almost 40% of men manage the accounts when their spouse earns more than 80% of the household income. Finally, it should be noted that it is when incomes are most equal or when the wife earns slightly more than her spouse that management seems to be most shared.

Table 35: Moneywork by Spouse’s Contribution to Household Income

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Women’s contribution to household income | | | | | |  |
| Who keeps the accounts and pays the bills | No | Less  by 25%. | 25 % à 40 % | 41 % à  60 % | 61 % à 80 % | More than 80% of the time | Total |
| The woman | 34 % | 33 % | 36 % | 44 % | 49 % | 36 % | 40 % |
| The man | 51 % | 50 % | 40 % | 24 % | 19 % | 40 % | 33 % |
| Both | 15 % | 16 % | 24 % | 32 % | 32 % | 23 % | 27 % |
| Total | 100 % | 100 % | 100 % | 100 % | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), N=2003, Cramer’s V =0.173 Approx. Significance = 0.000 | | | | | | | |

Traditionally, in low-income households, it was women who managed the money. Conversely, men took care of management tasks when incomes were higher[[66]](#endnote-67). What is the situation today? Table 36 shows that there are variations according to household income. In families where the combined annual income of both spouses is less than $40,000, women are more likely to do management tasks alone (46%) or with their spouse (29%). As household income increases, their proportion decreases while the share of men doing this money management increases. Finally, there is less variation in households where both spouses share this moneywork.

Table 36: Moneywork by Household Income Level

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **The combined income of both spouses** | | | |  |
| **Who keeps the accounts  and pays the bills?** | **Less than**  **40 000 $** | **40 000 $ à**  **80 000 $** | **81 000 $ à**  **100 000 $** | **101,000 and over** | **Total** |
| Female | 46 % | 46 % | 39 % | 36 % | 41 % |
| Male | 25 % | 27 % | 30 % | 38 % | 32 % |
| Both | 29 % | 26 % | 31 % | 26 % | 27 % |
| Total | 100 % | 100 % | 100 % | 100 % | 100 % |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS) *N= 2066, Cramer’s V =0, 086, Approx. Significance = 0.000* | | | | | |

## Bank accounts and money management

Given the four dimensions to be considered in determining types of management (ownership, access, control, and moneywork), an analysis of the different bank accounts that individuals and couples have and how they use them does not capture management systems[[67]](#endnote-68). Table 37 shows that when respondents say they pool all their money together as a couple, they have joint and personal bank accounts in more than half the cases (51%). Even if the money is pooled, one-fifth of these couples (20%) still use personal accounts only and nearly one-third (29%) use joint account(s) only. Among those who operate on the household allowance, many have only a personal bank account (42%). On the other hand, many also use both personal and joint accounts simultaneously (42%) In order to provide access to a portion of monetary resources for the partner with lower income. Couples who split expenses 50/50 or in proportion to spouse’s income are almost equally divided between those who use personal accounts only and those who use both personal and joint accounts. Finally, within these management modes, obviously, very few use only joint accounts. In sum, the use of personal accounts only or joint accounts only does not allow us to determine the management mode of couples.

Table 37: Types of Bank Accounts by Money Management Systems

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Money management system** | | | |
| Types of bank accounts | Pooling of resources | Household allowance | Prorata | 50-50 |
| Personal account only | 20 % | 42 % | 49 % | 53 % |
| Joint account only | 29 % | 16 % | 2 % | 0 % |
| Both, personal and joint | 51 % | 42 % | 49 % | 47 % |
| Total | 100 % | 100 % | 100 % | 100 % |
| Source : Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, SSHRC-funded research project (2014-2017), *N=3153, Cramer’s V = 0.283, Approx. Significance = 0.000* | | | | |

## Evolution of money management systems

### Implementation of money management systems

We have tried to identify how the different money management systems adopted by spouses were set up and how they have changed over time. Table 38 shows that slightly more than 4 out of 10 couples (43%), whether common-law or married, discuss and choose a money management system together. However, almost as many couples (40%) said that their financial arrangements were set up without them really thinking about it. When only a minority (13%) of spouses say that only one of them actually chose how to manage the couple’s money, it is either the respondents (7%) or their spouse (6%).

Table 38: Setting Up of Financial Organization

|  |  |  |
| --- | --- | --- |
| **How was this arrangement put in place?** |  | **%** |
| We discussed the possibilities and chose this system |  | 43 |
| This was put in place without really thinking about it |  | 40 |
| My spouse has chosen this organization |  | 6 |
| I chose this organization |  | 7 |
| Don’t know, don’t remember |  | 4 |
| Total |  | 100 |
| Source : Belleau H. and C. Lavallée, Unions et désunions conjugales au Quebec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux, Research project funded by SSHRC (2014-2017) | | |

### Moments that lead to changes in management systems

Forty-one percent of our survey respondents report that they have changed the financial arrangements of their relationship since the beginning of their relationship.

Table 39: Financial Organization Changes Over Time

|  |  |  |
| --- | --- | --- |
| **Has your financial arrangement changed since the beginning of your relationship ?** | **Frequency** | **%** |
| Yes | 1342 | 41 |
| No | 1904 | 59 |
| Total | 3246 | 100 |
| Source : Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | | |
|

There are several factors that can disrupt financial arrangements. Among those who say they have changed their financial management since the beginning of their relationship, one-third mention the birth of their child as a factor, about 20% mention the loss or change of a job, while cohabitation is mentioned by one in five respondents, as is the purchase of a house. Finally, marriage also appears to have led to a change in financial arrangements for 10% of respondents who have changed their financial arrangements since the beginning of their union.

There are many other reasons that can lead to a change in management system. Our survey concerned people under 50, which did not allow us to measure the impact of retirement. This stage of life is likely to lead to a reduction in income for one of the spouses and therefore possibly a reorganization of finances. The length of time they have lived together was also mentioned: generally speaking, the longer they have lived together, the greater the chances of managing by pooling their income.

# Part 5: Common savings and debt

This section focuses on couples’ financial arrangements on two specific aspects: saving for retirement and joint debts.



## Long-term savings for retirement

As part of this survey, we wanted to briefly document another aspect of spousal financial arrangements, namely retirement planning. This issue can become crucial in the event of a break-up when the union has lasted a few years and when the couple has had children. The question was formulated to distinguish between couples who had no savings, those who were saving independently of each other, and those who were planning for retirement together. Respondents were asked to identify which of the following statements best describes their situation:

1) *Neither I nor my spouse have saved for retirement.*

*2) We save money for retirement each for ourselves, independently of each other.*

*3) We try to balance the long-term savings between us by taking investments for both of us.*

*4) I don’t know*.

### Retirement planning by gender

Table 40 shows that about one quarter of respondents say they have not yet saved for retirement. It can be seen that only 26% of respondents say they are saving with their spouse, while the majority, about 45% of respondents, say they are saving separately as a couple. There are some gender differences. Women are slightly more likely than men to report living in a couple that has not accumulated any savings to date. Slightly more men report that in their relationship, everyone saves for themselves.

Table 40: Marital Arrangements for Retirement Planning by Gender

|  |  |  |  |
| --- | --- | --- | --- |
|  | Gender of respondent | | |
| Retirement Planning | Male  % | Female  % | Set |
| No savings to date | 22 | 26 | 24 |
| Everyone saves for themselves | 49 | 42 | 45 |
| Common savings | 25 | 26 | 26 |
| Don't know | 4 | 7 | 5 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3246, Cramer's V = 0.089, Approx. significance = 0.000* | | | |

### Retirement planning by women's contribution to household income

Saving for retirement also appears to vary slightly with income differences between spouses. In particular, the following table shows that among households with the lowest female contribution, there are more respondents living in a couple with no savings to date. Joint saving for retirement is proportionally more common in this group (33%). Finally, the highest proportion of respondents who say they are saving for themselves (54%) is found in households where the wife earns 26% to 40% of the household income. This group is closely followed by households where the wife earns a similar income to her husband (52%).

Table 41: Couple’s Arrangements for Retirement Planning by Spouse’s Contribution to Household Income

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Women's contributions to household income** | | | |  |
| **Types of planning** | **25% or less**  **%** | **From 26 to 40**  **%** | **From 41 to 60% of the total**  **%** | **More than 60% of the total**  **%** | **Total**  **%** |
| No savings to date | 31 | 19 | 20 | 23 | 22 |
| Everyone saves for themselves | 33 | 54 | 52 | 46 | 48 |
| Common savings | 33 | 26 | 25 | 26 | 27 |
| Don't know | 3 | 1 | 3 | 5 | 3 |
| Total | 100 | 100 | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3230, Cramer's V = 0.191, Approx. significance = 0.000* | | | | | |

### Retirement planning by management approach

We hypothesized that there is a correlation between savings arrangements and management systems. Table 42 reveals several interesting points. First, we note that spouses who pool their income do not necessarily save together for retirement. In fact, one-third of the respondents in this group say they save together (34%) and the same proportion (33%) say that they save separately. This suggests that spouses do not necessarily agree on the best strategies for saving for retirement. One way to avoid creating irritants is to do it individually. Do spouses have comparable amounts of money to save? Unfortunately, our data does not allow us to answer this question.

Among couples in which one spouse pays the other an allowance for the day-to-day running of the household, the proportion of respondents who say that savings are made individually (42 %) is higher than among those who manage by pooling income (33 %). It can be hypothesized that independent management in some couples is therefore synonymous with savings for one, but not always for the other.

Couples who are sharing expenses in proportion to each spouse’s income or on a 50/50 basis have the highest proportion of respondents who say they manage independently of each other, which is quite consistent with the logic of the management system adopted. It should be noted, however, that despite this more independent management system, between 10% and 16% of respondents nevertheless claim to plan for retirement through joint savings.

Finally, we can see in the same table that among those who have no savings for retirement, a larger proportion manage by pooling their income. As we saw earlier, this phenomenon is partly explained by the fact that spouses with lower incomes pool more and that a significant proportion of them have less capacity to save.

Table 42: Couple’s Arrangements for Retirement Planning by Money Management Systems

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Money management systems** | | | | |
| Types of planning | | Income pooling  % | Household allowance  % | Sharing of expenses in proportion to income  % | 50-50 expense sharing  % | |
| No savings to date | | 28 | 21 | 17 | 20 | |
| Everyone saves for themselves | | 33 | 42 | 63 | 64 | |
| Common savings | | 34 | 33 | 16 | 10 | |
| Don't know | | 5 | 5 | 4 | 6 | |
| Total | | 100 | 100 | 100 | 10 | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3185, Cramer's V = 0.175, Approximate significance = 0.000* | | | | | |

### Retirement planning by income level of spouses

Couples’ arrangements around retirement also vary by household income level. At the lowest income levels, many fewer couples are able to put money aside for retirement, simply because the budget is not sufficient. The higher the household income, the more spouses save for themselves. Finally, joint saving also increases with income level.

Table 43: Couple’s Arrangements for Retirement Planning by Family Income

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Annual family income** | | | | |
| Types of planning | Less than  40 000 $  % | 40 000 $ à  80 000 $  % | 81 000 $ à  100 000 $  % | 100 001 $  and more  % | Total  % |
| No savings to date | 65 | 33 | 17 | 7 | 22 |
| Everyone saves for themselves | 16 | 40 | 57 | 57 | 48 |
| Common savings | 14 | 23 | 23 | 34 | 27 |
| Don't know | 5 | 4 | 3 | 2 | 3 |
| Total | 100 | 100 | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=2201, Cramer's V =0.246, Approx. significance = 0.000* | | | | | |

### Retirement planning by marital status

Respondents' marital status also appears to have an impact on savings arrangements. Proportionally, common-law couples are more likely than married couples to manage savings separately (53% versus 37%). Conversely, married respondents are nearly twice as likely to say they try to balance long-term savings between them (34% vs. 19%). These differences must be examined in light of the overwhelming preference of common-law couples for joint money management (pooling or prorate) on a daily basis, despite the absence of a legal framework for sharing assets and savings in the event of breakup or death. As a result, although *de facto* spouses are economically united on a day-to-day basis, the ability of each to accumulate savings over the years is sometimes very unequal between spouses. The large differences in income between the spouses and the long duration of the union are likely to accentuate these imbalances. For example, mothers in common-law unions who devote more time to family and less to work lag behind their common-law spouses in accumulating savings in public and private pension plans over the years.

Table 44: Couple’s Arrangements for Retirement Planning by Marital Status

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Marital status** | |  |
| **Types of planning** | **Married**  **%** | **Common-law**  **%** | **Total**  **%** |
| No savings to date | 24 | 23 | 24 |
| Everyone saves for themselves | 37 | 53 | 45 |
| Common savings | 34 | 19 | 26 |
| Don't know | 5 | 5 | 5 |
| Total | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3185, Cramer's V = 0.175, Approximate significance = 0.000* | | | |

## Common debts (other than a mortgage)

Married couples are jointly liable for debts incurred for the family's current needs during the marriage. This means that even if an expense is incurred without the consent of the other spouse, the latter may be held responsible for reimbursing the entire debt in the same manner as the spouse who contracted with the third party (art. 397 C.C.Q.). Common-law spouses do not have this obligation.

A significant proportion of respondents said that they had joint debts, apart from a mortgage for those who had one. The following question was asked: *Apart from the mortgage issue, do you have joint debts, in both your names?* The analysis also shows significant differences between married and common-law spouses. The formers are slightly more likely to have debts in common than common-law spouses. To explain this phenomenon, several avenues will be explored later, notably the impact of the length of the union and the age of the respondents with debts.

Table 45: Common Debts, Excluding Mortgages, by Marital Status

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Marital status** |  |
| **Have common debts**  **outside the mortgage** | **Married**  **%** | **Common-law**  **%** | **Total**  **%** |
| Yes | 50 | 44 | 41 |
| No | 50 | 66 | 59 |
| Total | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3168, Cramer's V = 0.162, Approx. significance = 0.000* | | | |

Having joint debts is also related to money management systems. Among couples who manage by splitting expenses equally, only a quarter report having debts in both spouses' names. At the other end of the spectrum, respondents managing by pooling are twice as likely to have debts in both spouses' names.

Table 46: Common Debts, Excluding Mortgages, by Money Management Systems

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | **Money Management Systems** | | | |
| **Common debts outside the mortgage** | **Income pooling**  **%** | **Household allowance**  **%** | **Prorata**  **%** | **50/50**  **%** | **Total**  **%** |
| Yes | 51 | 31 | 32 | 25 | 41 |
| No | 49 | 69 | 68 | 75 | 58 |
| Total | 100 | 100 | 100 | 100 | 100 |
| Source: Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), N=3123, Cramer's V = 0.228, Approx. significance = 0.000 | | | | | |

# Part 6: Wills and other notarized documents

Various contracts can be signed between spouses, whether they are married or in a common-law relationship, including: a will, a cohabitation agreement/contract, a deed of purchase of a residence, a lease, etc. This section deals with these various contracts, paying particular attention to *de facto* spouses who, given the virtual absence of legal protection for their union, may find themselves in a more precarious situation than married spouses in the event of a break-up.



## How many couples have made a will?

Although more than half of couples did not make a will, a higher proportion of married couples made a will than common-law couples, 46% versus 35%.

Table 47: Presence of a Will by Marital Status

|  |  |  |  |
| --- | --- | --- | --- |
| **Do you have a will ?** | **Marital status** | | |
|  | Married | Common-law | |
| Yes | 46 % | 35 % | |
| No | 54 % | 65 % | |
| Total | 100 % | 100 % | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3232, Cramer's V = 0.109, Approx. significance = 0.00* | | |

There is also an increase in the number of respondents who have made a will in longer unions (Table 48). Conversely, those in unions of less than 9 years are the least likely to have made a will (17% of 3 years and less and 28% of 4-9 years). However, 44% of couples with 10 to 15 years living together and more than half (60%) of couples with more than 15 years of living together have made a will. Finally, it should be noted that a large proportion of respondents, nearly 40%, have still not made a will even after 15 years of living with their spouse.

Table 48: Presence of a Will by Cohabitation Duration

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Common life span** | | | | |
| Do you have a will ? | 3 years and less | 4 to 9 years | 10 to 15 years | More than 15 years | |
| Have a will | 17 % | 28 % | 44 % | 60 % | |
| No will | 83 % | 72 % | 56 % | 40 % | |
| Total | 100 % | 100 % | 100 % | 100 % | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3174, Cramer's V = 0.316, Approximate significance = 0.00* | | | | |

The following two tables take into account not only the length of time respondents have lived together but also their marital status. Among both married and common-law couples, there is a significant increase in the number of couples who make a will as the length of their union increases. For those who lived together for less than 4 years, this proportion is 22% for married couples and 16% for common-law partners. However, after 15 years together, the proportion of common-law couples who have made a will exceeds that of married couples (64% versus 59% for married couples).

Table 49: Presence of a Will by Cohabitation Duration of Married Couples

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Common life span** | | | | |
| Do you have a will ? | 3 years and less | 4 to 9 years | 10 to 15 years | More than 15 years | |
| Have a will | 22% | 30% | 44% | 59% | |
| No will | 78% | 70% | 66% | 41% | |
| Total | 100 % | 100 % | 100 % | 100 % | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1506, Cramer's V = 0.258, Approximate significance = 0.00* | | | | |

Table 50: Presence of a Will by Cohabitation Duration of Unmarried Couples

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Common life span** | | | |
| Do you have a will ? | 3 years and less | 4 to 9 years old | 10 to 15 years | 16 years and older |
| Have a will | 16% | 27% | 44% | 64% |
| No will | 84% | 73% | 56% | 37% |
| Total | 100 % | 100 % | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1667, Cramer's V = 0.341, Approximate significance = 0.00* | | | | |

Not surprisingly, the same trend is observed for the age variable. The older the respondents, the more likely they are to have a will. Before the age of 40, less than half of the respondents have a will (13% between 25 and 29, 30% between 30 and 34, 40% between 35 and 39). Nevertheless, as with the length of union variable, 42% of those between 45 and 50 still do not have a will.

Table 51:Presence of a Will by Age of Respondents

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Age categories** | | | | |
| Will | 25 to 29 | 30 to 34 | 35 to 39 | 40 to 44 | 45 to 50 |
| Have a will | 13 % | 30 % | 40 % | 49 % | 58 % |
| No will | 87 % | 70 % | 60 % | 51 % | 42 % |
| Total | 100 % | 100 % | 100 % | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3142, Cramer's V = 0.304, Approximate significance = 0.00* | | | | | |

Finally, respondents with children are more likely to make a will than those without children. This is reflected in the analysis by household. In fact, nearly half (46%) of households have a will when there is at least one child in the family. This is the case for one-fifth of households without children (21%). Thus, it can be hypothesized that the presence of children in the household is an incentive for parents to make such a document.

Table 52: Presence of a Will by the Presence of at Least one Child in the Household

|  |  |  |
| --- | --- | --- |
|  | **Presence of a child in the household** | |
| Do you have a will ? | No | Yes |
| Have a will | 21 % | 46 % |
| No will | 79 % | 54 % |
| Total | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3246, Cramer's V = 0.214, Approximate significance = 0.00* | | |

## Who are the heirs?

After asking respondents if they had made a will, we asked them who they had named as their heirs. Respondents could list up to 10 people in an open-ended question (no choice of answers). In order of importance, the heirs named by the respondents are, first, 1) the surviving spouse, 2) the children of the current union and the respondent's own children from a previous union, 3) brothers and sisters, and 4) nephews and nieces as well as the spouse's children from a previous union. This hierarchy of beneficiaries is based on the relationship of the spouse, but also on blood ties (or adoption). It should be noted that the children of the spouse are placed in the same rank as nephews and nieces, i.e. far behind the children that the respondent has had from one or more previous unions.

## How many couples have made a cohabitation contract/agreement?

The purpose of the cohabitation agreement/contract is largely to plan for the division of property between common-law partners in the event of separation. Overall, less than 8% of common-law couples report having made such a contract. The length of time they have lived together seems to have a very slight influence on this decision. Among respondents with 3 years or less together, only 5% have made such a contract. Those with 10 or more years together are the most likely to have signed such cohabitation agreement/contract.

Table 53: Cohabitation contract/agreement by Cohabitation Duration among Unmarried Couples

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Cohabitation Duration** | | | |
| Cohabitation agreement/contract | 3 years or less | 4 to 9 years | 10 to 15 | 16 to 35 |
| Having one | 5 % | 7 % | 10 % | 11 % |
| Not having one | 95 % | 93 % | 90 % | 89 % |
| Total | 100 % | 100 % | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1643, Cramer's V = 0.073, Approx. significance = 0.034* | | | | |

We looked at whether couples who make cohabitation contract/agreement are also more likely to have made a will, one of which may have preceded the other. Table 54 shows that, indeed, there appears to be a correlation between the two. Spouses who have made a notarial will are proportionately more likely to have also made a cohabitation contract, although the number remains small.

Table 54: Having a Will and a Cohabitation Agreement/Contract

|  |  |  |  |
| --- | --- | --- | --- |
| **Cohabitation agreement/contract** | **Have a will** | **Do not have a will** | |
| Having one | 16 % | 4 % | |
| Not having one | 84 % | 96 % | |
| Total | 100 % | 100 % | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1658, Cramer's V = .209 Approx. significance = 0.000* | | |

### Cohabitation agreements/contracts according to different family types

Overall, 75% of the 134 respondents with a cohabitation agreement/contract claim to have drawn it up before a notary. When we look at the proportion of respondents who have made such a contract among different types of households, we see that intact households with children (11%) and complex stepfamilies (9%) are more likely to make this type of contract, although they remain very few. Complex stepfamilies are also more likely than others to have used a legal professional to draft such a contract.

Table 55: Having a Cohabitation Agreement/Contract by Household Type

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Types of families** | | |  |  |
| Cohabitation agreement/contract | Couples without children | Simple stepfamilies | Complex  stepfamilies | Fertile stepfamilies | Intact families with child |
| Having one | 5 % | 5 % | 9 % | 7 % | 11 % |
| Not having one | 95 % | 95 % | 91 % | 93 % | 89 % |
| Total | 100 % | 100 % | 100 % | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1655, Cramer's V = 0.088, Approx. significance = 0.013* | | | | | |

## An alternative hypothesis concerning cohabitation agreements/contracts

We tested several variables to identify the profiles of couples who report having signed a cohabitation contract/agreement. We had several assumptions at the outset, including that people with more education or couples with children in common would be more likely to have signed such an agreement. However, neither education nor the presence of children in common, appeared to be related to whether or not a cohabitation agreement/contract was signed. Real-time listening to some of the telephone interviews led us to formulate a different hypothesis. Although every precaution was taken to avoid confusion among the respondents, notably by introducing this question after those concerning the will so that the respondents could distinguish between the two legal acts, some of them may have confused them. Indeed, half of the respondents who signed a cohabitation agreement appear to be unfamiliar with the basic rules of law, as the following three tables reveal. Given that three out of four of those who said they had made such a contract said they had done so with a notary, this is surprising, to say the least, since one might think that a visit to the notary is often an opportunity to acquire legal notions (see Part 6). We conclude that among the 134 respondents who said they had made such a cohabitation contract, some of them probably associated this contract with another document, whether it was a will, a protection mandate (mandate in case of incapacity), etc.

Table 56: Cohabitation Agreement/Contract by to legal knowledge among common-law partners

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal knowledge questions**  I would now like to ask you a number of questions on the laws in regard to couples in Quebec.  Q64. Do you think the following statements are either true or false? |  | **Common-law partners who** | | |
| Answers | Have a cohabitation agreement/ contract | Do not have cohabitation agreement/ contract | Total |
| *1. After a few years of living together, unmarried spouses have the same legal status as a married couple. (Answer = false)* | True | 8% | 92% | 100% |
| False | 9% | 91% | 100% |
| *2. Should conjugal breakdown occur in a de facto union, the property acquired while together would be equally separated?* *(Answer = false)* | True | 8% | 92% | 100% |
| False | 8% | 92% | 100% |
| *3. Should conjugal breakdown occur in a de facto union, the partner with less money can't claim spousal support.* *(Answer = true)* | True | 8% | 92% | 100% |
| False | 8% | 92% | 100% |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique. N= 1658, for each question no significant statistical relation.

## To own or to rent a home?

When examining the tenure of respondents' homes by marital status at the time of the survey, married couples are more likely to own their homes (77%) than unmarried couples (69%).

Table 57: Owners and Renters by marital status of respondent

|  |  |  |  |
| --- | --- | --- | --- |
| **Do you own or rent your current home?** | **Marital status of respondent** | | |
|  | Married | Common-law | |
| Owner | 77 % | 69 % | |
| Tenant | 23 % | 31 % | |
| Total | 100 % | 100 % | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=3232, Cramer's V = 0.094, Approximate significance = 0.00* | | |

### Owners

Among homeowners, the vast majority (77%) say that both spouses signed the deed of purchase before a notary. As the following table shows, there are more married couples than common-law couples who are co-owners. In fact, 83% of married respondents versus 70% of common-law respondents are co-owners with their current spouse.

Table 58: Who Signed the Deed of Purchase Before the Notary by Marital Status?

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Marital status of respondent** | |  |
|  | Married | Common-law | Total |
| One spouse | 16 % | 29 % | 22 % |
| Both spouses | 83 % | 70 % | 77 % |
| Other 1 | 1 % | 1 % | 1 % |
| Total | 100% | 100 % | 100 % |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=2351, Cramer's V = 0.159, Approx. significance = 0.000*  The "other" category includes relatives, friends and ex-spouses mainly. | | | |

When buying a home, buyers are required to give a down payment. We tried to find out which of the two spouses or their relatives contributed to the down payment and whether the buyers felt it was necessary to "make a paper trail" to keep track of each other's contribution to the down payment. The first observation is that in the majority of cases (57%), both spouses contributed to the down payment. In 39% of the cases, only one spouse contributed to the down payment, and in about 4% of the cases, a relative (other) also contributed to the down payment.

Table 59: Down Payment for the Purchase of a House by Marital Status

|  |  |  |  |
| --- | --- | --- | --- |
| **Did you sign a paper stipulating who provided the down payment?** | **Marital status** | | |
|  | **Married**  **%** | **Common-law**  **%** | **Total** |
| Both spouses | 63 | 51 | 57 |
| One spouse | 33 | 45 | 39 |
| Other | 4 | 4 | 4 |
| Total | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=2255, Cramer's V = 0.120, Approx. significance = 0.000* | | | |

Among couples where both spouses contributed to the down payment on the house, only 25% said they “sign a paper stipulating who provided the down payment”. When the parents of one spouse contributed to the down payment, 40% signed such a paper.

### Tenants

Among tenants, the majority of respondents also report that the lease was signed by both spouses. This is true for both married and common-law couples (58% and 57%). A significant proportion of common-law couples, more than one in three, do not have one partner's name on the lease. In the event of a break-up, married partners have security that common-law partners do not have.

Table 60: Who Signed the Lease by Marital Status

|  |  |  |  |
| --- | --- | --- | --- |
|  | Marital status of respondent | |  |
| Have signed the lease | Married  % | Common-law  % | Total  % |
| One spouse | 39 | 38 | 39 |
| Both spouses | 58 | 57 | 57 |
| Other | 3 | 5 | 4 |
| Total | 100 | 100 | 100 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=881, Cramer's V = 0.086, Approx. Sig = 0.257* | | | |

We tried to find out whether the presence of a common child or children had an impact on the fact that both names were on the lease. As the following table shows, it seems to have a slight influence among common-law couples (64% rather than 57%). Indeed, in 30% of common-law couples with children in common, only one spouse's name appears on the lease.

Table 61: Who Signed the Lease Among Couples with Common Children by Marital Status?

|  |  |  |  |
| --- | --- | --- | --- |
|  | Marital status of respondent | | |
| Have signed the lease | Married  % | Common-law  % | |
| One spouse | 40 | 30 | |
| Both spouses | 57 | 64 | |
| Other | 3 | 6 | |
| Total | 100 | 100 | |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=881.* | | |

# Part 7: Relationship to marriage and legal knowledge

We saw in Part I that the protection afforded by the law differs according to the marital status of couples, and that spouses seem to be unaware of this reality. This section addresses both the data surrounding the decision to marry or not and the respondents' level of knowledge of certain aspects of family law in Quebec. A portrait of the sources of information possessed by the respondents on this subject is also presented.



## To marry or not, a complex question

### The choice to marry or not

We have explored the question of whether or not to marry elsewhere from various angles in recent years[[68]](#endnote-69). In the present survey, we wanted to validate certain explanatory leads that emerged from qualitative interviews in particular. First, we hypothesized that in a significant proportion of common-law couples, the spouses do not agree on the decision to marry or not and that, as a result, a *de facto* union is imposed by default. To test this hypothesis, we asked respondents the following question: Was a marriage wanted by one of the partners but not by the other? The analysis shows that 25% of common-law couples say that one of the members of the couple would like or would have liked to get married and the other not. Note that eight times out of 10, it is the man who does not want to get married.

We have also tried to identify the reasons why some spouses do not wish to marry. These reasons are diverse, but most often have nothing to do with the legal framework of marriage. Two sections of the questionnaire were designed to explore this last dimension. First, respondents were asked to express their reasons for not being married. Second, we sought to identify the legal knowledge of the spouses in order to verify whether or not this "choice" not to marry was informed and whether it could be motivated by a rejection of the legal framework of marriage. We will examine these two aspects in what follows.

### Reasons given by cohabitants for not marrying

We asked all respondents in common-law relationships why they were not married. They were invited to answer spontaneously without choice. We then grouped their responses by major themes. First, we note that 13% of the respondents in common-law relationships stated that they planned to get married one day. The others mentioned the following reasons, placed here in order of importance:

We don't see the importance or usefulness of marriage, or we don't believe in it.

It's too expensive or an unnecessary expense.

The experience of divorce or the divorce of a loved one has deterred us from getting married.

We haven't talked about it yet, we don't feel ready, we don't want to commit ourselves or we are afraid of losing a certain freedom.

We are not believers, or we are both of different faiths.

The preparation of a wedding requires too much preparation or is too complicated[[69]](#endnote-70).

In sum, we observe that the reasons given for not marrying are many. Among these, however, the legal dimensions are almost never stated spontaneously and explicitly.

## Legal knowledge

In our survey, we probed the legal knowledge of respondents. The questions were largely taken from a study conducted for the Chambre des notaires du Quebec by Ispos-Decarries[[70]](#endnote-71). We present here the analyses made for each question, focusing on the differences between matrimonial statuses, since it is people in common-law relationships who do not benefit from the same legal protection as spouses in the event of a break-up.

This section of the questionnaire began as follows: *I would now like to ask you some questions about the laws that affect couples in Quebec. In your opinion, are the following statements true or false?*

The analysis shows that 45% of common-law couples believe they have the same legal status as married people and 4% say they do not know if there is a difference between the two. This lack of knowledge is also found to be shared by married couples.

Table 62: Opinion on a Statement Regarding Legal Status, by Marital Status

*In your opinion, is the following statement true or false?* *“After a few years of living together, unmarried spouses have the same legal status as a married couple.”*

|  |  |  |
| --- | --- | --- |
| **N = 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 48 | 51 |
| **Don't know** | 8 | 4 |
| **Wrong answer** | 44 | 45 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Table 63: Opinion on a Statement Concerning Share of Property, by Marital Status

*In your opinion, is the following statement true or false? “Should conjugal breakdown occur in a de facto union, the property acquired while together would be equally separate”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 43 | 43 |
| **Don't know** | 12 | 8 |
| **Wrong answer** | 45 | 49 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Here again, there is a lack of knowledge of important laws that could have serious consequences for many common-law couples. Indeed, 49% seem to believe that the laws in Quebec provide for an equal division of property between spouses at the time of a break-up, which is not the case. And 8% say they don't know how property is divided. Thus, 57% do not know they are not protected by the law. Married couples, who are less concerned about this issue, also share this lack of knowledge.

Table 64: Opinion on a Statement Regarding Spousal Support, by Marital Status

*In your opinion, is the following statement true or false? “Should conjugal breakdown occur in a de facto union, the partner with less money can't claim spousal support.”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 38 | 45 |
| **Don't know** | 21 | 16 |
| **Wrong answer** | 41 | 39 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Again, the rate of incorrect response is high. Almost 40% of common-law couples believe that the poorer common-law partner has the right to ask for support for him or herself, which is not true. Another 16% say they don't know whether or not they are entitled to support. Thus, 56% of common-law partners are unaware that they are not entitled to the protection of the law with respect to spousal support. Married spouses also differ little from common-law spouses.

Table 65: Opinion on a Statement Regarding Children Custody, by Marital Status

*In your opinion, is the following statement true or false?“Should conjugal breakdown occurs in a de facto union, the partner having custody of the children can receive child support”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 82 | 84 |
| **Don't know** | 10 | 9 |
| **Wrong answer** | 8 | 7 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

This question received the highest number of correct answers. It seems to be a given that both married and unmarried parents have rights and responsibilities to their children. Indeed, more than 8 in 10 people know that separation does not end a parent's responsibilities to their children.

Table 66: Opinion on a Statement Regarding Child Support, by Marital Status

*In your opinion, is the following statement true or false? “Even if custody is equally shared amongst partners, child support can be received.”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 68 | 69 |
| **Don't know** | 17 | 14 |
| **Wrong answer** | 15 | 17 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Again, most respondents, married or not, seem to understand the distinction between sharing custody of a child and the economic responsibilities that come with providing for his or her economic well-being, regardless of where they live.

The next question is interesting because it deals with an entirely different aspect of family life. The analysis shows that about half (44% and 51%) of respondents are aware that a stepparent does not acquire rights and responsibilities to his or her life partner's children as a result of living with the partner. However, just over a quarter think this is the case (27% and 25%) and another quarter (28% and 24%) did not know.

Table 67: In your opinion, is the following statement true or false? “Even if custody is equally shared amongst partners, child support can be received.”

*In your opinion, is the following statement true or false? “In a reconstituted family living as de facto spouses for the last 5 years, the stepfather or stepmother has rights and responsibilities towards his/her partner's children.”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Correct answer** | 44 | 51 |
| **Don't know** | 28 | 24 |
| **Wrong answer** | 27 | 25 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Table 68: Opinion on a Statement Regarding Succession Rights, by Marital Status

*In your opinion, is the following statement true or false? “ In the absence of a will in a de facto union, it is the deceased's children and family that inherit his/her property, not the surviving partner.”*

|  |  |  |
| --- | --- | --- |
| **N= 3233** | **Married**  **%** | **Common-law**  **%** |
| **Good answers** | 60 | 71 |
| **Don't know** | 20 | 14 |
| **Wrong answer** | 20 | 15 |
| **Total** | 100 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

A majority of respondents seem to be aware of the differences between married and common-law spouses with respect to intestate succession rights. Indeed, we observe that about 70% of common-law partners were able to answer this question correctly. The remaining 30% were divided between those who did not know how to answer, and those who were wrong.

## Legal knowledge of those who do not wish to marry

For some, citing legal reasons for not wanting to marry may be perceived in a pejorative way. However, these reasons are undoubtedly present but can hardly be evoked socially. We took this aspect into account when designing the questionnaire. Indeed, the questions on marriage and the wish not to marry were placed at the beginning of the questionnaire (Q5). The questions on legal knowledge were placed in the 64th position, after many other topics related to living together. The questions were also asked impersonally. Table 69 presents only the responses of those who said they did not personally want to marry (n=233) in relation to four questions on legal knowledge: difference in status, property division, spousal support, and inheritance.

We noted earlier that men are in the majority (80%) and women in the minority (20%) when it comes to choosing not to marry. The analysis of Table 69 shows that the responses of these people are very similar to those of the respondents as a whole regarding legal knowledge. Thus, we cannot affirm the existence of a link between knowledge of the legal framework and the desire to marry or not. There are slight differences between men and women across the questions. The latter seem to be slightly more likely to be aware of their rights in relation to the questions asked. In general, more women said they did not know the answer than did men.

Table 69: Legal Knowledge of Unmarried Respondents Who Say They Do Not Want to Marry, by Gender

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Only respondents who do not want to marry** | |
| **Questions : In Your Opinion, Are the Following Statements True or False?** | **Answers** | **Male**  **(n= 185)**  **%** | **Female**  **(n=48)**  **%** |
| After a few years of living together, unmarried spouses have the same legal status as a married couple. (Answer = false) | Good | 47 | 54 |
| False | 50 | 40 |
| Do not know | 3 | 6\* |
| Total | 100 | 100 |
| Should conjugal breakdown occur in a *de facto* union, the property acquired while together would be equally separated? (Answer = false) | Good | 41 | 51 |
| False | 54 | 32 |
| Do not know | 5 | 17 |
| Should conjugal breakdown occur in a *de facto* union, the partner with less money can't claim spousal support.(Answer = true) | Good | 45 | 53 |
| False | 44 | 30 |
| Do not know | 11 | 17 |
| Total | 100 | 100 |
| In the absence of a will in a *de facto* union, it is the deceased's children and family that inherit his/her property, not the surviving partner. (Answer = true) | Good | 70 | 77 |
| False | 24 | 15 |
| Do not know | 6 | 8\* |
| Total | 100 | 100 |
| \*Cell with less than 5 respondents, interpret with caution  Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS) | | | |

## Sources of information on family law issues

Respondents were asked about their primary sources of information on these legal issues. Respondents could provide up to 12 responses. For the purposes of this report, we analyzed the first two responses given by each survey participant. Overall, 2,851 people gave a first response and 1,065 mentioned a second source of information. Only 357 people mentioned a third source, less than 100 people added a fourthsource, and less than 30 people added more sources.

In the first source of information, almost half of the respondents cite informal relationships (36%) and their own experiences (11%) as the primary sources (Table 70). Thirty-eight percent (38%) said they learned about family law through the media or otherwise through general interest. Another 14% said they acquired their knowledge more formally, primarily through a legal professional (9%) or because they have legal training themselves (3%).

When respondents mention a second source of information (Table 71), the media comes first (media and general culture 53%), with information from television, radio and newspapers (25%) and the Internet (22%) topping the list. It should be noted that informal sources remain very important (26%). Finally, meetings with a notary or a lawyer are also a significant part (13%) of information in this area.

Table 70: Primary Source of Family Law Information

|  |  |  |
| --- | --- | --- |
| **First source of information on family law issues** | **Number of Respondents** | **%** |
| **Personal experience** |  |  |
| Have experienced a separation | 332 | 11 |
| **Informal relationships** |  |  |
| Friends and family | 662 | 22 |
| Word of mouth | 41 | 1 |
| A separated couple in the entourage | 270 | 9 |
| By logic and instinct, what I think | 108 | 4 |
| Subtotal | 1081 | 36 |
| **Media and general culture** |  |  |
| Media (television, radio, newspapers) | 562 | 19 |
| Internet | 430 | 14 |
| Éducaloi | 21 | 1 |
| General knowledge | 134 | 4 |
| Subtotal | 1141 | 38 |
| **Knowledge acquired in a formal setting** |  |  |
| Legal training | 78 | 3 |
| Marriage preparation course | 39 | 1 |
| Notary/Lawyer | 278 | 9 |
| My work | 17 | 1 |
| Subtotal | 412 | 14 |
| Other | 56 | 2 |
| Total | 3029 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

Table 71: Second Source of Information on Family Law

|  |  |  |
| --- | --- | --- |
| **2e source of information on family law issues** | **Number of Respondents** | **%** |
| **Personal experience** |  |  |
| Have experienced a separation | 12 | 1 |
| **Informal relationships** |  |  |
| Friends and family | 225 | 21 |
| Word of mouth | 8 | 1 |
| A separated couple in the entourage | 38 | 4 |
| By logic and instinct, what I think | 9 | 1 |
| Subtotal | 280 | 26 |
| **Media and general culture** |  |  |
| Media (television, radio, newspapers) | 262 | 25 |
| Internet | 235 | 22 |
| Éducaloi | 42 | 4 |
| General knowledge | 29 | 3 |
| Subtotal | 568 | 53 |
| **Knowledge acquired in a formal setting** |  |  |
| Legal training | 18 | 2 |
| Marriage preparation course | 21 | 2 |
| Notary/Lawyer | 142 | 13 |
| My work | 3 | 0 |
| Subtotal | 184 | 17 |
| Other | 21 | 2 |
| Total | 1065 | 100 |

Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC funded research project (2014-2017), Institut national de la recherche scientifique (INRS)

What this analysis shows is the importance of informal networks on the one hand, and the media on the other, in the acquisition of knowledge about family law. Can we assume that knowledge acquired informally is more often inaccurate than knowledge acquired through the media? We tested this by cross-tabulating responses to four questions about respondents' stated legal knowledge and information sources. Since the impact of legal misconceptions is potentially more negative for common-law couples than for married people, the following tables are limited to common-law couples.

There is a significant relationship in the next four tables, although the relationship is weak. It is clear, however, that respondents who identified their informal network as their primary source of information were also the most likely to have answered incorrectly. Conversely, those who say they acquired some information from more formal sources, such as legal professionals or legal training, are also more likely to know their rights. Furthermore, depending on the question, we observe variations in the accuracy of the answers of those who identify the media as their primary source of information. Finally, it should be noted that having experienced a separation does not seem to be related to knowledge of the law.

Table 72: First Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge Regarding the Legal Status of Their Union

|  |  |  |
| --- | --- | --- |
| **Information sources** | *Q64A After a few years of living together, unmarried spouses have the same legal status as a married couple* | |
|  | **Correct answer**  **%** | **Wrong answer or do not know**  **%** |
| Having experienced a separation | 48 | 52 |
| Informal network | 44 | 56 |
| Media | 56 | 44 |
| Formal sources | 68 | 32 |
| Other | 67 | 33 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1600, Cramer's V = 0.161, Approximate significance = 0.000.* | | |

Table 73: First Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge on the Division of Property upon Separation

|  |  |  |
| --- | --- | --- |
| **Information sources** | *Q64B Should conjugal breakdown occur in a de facto union, the property acquired while together would be equally separated?* | |
|  | **Correct answer**  **%** | **Wrong answer**  **or do not know**  **%** |
| Having experienced a separation | 37 | 63 |
| Informal network | 43 | 57 |
| Media | 41 | 59 |
| Formal sources | 55 | 45 |
| Other | 43 | 57 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1600, Cramer's V = 0.096, Approx. significance = 0.005* | | |

Table 74: Primary Source of Information Reported by Unmarried Spouses According to Their Legal Knowledge on Spousal Support

|  |  |  |
| --- | --- | --- |
| Information sources | *Q64C Should conjugal breakdown occur in a de facto union, the partner with less money can't claim spousal support.* | |
|  | Correct answer  % | Wrong answer  or do not know  % |
| Having experienced a separation | 51 | 49 |
| Informal network | 39 | 61 |
| Media | 49 | 51 |
| Formal sources | 53 | 47 |
| Other | 45 | 55 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1598, Cramer's V = 0.109, Approximate significance = 0.001.* | | |

Table 75: First Source of Information of Unmarried Spouses According to Their Legal Knowledge on Intestate Succession Rigths

|  |  |  |
| --- | --- | --- |
| **Information sources** | *Q64G In the absence of a will in a de facto union, it is the deceased's children and family that inherit his/her property, not the surviving partner.* | |
|  | **Correct answer**  **%** | **Wrong answer**  **or do not know**  **%** |
| Having experienced a separation | 65 | 35 |
| Informal network | 66 | 34 |
| Media | 76 | 24 |
| Formal sources | 84 | 16 |
| Other | 73 | 27 |
| Source: Belleau, H. and C. Lavallée, Unions et désunions conjugales au Quebec, SSHRC-funded research project (2014-2017), Institut national de la recherche scientifique (INRS), *N=1598, Cramer's V = 0.138, Approx. significance = 0.000* | | |

# Conclusion

This report provides an overview of the initial results of the "patrimonial" component of the research project entitled: *Unions et désunions conjugales au Québec : regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux*[[71]](#endnote-72). Within the framework of this survey, more than 3000 respondents living as a couple were interviewed in all regions of the province. The data analyzed here allow us to identify, for the first time in Quebec, certain financial and legal arrangements of married or common-law spouses, including: the money management systems they prefer, the couple’s dynamics around savings and debts, the types of contracts they sign, etc. More specifically, the aim was to pay particular attention to the unique situation of unmarried couples in Quebec.

Indeed, Quebec is the province with the highest proportion of common-law couples in Canada. However, it is also the province that grants the most minimal rights to common-law spouses. While they are assimilated to married couples by federal and provincial social and tax laws, *de facto* spouses are not subject to any obligations or rights of a patrimonial nature under the Civil Code of Quebec, thus excluding them from the protection of the law afforded to married couples in the event of a breakup[[72]](#endnote-73). In this context, we sought to determine whether common-law spouses understand these distinctions. Do they plan for the eventuality of a break-up by drawing up contracts to live together or by making financial arrangements that are different from those of married couples? Are the distinctions made in the Civil Code between the status of married and unmarried spouses reflected in the economic and legal behaviours of the principal parties involved?

## Financial and contractual practices of couples

Several findings emerge from this initial analysis. Overall, we observe that about half of the couples, whether married or not, pool their income, while a quarter of them share expenses by trying to balance each person's contribution by managing them in proportion to their income. The last quarter of respondents manage by sharing expenses half and half. Income pooling is more common in households reporting annual incomes of less than $40,000 and in households where there are large income differences between spouses.

In terms of financial practices, the analyses revealed some differences between married and common-law couples. Compared to married couples, common-law couples are somewhat less likely to pool income (44% vs. 65% for married couples), to pool savings (19% vs. 34% for married couples), and to have joint debts outside of a mortgage (44% vs. 50% for married couples).

In our view, however, these differences between married and common-law couples are very modest. They cannot justify the differences in treatment that currently prevail in Quebec family law. In fact, 7 out of 10 common-law couples prefer to share all their expenses or to manage them in proportion to their income in order to balance the contribution of each. Generally speaking, married couples, like common-law couples, do not constitute a homogeneous category and a significant proportion of them also function more independently within their couple.

In addition, money management systems change over time, particularly with the length of the union, the arrival of children, the purchase of a house, job changes and variations in income, etc. The pooling of income is slightly more common among common-law couples who have lived together for more than three years (49% versus 66% among married couples who have lived together for the same length of time) or who have a child from the union (50% versus 68% among married couples).

The vast majority of common-law spouses manage in a joint manner. However, among common-law couples with children in common (intact and fertile blended families), significant income differences (when one spouse contributes less than 40% of the family income) between spouses are observed in almost half of the households. A large proportion manage savings separately, however. The financial arrangements of common-law spouses do not suggest that they have made informed choices, nor do they suggest that spouses anticipate the possibility of separation. As a result, the cost of family life in the event of a break-up is likely to fall heavily on the shoulders of the person who has invested in the education or care of dependent persons in the family, namely women, despite the spirit of solidarity that runs through their daily arrangements.

The analysis also shows that stepfamilies adopt a variety of money management systems regarding financial practices. Blended families with children in common function much like intact families in terms of financial management. Thus, contrary to the widely held belief, the survey results show that stepfamilies mostly manage by pooling income and managing expenses in proportion to income rather than by managing them completely separately. However, costs specifically related to the children (medication, clothing and childcare) of one or the other spouse are managed in these families as if they were personal expenses. Indeed, they are borne entirely by the parent (and the former spouse living in another household) and are not collectivized in three out of four stepfamily households.

In terms of childcare, this finding raises important questions about the recent policy of modulating childcare fees in Quebec according to household income. Indeed, a parent living with a new spouse can see his or her childcare fees increase if the latter earns a higher income, even if he or she pays nothing for the childcare of his or her spouse's child. Similarly, separated parents can now have their childcare expenses vary according to the income of their ex-spouse's new life partner.

In terms of contracting practices, the survey found that among common-law couples who own their homes, the majority bought their house together. This is the case for 7 out of 10 common-law couples. Among renters, nearly 6 out of 10 are co-signers of a lease. On the other hand, far fewer common-law couples have drawn a will. About 35% of common-law spouses versus 46% of married spouses reported having made such a document. This situation, in the context of the absence of legislation providing for certain divisions between common-law partners in the event of death, is likely to have negative consequences for a significant proportion of common-law partners, particularly if they have had children. Finally, among common-law couples, less than 8% of respondents reported having a cohabitation agreement or contract.

## Couples' discourse and knowledge of family law

The seventh and final section of the report also revealed several important issues in the context of potential law reform. Many common-law couples say they have not married for a variety of reasons that are not legal. They do not believe in the institution of marriage, they cite the high cost of a celebration, the complexity of the preparations, some have experienced a divorce, others say they are not religious, etc. Moreover, one out of four respondents in a common-law union declares that one of the spouses would like or would have liked to get married, while the other refuses to do so. In the latter case, 8 times out of 10, it is the man who does not wish to marry. For these couples, the *de facto* union is a default situation rather than a free and informed choice for one of the partners.

In addition, about half of the respondents in common-law relationships are not aware of the family law rules that apply to them. Misconceptions are particularly important around the rights and responsibilities surrounding the settlement of a possible breakup, but less frequent around intestate succession rights. These misunderstandings are related to the similar treatment of common-law and married couples by social and tax laws, but also to the emotional norms that clearly distinguish conjugal unions from other forms of social relationships[[73]](#endnote-74). Finally, it should be noted that respondents identify their informal network and then the media (internet, television, etc.) as their main sources of information on family law issues.

In short, the picture that emerges clearly shows that common-law unions cannot be associated with complete financial independence of life partners, nor with financial equality of the partners, any more than marriage is synonymous with a merger of assets. Given the individual savings strategies of the majority of common-law partners, it is likely that the consequences of a possible break-up will be much more damaging in the long term for common-law partners than for married spouses, and particularly for mothers who, even today, reduce their working hours and devote more time to family life than fathers.

# Bibliographic references

1. The authors would like to thank the Social Sciences and Humanities Research Council of Canada for funding the research that led to this publication. [↑](#endnote-ref-2)
2. This quantitative survey was conducted as part of the research project entitled Unions et désunions conjugales au Quebec : Regards croisés sur les pratiques et les représentations sociales et juridiques de la vie à deux. This research, directed by H. BELLEAU and C. LAVALLEE was funded by the Social Sciences and Humanities Research Council of Canada (SSHRC, 2014-2017). The results presented here represent only a part of this vast research project. [↑](#endnote-ref-3)
3. We are using “de facto”, “cohabitation”, “unmarried” and “common-law unions” as synonyms unless specified. [↑](#endnote-ref-4)
4. GIRARD, C., M. ST-AMOUR, F. F. PAYEUR and others. Le bilan démographique du Québec Québec, Institut de la statistique du Québec, 2013; https://bdso.gouv.qc.ca/docs-ken/multimedia/PB01614FR\_Bilandemo2013F00.pdf. [↑](#endnote-ref-5)
5. Translation : “Disunion and parenthood” [↑](#endnote-ref-6)
6. Attorney General of Quebec v. A, 2013 SCC 5, January 25, 2013 [↑](#endnote-ref-7)
7. On the arguments and debates raised in the case of Lola vs Eric see : LAVALLÉE, C. H. BELLEAU, and É. GUILHERMONT. "La situation juridique des conjoints de fait québécois", Droit et culture, 2017/1, 73, pages 69-89 [↑](#endnote-ref-8)
8. COMITÉ CONSULTATIF SUR LE DROIT DE LA FAMILLE. Comité consultatif sur le droit de la, et A. ROY (prés.). Pour un droit de la famille adapté aux nouvelles réalités conjugales et familiales Québec, Ministère de la Justice du Québec, 2015. [↑](#endnote-ref-9)
9. GIRARD, C., M. ST-AMOUR, F. F. PAYEUR and others. *Le bilan démographique du Québec* Québec, Institut de la statistique du Québec, 2013; p. 106.

   <https://bdso.gouv.qc.ca/docs-ken/multimedia/PB01614FR_Bilandemo2013F00.pdf> [↑](#endnote-ref-10)
10. STATISTICS CANADA. Portrait of Families and Living Arrangements in Canada, Families, Households and Marital Status, 2011 Census of Population, (Catalogue No. 98-312-X2011001).

    https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-312-x/98-312-x2011001-eng.cfm [↑](#endnote-ref-11)
11. WU, Z. 2000. *Cohabitation. An Alternative Form of Family Living* Don Mills, Ontario: Oxford University Press. [↑](#endnote-ref-12)
12. LE BOURDAIS, C. Le Bourdais, C., Lapierre-Adamcyk, E., and P. PACAUT. "Changes in Conjugal Life in Canada: Is Cohabitation Progressively Replacing Marriage?" *Journal of Marriage & the Family*, 2004, 66, pages 929-942; WU, Z. Cohabitation. An Alternative Form of Family Living Don Mills, Ontario, Oxford University Press, 2000. [↑](#endnote-ref-13)
13. POORTMAN, A.-R. and M. MILLS. 2012. "Investments in Marriage and Cohabitation: The role of legal and interpersonal commitment," *Journal of marriage and the family*, 74: 357-376; SELTZER, J. A. 2004. "Cohabitation in the United States and Brittain: Demography, kinship and the future," *Journal of marriage and the family*, 66: 921-928. [↑](#endnote-ref-14)
14. DU, C. J. *The Transformation of Conjugal Partnerships: Union Transitions and Trajectories in Canada* Western, University of Western Ontario, 2012. [↑](#endnote-ref-15)
15. GIRARD, C., M. ST-AMOUR, F. F. PAYEUR and others. *Le bilan démographique du Québec* Québec, Institut de la statistique du Québec, 2013.

    <https://bdso.gouv.qc.ca/docs-ken/multimedia/PB01614FR_Bilandemo2013F00.pdf> [↑](#endnote-ref-16)
16. COMITÉ CONSULTATIF SUR LE DROIT DE LA FAMILLE. Comité consultatif sur le droit de la, et ROY, A. (prés.). Pour un droit de la famille adapté aux nouvelles réalités conjugales et familiales Québec, ministère de la Justice du Québec, 2015. [↑](#endnote-ref-17)
17. LECKEY, R. "Families in the Eyes of the Law. Contemporary Challenges and the Grip of the Past," *Choices, Institute for Research on Public Policy*, 2009, 15. [↑](#endnote-ref-18)
18. LAVALLÉE, C., H. BELLEAU et E. GUILHERMONT. 2017. « La situation juridique des conjoints de fait Québécois », Droit et cultures, 1, 73 : 69-89. [↑](#endnote-ref-19)
19. See for Quebec, Loi modifiant diverses dispositions législatives concernant les conjoints de fait, L.Q. 1999, c.14. For federal law: Modernization of Benefits and Obligations Act, S.C. 200, c.12. [↑](#endnote-ref-20)
20. ROY, A. "Partenariat civil et couple de même sexe: la réponse du Quebec", *Revue juridique Thémis*, 2001, 34, pages 663-696; GIROUX, M. and A. LAURENT. "Portrait critique de l'union de fait en droit québécois", *Revue générale de Droit* 1989, 20, pages 1129-.1159; LEPAGE, F. , G. BÉRUBÉ, and L. DESROCHERS. *Vivre en union de fait au Quebec* Quebec, Conseil du statut de la femme, 1991; DUBREUIL, C. "L'union de fait au Quebec : inexistence dans le Code civil", *Cahiers québécois de démographie* 1999, 28, pages 229-236; JARRY, J. Les conjoints de fait au Quebec : perspectives féministes pour un encadrement légal, Montréal (QC), CANADA, Université de Montréal, 2006; LAPIERRE, D. *Les contrats de la vie commune* Cowansville, Éditions Yvon Blais, 2000; BEAULNE, J. "Aperçu de la situation juridique des conjoints de fait au Quebec : Aspects civils, sociaux et fiscaux", in BEAULNE, J. and M. VERWILGHEN editor, *Points de droit familial : rencontres universitaires notariales belgo-québécoises*, Montréal, Wilson & Lafleur, 1997. P. 236; MOORE, B. *Les enfants du nouveau siècle (Libres propos sur la réforme de la filiation* Cowansville, Yvon Blais, 2002. LEFEBVRE, B. and P. -C. LAFONT. L'union civile : nouveaux modèles de conjugalité et de parentalité au 21 esiècle, Montréal, 2003. [↑](#endnote-ref-21)
21. LEFEBVRE, B. "L'évolution de la notion de conjoint en droit québécois", in Lafond, P. C. and Brigitte Lefebvre editor, *L'union civile Nouveaux modèles de conjugalité et de parentalité au 21esiècle. Proceedings of the Groupe de réflexion en droit privé conference*, Cowansville, Éditions Yvon Blais, 2003, pages 3-26. [↑](#endnote-ref-22)
22. DESCARIE, I. "Perception du mariage et de l'union libre", *Chambre des notaires*, 2007, pages 3-89. [↑](#endnote-ref-23)
23. CROP. " Campagne uniondefait.ca, sondage réalité pour la Chambre des notaires", March 2013. [↑](#endnote-ref-24)
24. BELLEAU, H. *Quand l’amour et l’État rendent aveugle. Le mythe du mariage automatique* Quebec, Presses de l'Université du Quebec, 2011. BELLEAU, H., and P CORNUT-ST-PIERRE. "Pour que droit et familles faites bon ménage : Étude sur la conscience du droit en matière conjugale ", *Nouvelles pratiques sociales*, 2012, 25, pages 62-89. BELLEAU, H. , and C. HENCHOZ. L'usage de l'argent dans le couple : pratiques et perceptions des comptes amoureux. Perspective internationale, Paris, L'Harmattan, 2008, pages 326. [↑](#endnote-ref-25)
25. GOUBAU, D. "La conjugalité en droit privé : comment concilier 'autonomie' et 'protection' ", in LAFOND, P. C. and B. LEFEBVRE, editors, *L'union civile : nouveaux modèles conjugalité et parentalité au 21 siècle*, Cowansville, Éditions Yvon Blais, 2003, pages 153-163; PRATTE, M. "La situation juridique de la famille de 2020. Liberté, égalité, solidarité?", 2008, pages 401-432. [↑](#endnote-ref-26)
26. ROY, A. "L'évolution de la politique législative de l'union de fait au Quebec", in BELLEAU, H. and A. MARTIAL editor, *Aimer et Compter Droits et pratiques des solidarités conjugales dans les nouvelles trajectoires familiales*, Quebec, Presses de l'université du Quebec, 2011, pages 113-141. [↑](#endnote-ref-27)
27. Source: Statistics Canada, 2011 National Household Survey, compiled by the Department of Families from data in Table R1a of Special Order CO-1592 [↑](#endnote-ref-28)
28. LAPLANTE, B. et A. L. FOSTIK. *L’égalité, l'indépendance et l'union de fait. Le choix de l’union de fait et du mariage au Québec et en Ontario de 1986 à 2011* Montréal, INRS Urbanisation, Culture, Société, 2015. [↑](#endnote-ref-29)
29. LAVALLÉE, C. *La protection internationale des droits de l’enfant : entre idéalisme et pragamatisme,* BRUXELLES, B., coll. Droit et mondialisation, 2015, 397 pages; GIROUX, M. et C. LAVALLEE « Les droits de l’enfant : Rapport du Canada » dans *The Rights of the Child in a Changing World*, CVEJIC JANCIC, O. (dir.), New York, Dordrecht, London, Springer, 2015, p. 61-82 LAVALLÉE, C. « Respect des droits de l’enfant », dans coll. « Droit civil » Jurisclasseur éditeur, *Droit des personnes et de la famille*, Montréal, Les éditions LexisNexis, 2012, pages 1-25; LAVALLE C., « L’actualisation des droits de l’enfant dans une perspective globale : entre l’universalisme de la Convention sur les droits de l’enfant et les particularismes de la Charte africaine sur les droits et le bien-être de l’enfant », dans OTIS, J. éditeur, *Démocratie, droits fondamentaux et vulnérabilité*, Clujeana, Presa Universitara, 2006, pages 267-290. [↑](#endnote-ref-30)
30. LAUER, S. et C YODANIS. « Individualized marriage and the integration of resources », *journal of Marriage & the Family*, 2011, 73, pages 669-683. ELIZABETH, V. « Managing money, managing coupledom: a critical examination of cohabitants' money management practices », *The Sociological Review*, 2001, pages 389-411; LYNGSTAD, T. H., T. NOACK, P. A. TUFTE et autres. « Pooling of Economic ressources: a comparison of norwegian married and cohabiting couples », *European Sociological Review*, 2011, 27, pages 624-635; PONTHIEUX, S. « La mise en commun des revenus dans les couples », *INSEE Première*, 2012, 1409; SINGH, S. et C. MORLEY. « Gender and financial accounts in marriage », *Journal of Sociology*, 2010, 47, pages 3-16; KENNEY, C. « Cohabiting couple, filing jointly? Resource pooling and U.S. poverty policies », *Family Relations*, 2004, 53, pages 237-247. [↑](#endnote-ref-31)
31. Barlow, A., S. Duncan, G. James, et al. *Family Affairs: Cohabitation, Marriage and the Law* London, Nuffield Foundation, 2002.

    <https://ore.exeter.ac.uk/repository/bitstream/handle/10036/22732/barlow4.pdf?sequence>(accessed 28 Sept 2016); BELLEAU, H. "D'un mythe à l'autre: de l'ignorance des lois à la présomption du choix éclairé chez les conjoints en union libre", *Canadian Journal of Women and the Law*, 2015, 27, pages 1-21; BELLEAU, H. *Quand l'amour et l'État rendent aveugle. Le mythe du mariage automatique* Quebec, Presses de l'Université du Quebec, 2011. [↑](#endnote-ref-32)
32. ASHBY, K. J. et C. B. BURGOYNE. « The financial practices and perceptions behind separate systems of household financial management », *The Journal of Socio-Economics*, 2009, 38, pages 519-529; BELLEAU, H. et R. PROULX. « Équilibre et déséquilibre des comptes amoureux contemporains : le revenu familial remis en question », *Recherches familiales*, 2010, pages 85-101. [↑](#endnote-ref-33)
33. BELLEAU, H. and C. HENCHOZ. L'usage de l'argent dans le couple : pratiques et perceptions des comptes amoureux. Perspective internationale, Paris, L'Harmattan, 2008. [↑](#endnote-ref-34)
34. For a review, see NYMAN, C. and S. DEMA. "An overview research on couples and money," in STOCKS, J. and C. D. BJORN HALLEROD (eds.), *Modern couples: sharing money, sharing life*, New York, Palgrave Macmillan, 2007, pages 7-196. See also the work of Vivianna Zelizer, on earmarking of money ZELIZER, V. A. La signification sociale de l'argent, Paris, Seuil, 2005. [↑](#endnote-ref-35)
35. BELLEAU, H. et P. CORNUT-ST-PIERRE. « La question du ‘choix’ dans la décision de se marier ou non au Québec », *Lien social et Politiques*, 2011, 66, pages 65-89. [↑](#endnote-ref-36)
36. For a review of this topic see: BELLEAU, H. " D'un mythe à l'autre : de l'ignorance des lois à la présomption du choix éclairé chez les conjoints en union libre ", *Canadian Journal of Women and the Law*, 2015, 27, pages 1-21 or in english Belleau, H. (2023) « One Myth Leads to Another. From Ignorance of the Laws to the Presumption of Informed Choice among de Facto Spouses » in Tremblay, R. and E. Aloni (dir) in House Rules: Changing Families, Evolving Norms, and the Role of the Law. UBC Press. (chapter 7). See also LEMIEUX, D. "La formation du couple racontée en duo," *Sociologie et sociétés*, 2003, 35; DUNCAN, S. , A. BARLOW and G. JAMES. "Why don't they marry? Cohabitation, commitment and DIY marriage", *Child and Family Law Quarterly*, 2005, 17, pages 383-398; BELLEAU, H. *Quand l’amour et l’État rendent aveugle. Le mythe du mariage automatique* Québec, Presses de l’Université du Québec, 2011. [↑](#endnote-ref-37)
37. BELLEAU, H. *Quand l’amour et l’État rendent aveugle. Le mythe du mariage automatique* Québec, Presses de l’Université du Québec, 2011. [↑](#endnote-ref-38)
38. LUHMANN, N. *Amour comme passion. De la codification de l’intimité.* Paris, Aubier, 1990. [↑](#endnote-ref-39)
39. HENCHOZ, C. " Le couple et l'argent : Quand l'amour produit et reproduit des rapports de pouvoir et d'inégalités ", in BELLEAU, H. and C. HENCHOZ editor, *L'usage de l'argent dans le couple : pratiques et perceptions des comptes amoureux Perspective internationale*, Paris, Harmattan, 2008; PAGÈS, M. *L'amour et ses histories* Paris, L'Harmattan, 2008. BELLEAU, H. *Quand l'amour et l'État rendent aveugle. Le mythe du mariage automatique* Quebec, Presses de l'Université du Quebec, 2011. [↑](#endnote-ref-40)
40. BELLEAU, H. *Quand l’amour et l’État rendent aveugle. Le mythe du mariage automatique* Québec, Presses de l’Université du Québec, 2011; BELLEAU, H. et C. HENCHOZ. L’usage de l’argent dans le couple : pratiques et perceptions des comptes amoureux. Perspective internationale, Paris, L'Harmattan, 2008, pages 326 [↑](#endnote-ref-41)
41. HENCHOZ, C. « Le couple et l’argent : Quand l’amour produit et reproduit des rapports de pouvoir et d’inégalités », dans H. BELLEAU et C. HENCHOZ éditeur, *L’usage de l’argent dans le couple : pratiques et perceptions des comptes amoureux Perspective internationale*, Paris, Harmattan, 2008; NYMAN, C. et L. EVERTSSON. « Difficultés liées à la négociation dans la recherche sur la famille: un regard sur l'organisation financière des couples suédois », *Enfances, Familles, Générations*, 2005, 2. [↑](#endnote-ref-42)
42. JAMIESON, L., M. ANDERSON, D. MCCRONE et autres. « Cohabitation and commitment: partnership plans of young men and women », *The Editorial Board of The Sociological Review*, 2002; NYMAN, Charlott. « Gender equality in the most equal country in the world? Money and marriage in Sweden », *The Sociological Review*, 1999, 47, pages 766-793. PAHL, J. « Individualisation et modèles de gestion des finances au sein des famillies », *Enfances, familles, générations* 2005, 2, pages 1-17. [↑](#endnote-ref-43)
43. BAKER, L. A. et R. E. EMERY. « When every relationship is above average : Perceptions and expectations of divorce at the time of marriage », *Law and Human Behavior*, 1993, 17, pages 439-443. [↑](#endnote-ref-44)
44. HIGGINS, N. C., M. D. ST-ARMAND and G. D. POOLE. "The controllability of negative life experiences mediates unrealistic optimism," *Social Indicators Research*, 1997, 42; GIGERENZER, G. "How to make cognitive illusions disappear: Beyond heuristics and biases," *European review of Social psychology*, 1991, 83, pages 83-115; RACHLINSKI, J. J. "The uncertain psychological case for paternalism," *Northwestern University Law Review*, 2003, 97, pages 1165-1225. [↑](#endnote-ref-45)
45. WILLIAMS, S. H. "Sticky expectations: Responses to persistent over-optimism in marriage, employment contracts, and credit card use," *Notre Dame Law Review*, 2009, 84, pages 733-791; BAKER, L. A. and R. E. EMERY. "When every relationship is above average: Perceptions and expectations of divorce at the time of marriage," *Law and Human Behavior*, 1993, 17, pages 439-443. [↑](#endnote-ref-46)
46. ARMOR, D.A. and S. E. TAYLOR. "Situated optimism: Specific outcome expectancies and self-regulation," *Experimental Social Psychology*, 1998, 30, pages 309-379; REECE, H. "Leaping without looking," in LECKEY, R. (ed.), *After Legal Equality Family, Sex, Kinship,* Routledge, 2015, pages 115-133; SHAROT, T. *The Optimism Bias: Why We're Wired to Look on the Bright Side* London, Constable and Robinson, 2012. [↑](#endnote-ref-47)
47. BELLEAU, H. « D’un mythe à l’autre : de l’ignorance des lois à la présomption du choix éclairé chez les conjoints en union libre », *Canadian Journal of Women and the Law*, 2015, 27, pages 1-21 or in english Belleau, H. (2023) « One Myth Leads to Another. From Ignorance of the Laws to the Presumption of Informed Choice among de Facto Spouses » in Tremblay, R. and E. Aloni (dir) in House Rules: Changing Families, Evolving Norms, and the Role of the Law. UBC Press. (chapter 7). [↑](#endnote-ref-48)
48. CANCIAN, F. M. and S. L. GORDON. "Changing Emotion Norms in Marriage: Love and Anger in U.S. Women's Magazines since 1900," *Gender and Society*, 1988, 2, pages 308-342. [↑](#endnote-ref-49)
49. SINGLY, F. de. *Le soi, le couple et la famille* Paris, Éditions Nathan, 1996; JAMIESON, L. "Intimacy Transformed? A Critical Look at the 'Pure Relationship'", *Sociology*, 1999, 33, pages 477-494. [↑](#endnote-ref-50)
50. BECK, U. and E BECK-GERNSHEIM. *The Normal Chaos of Love,* Chicago, Polity Press, 1995; GIDDENS, Anthony. *The Transformation of Intimacy* Stanford, Stanford University Press, 1992. [↑](#endnote-ref-51)
51. BASTARD, B. « Désirable et exigeante. La régulation négociée des relations dans le couple et la famille », *Dialogue*, 2013, 2, pages 109-119. [↑](#endnote-ref-52)
52. B.-DANDURAND, R. et F.-R. OUELLETTE. « Famille, État et structuration d'un champ familial », *Sociologie et sociétés*, 1995, Vol. XXVII pages 103-119. [↑](#endnote-ref-53)
53. CARBONNIER, J. "Les phénomènes d'inter-normativité", *European Yearbook of Law and Sociology*, 1977, pages 42-52; ROCHER, G. "Les phénomènes d'internormativité : faits et obstacles", in BELLEY, J.-G. (ed.), *Le droit soluble Contributions québécoises à l'étude de l'internormativité* 1995, pages 25-42. [↑](#endnote-ref-54)
54. EWICK, P. and S. S. SILBEY. *The common place of law: stories from everyday life* Chicago, University of Chicago Press, 1998. [↑](#endnote-ref-55)
55. The research projects are: 1) BELLEAU, H, Projet exploratoire : *La gestion de l’argent au sein des jeunes couples avec enfants,* (FQRSC 2003-2004), (CRSH 2004-2005); 2) BELLEAU, H. *La gestion de l’argent au sein de deux générations de couples québécois* (FQRSC,Jeune professeur-chercheur 2006- 2009); 3) MARTIAL, A., I. THÉRY, H. BELLEAU, A. ROY, F. SCHULTEIS : *Les partages au sein des couples : normes juridiques et usages sociaux de l'argent et des biens (France, Belgique, Québec, Suisse)* (CNRS, Projet ATIP - Action Thématique Incitative sur Projet, 2007-2009); 4) BELLEAU, H. : *Les représentations de la conjugalité et du mariage au Québec*.(Firme d’avocats Goldwater, Dubé, 2007-2008); 5) ROY, A. et H. BELLEAU, *Analyse empirique des représentations du contrat chez les couples* (CRSH- Subvention ordinaire, 2007-2009); 6) BELLEAU, H., A. ROY, *L’union de fait et le mariage au Québec : analyse des représentations de la vie conjugale d’un point de vue social et juridique*. (CRSHC,2010-2012). [↑](#endnote-ref-56)
56. VÉZINA, M. *Enquête sociale générale de 2011 : Aperçu des familles au Canada – Être parent dans une famille recomposée : Profil* Ottawa, Statistique Canada, ministère de l’Industrie, 2012 (p.8). [↑](#endnote-ref-57)
57. ELIZABETH, V. « Managing money, managing coupledom: a critical examination of cohabitants' money management practices », *The Sociological Review*, 2001, pages 389-411. ASHBY, K. J. et C. B. BURGOYNE. « The financial practices and perceptions behind separate systems of household financial management », *The Journal of Socio-Economics*, 2009, 38, pages 519-529. NYMAN, C. « The social nature of money - Meanings of Money in Swedish Families », *Women's Studies International Forum*, 2003, 26, pages 79-94. BELLEAU, H. « Entre le partage des dépenses et le partage des avoirs. Les comptes conjugaux des ménages Québécois », dans BELLEAU, H. et C. HENCHOZ éditeur, *L’usage de l’argent dans le couple : pratiques et perceptions des comptes amoureux*, Paris, L'Harmattan, 2008, pages 113-148. [↑](#endnote-ref-58)
58. In the Anglo-Saxon literature, the concept of “moneywork” expresses this idea of daily work of momey management (Collavechia, 2008). It refers to budgeting, payment of accounts, transfers, deposits, etc., which are sometimes carried out by one or both spouses. [↑](#endnote-ref-59)
59. DELPHY, C. «  Famille et consommation », L'ennemi principal, Paris, Syllepse, 2009, pages 75-98; BELLEAU, H. et R. PROULX. «  Le revenu familial, un concept vague et insidieux : analyse critique et historique des relations économiques familiales », Enfances, Familles, Générations, 2011, 15, pages 78-109. [↑](#endnote-ref-60)
60. This figure is actually 11.3 % and takes into account couples who operate on the domestic allowance (7.1 % of all married couples) and spouses who share expenses half and half despite large income differences (2.2 % and 1.4 %). [↑](#endnote-ref-61)
61. This figure takes into account couples who operate on the domestic allowance (8.1 % of all common-law couples) and common-law couples who share expenses 50/50 despite large income differences (6.5 % and 2.4 %). [↑](#endnote-ref-62)
62. 62 BURGOYNE, C. B. et V. MORISON. « Money in remarriage : keeping things simple and separate », *The Sociological Review*, 1997, pages 363-395; PONTHIEUX, S. « La mise en commun des revenus dans les couples », *INSEE Première*, 2012, 1409; RAIJAS, A. « Money management in blended and nuclear families », *Journal of Economic Psychology*, 2011, 32, pages 556-563; SINGH, Supriya. *Marriage money. The social shaping of money in marriage and banking* Sidney, Australia, Allen & Unwin, 1997. [↑](#endnote-ref-63)
63. COLEMAN, M. et L. H. GANONG. "Financial management in stepfamilies," *Lifesystems*, 1989, 10, pages 217-232; FISHMAN, B. "The economic behavior of stepfamilies," *Family Relations: Journal of Applied Family & Child Studies*, 1983, Vol 32, pages 359-366; LOWN, J. M., J. R. MCFADDEN and S. M. CROSSMAN. "Family life education for remarriage: Focus on financial management," *Family Relations: Journal of Applied Family & Child Studies*, 1989, Vol 38(1) Jan 1989, 40-45, pages 40-45; LYNGSTAD, T. H., T. NOACK, P. A. TUFTE et al. "Pooling of Economic resources: a comparison of Norwegian married and cohabiting couples," *European Sociological Review*, 2011, 27, pages 624-635; VAN EEDEN-MOOREFIELD, Brad, Kay PASLEY, E. M. DOLAN et al. "From divorce to remarriage: Financial management and security among remarried women," *Journal of Divorce & Remarriage*, 2007, 47, pages 21-42; SUNG, S. and F. BENNETT. "Dealing with money in low-moderate income couples: Insights from individual interviews," *Social Policy*, 2007. [↑](#endnote-ref-64)
64. COLLAVECHIA, S. « "Doing moneywork'’ : le travail domestique des femmes dans la gestion des finances familiale », dans BELLEAU, H. et C. HENCHOZ éditeur, *L’usage de l’argent dans le couple : pratiques et perceptions des comptes amoureux*, Paris, L'Harmattan, 2008, pages 183-217. [↑](#endnote-ref-65)
65. BRADBURY, B *Familles ouvrières à Montréal : âge, genre et survie quotidienne pendant la phase d’industrialisation* Montréal, Boréal, 1995. [↑](#endnote-ref-66)
66. COLLAVECHIA, S. "'Doing moneywork': women's domestic work in managing family finances", in Belleau, H. and C. HENCHOZ editor, *L'usage de l'argent dans le couple : pratiques et percutions des comptes amoureux*, Paris, L'Harmattan, 2008, pages 183-217; ZELIZER, V. A. La signification sociale de l'argent, Paris, Seuil, 2005. [↑](#endnote-ref-67)
67. BONKE, J. "Pooling of income and sharing of consumption within households," *Review of Economics of the Household*, 2015, 13, pages 73-93; SINGH, S. and C. MORLEY. "Gender and financial accounts in marriage," *Journal of Sociology*, 2010, 47, pages 3-16; ASHBY, K. J., and C. B. BURGOYNE. "Separate financial entities? Beyond categories of money management," *Journal of Socio-Economics*, 200; BELLEAU, H. "Entre le partage des dépenses et le partage des avoirs. Les comptes conjugaux des ménages Québécois", in BELLEAU, H. and C. HENCHOZ editor, *L'usage de l'argent dans le couple : pratiques et perceptions des comptes amoureux*, Paris, L'Harmattan, 2008, p. 119. [↑](#endnote-ref-68)
68. BELLEAU, H. and P. CORNUT-ST-PIERRE. "La question du 'choix' dans la décision de se marier ou non au Quebec", *Lien social et Politiques*, 2011, 66, pages 65-89; BELLEAU, H. "D'un mythe à l'autre : de l'ignorance des lois à la présomption du choix éclairé chez les conjoints en union libre", *Canadian Journal of Women and the Law*, 2015, 27, pages 1-21; LAVALLÉE, C., H. BELLEAU, and Édith GUILHERMONT. "La situation juridique des conjoints de fait québécois," *Droit et culture*, 2017/1, 73, pages 69-89. [↑](#endnote-ref-69)
69. The reasons given by our respondents reflect those of other studies conducted elsewhere in the world. In the British context, for example, BARLOW *et al*. arrive at the following list from which legal reasons seem to be absent: "Reasons for cohabiting rather than marrying included - avoidance of stereotyped gender roles associated with marriage, disillusionment with marriage, trial marriage, avoiding divorce, the emotional security of living together, unexpected pregnancy, and the cost of a 'proper' wedding being outweighed by other priorities [...] The perceived legal position was *not* normally a factor directly influencing the decision to marry or cohabit Barlow, A., S. Duncan, G. James, et al. *Family Affairs: Cohabitation, Marriage and the Law* London: Nuffield Foundation, 2002. <https://ore.exeter.ac.uk/repository/bitstream/handle/10036/22732/barlow4.pdf?sequence> (accessed Sept. 28, 2016). On the reasons spouses give for not marrying see also; BOWMAN, C. G. *Unmarried Couples, Law, and Public Policy* New York, Oxford University Press, 2010; SMOCK, P. J., W. D. MANNING and M. PORTER. "Everything's There Except Money: How Money Shapes Decisions to Marry Among Cohabitors," *Journal of Marriage and Family*, 2005, 67, pages 680-696; SUTHERLAND, E. E. "From 'bidie-in' to 'cohabitant' in Scotland: The perils of legislative compromise," *International* Journal of Law, Policy and the Family, 2013, 27, pages 143-175. [↑](#endnote-ref-70)
70. DESCARIES, I. 2007. Perception du mariage et de l'union libre. Chambre des notaires, 3-89. [↑](#endnote-ref-71)
71. Title translation: Unions and conjugal disunions in Quebec: a cross-section of social and legal practices and representations of life together [↑](#endnote-ref-72)
72. On the arguments and debates raised in the case of Lola vs Eric see : LAVALLÉE, C. H. BELLEAU and É. GUILHERMONT. "La situation juridique des conjoints de fait québécois", Droit et culture, 2017/1, 73, pages 69-89. [↑](#endnote-ref-73)
73. BELLEAU, H. Quand l’amour et l’État rendent aveugle. Le mythe du mariage automatique Québec, Presses de l’Université du Québec, 2011.

     [↑](#endnote-ref-74)