

# Economic practices and social and legal representations of life together

Research report: Portrait of Ontario



Institut national  
de la recherche  
scientifique

# **Economic practices and social and legal representations of life together**

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## Résumé

Ce rapport présente un portrait descriptif des premiers résultats d'un projet de recherche intitulé *Pratiques économiques, représentations sociales et juridiques du vivre ensemble au Canada*. Basée sur une nouvelle enquête auprès de personnes vivant en couple et âgées de 25 à 64 ans, l'étude visait notamment à identifier, pour la première fois en Ontario, les arrangements financiers et juridiques des couples mariés ou non, leurs connaissances juridiques des règles de droit qui s'appliquent à leur situation personnelle, s'ils anticipent l'éventualité d'une rupture ou du décès de leur conjoint et leur opinion sur une éventuelle réforme du droit de la famille. En Ontario, au total, 2 585 personnes ont répondu à un questionnaire en ligne. La pertinence sociale de ce projet de recherche découle du fait que la législation en Ontario a reconnu les similitudes fonctionnelles de la vie partagée entre les partenaires mariés et non mariés. La Loi sur le droit de la famille (Family Law Act) de l'Ontario impose une obligation alimentaire aux conjoints de fait durant la relation et pendant un certain temps par la suite, mais ne prévoit pas le partage de la résidence familiale et de l'épargne, ni les droits de succession ab intestat pour les couples non mariés.

Notre sondage révèle que plus de 70 % des couples non mariés de l'Ontario ne connaissent pas les règles juridiques qui s'appliquent à eux. Les résultats démontrent aussi clairement que le mariage n'est pas synonyme de fusion des avoirs, et que la cohabitation ne peut pas être associée à une indépendance financière complète des partenaires. Parmi les conjoints de fait seulement, 64 % pensent qu'ils ne se sépareront jamais de leur conjoint actuel et moins de 9 % déclarent avoir un contrat de vie commune. Enfin, environ 85 % sont d'accord avec une proposition qui donnerait aux conjoints de fait les mêmes protections que les couples mariés en cas de séparation, notamment un partage égal de la valeur de la maison dans laquelle ils vivaient ensemble, ainsi qu'un partage des fonds de retraite et de l'épargne. Bien qu'il existe des différences entre les deux types d'unions, elles semblent modestes et ne justifient pas, à notre avis, le traitement juridique distinct du droit de la famille en Ontario en matière de partage des biens et des actifs.

**Mots clés:** Cohabitation; économie domestique ; mariage; union libre; mode de gestion de l'argent; droit de la famille; entente de vie commune ; contrat de vie commune; division des biens ; Family Law Act ; Ontario.

## **Abstract**

This report presents a descriptive portrait of the first results emerging from the research project entitled *Economic practices, social and legal representations of cohabitants in Canada*. Based on a new survey of people living in a couple and aged 25 to 64, the study aimed to identify, for the first time in Ontario, the financial and legal arrangements of couples, whether married or not, their legal knowledge of family law rules that apply to their personal situation, whether they anticipate the possibility of a break-up or the death of their spouse and their opinion on a possible reform of family law. The social relevance of this research project stems from the fact that legislative drafters in Ontario have recognized the functional similarities of shared life between married and unmarried partners. Ontario's Family Law Act (FLA) imposes on common-law spouses a duty of maintenance to common-law spouses during the relationship and for a time afterwards but provides neither for the division of family property, including the matrimonial home and assets, nor for succession rights where a cohabitant dies intestate.

Our survey shows that more than 70% of cohabitants in Ontario do not know the legal rules that apply to them. The results also clearly demonstrate that marriage is not synonymous with the combination of assets, nor can cohabitation be associated with complete financial independence between partners. Among common law partner only, 64% do not think they will ever separate from their current spouse and less than 9% say they have a cohabitation agreement/contract. Finally, approximately 85% agree with a proposal that would give common law spouses the same protections as married couples in the event of separation, including equal sharing of the value of the house in which they lived together and of retirement savings and pensions. Although there are differences between the two types of union, they appear to be modest and do not, in our view, justify the distinct legal treatment of family law in Ontario regarding the division of property.

## **Key Words:**

Cohabitation; family economics; marriage; money management; family law; cohabitation contract; cohabitation agreement, division of property, Family Law Act, Ontario.

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# Introduction

This report presents a descriptive portrait of the first results emerging from the research project entitled *Economic practices, social and legal representations of living together in Canada*.<sup>1</sup> It aims to highlight to what extent common-law spouses<sup>2</sup> in Ontario and in Quebec understand the legal rules that apply to their personal situation and if they anticipate the eventuality of a breakdown of their union or the death of their spouse. We explored a diversity of issues including their legal knowledge, how they manage money compared to married spouses (short, and long-term), what they would like the law to be (upon separation or death of a spouse), if they have made cohabitation agreements/contracts and draw a will, etc. Until now, to our knowledge, there were no research data available on these questions for Ontario compared to Quebec.<sup>3</sup> This report concentrates on descriptive data for Ontario.

In September 2022, we conducted a survey comparing similar numbers of residents of Ontario (n=2585) and of Quebec (n=2525)<sup>4</sup> for a total of 5110 respondents (see Appendix A for the methodology).

The social relevance of this research project stems from the fact that legislative drafters in Ontario have recognized the functional similarities<sup>5</sup> of shared life between married and unmarried partners. Ontario's Family Law Act (FLA) imposes a duty of maintenance on common-law spouses during the relationship and for a time afterwards but does not provide for the division of property, rights in the matrimonial home, or intestate succession rights. In the event of a separation, or the death of a common-law spouse, the economic impact of these exclusions may

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<sup>1</sup> In French : *Pratiques économiques et représentations sociales et juridiques de la vie à deux au Canada*. This project is part of the programming of the research partnership *Familles en mouvance* of the Institut national de la recherche scientifique (INRS) titled "Family reconfigurations and new modalities of the (re)production of social inequalities" which brings together more than a dozen researchers, representatives of various ministries and community partners.

<sup>2</sup> In this report we are using "de facto", "cohabitation", "unmarried" and "common-law unions" as synonyms unless specified.

<sup>3</sup> Belleau, Lavallée, and Seery (2017); Descarie Ipsos and Chambre des notaires (2007a); CROP and Chambre des notaires (2013).

<sup>4</sup> Common-law relationships in Ontario and in Quebec are said to be very different notably concerning the proportion of *de facto* unions. Indeed, it is more than twice as high in Quebec (43%) as in Ontario (16%) Statistics Canada (2022). As we will demonstrate in this report, in many respects, however, common-law spouses in Ontario are not different than those in Quebec. See Belleau et al. (2017). Two other reports (in preparation) will concern respectively, the province of Quebec and a comparison of both provinces (Ontario and Quebec).

<sup>5</sup> Regarding mutual support rights and obligations, continued occupancy after lessee's death, presumption of paternity, consent to care, and adoption, etc. See Leckey (2022) p.372.

be significant, especially for women who have fewer assets, often because of their greater involvement in unpaid domestic work within families.<sup>6</sup> Regarding fundamental rights enshrined in the Constitution, one could argue that Ontario's Family Law Act infringes the equality guarantee in section 15 and is not justified under section 1 of the Canadian Charter of Rights and Freedoms.<sup>7</sup> In *Miron v Trudel*, the Supreme Court of Canada had recognized marital status as an "analogous ground" to those inscribed in the Charter.<sup>8</sup> Following that judgment, many observers had concluded that distinctions made between married and unmarried could be seen as discriminatory. However, in subsequent years, the Supreme Court of Canada has rejected challenges to restrictive family regimes, notably concerning share of property.<sup>9</sup> This research project brings new empirical data to the debate by examining, in an unprecedented way, the practices, legal knowledge and social representations of common-law spouses in Ontario. We argue that the reasons evoked in favour of preserving cohabitants' autonomy and freedom of choice may be undermined by empirical data. Are common-law spouses aware of these differences between being married or not, concerning the family house, the division of assets, or succession rights? Do they anticipate a relationship breakdown? Do they draw cohabitation agreements/contracts and a will? Does their way of managing money and assets reflect those differences?

More specifically, this report is structured around the following questions:

- 1: Are common-law relationships based on informed choice in Ontario? What terms do people use to refer to their spouse?
- 2: If they had a choice, would common-law spouses rather be married? Is their situation a choice for both members of a couple?
- 3: How do couples manage money in Ontario? Is there a difference between short, and long-term money management?

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<sup>6</sup> On retirement savings see : Fox and Moyser (2018) ; Pugliese and Belleau (2022). On division of domestic work see : Moyser and Burlock (2018)

<sup>7</sup> Section 1: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Section 15 : 15.(1) Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability.  
<https://www.canada.ca/content/dam/pch/documents/services/download-order-charter-bill/canadian-charter-rights-freedoms-eng.pdf>

<sup>8</sup> [1995] 2 S.C.R. 418.

<sup>9</sup> *Nova Scotia \*A.G.) v. Walsh*, 2002 SCC 83, [2002] 4 SCR 325; see also *Quebec (A.G.) v. A*, 2013 SCC 5, [2013] 1 SCR 61; Leckey (2022) p.374.

- 4: What do common-law spouses think about legal protections in spousal relationships generally? Do they anticipate the possibility of a breakdown in their relationship?
- 5: Is there more financial equality and better sharing of unpaid work between common-law partners than between married spouses?

## **PART 1: BACKGROUND AND LITERATURE REVIEW**

### **1.1 Marriages and Common-Law Unions**

Over the past 40 years in Canada, the number of common-law unions has increased by 447%. According to the 2021 census, the set of all unions consists of 23% *de facto* unions and 77% married couples. The proportion of common-law unions is growing in all age groups and has become the norm amongst young couples aged between 20 and 24 years (79%).<sup>10</sup>

In Ontario, the proportion of common-law unions was 16% in 2021, compared to 5% in 1981.<sup>11</sup> However, a significant number of children in Ontario are born of unmarried mothers. In 2021, 29% of births occurred to women who were not married in Ontario compared to 38% in Canada.<sup>12</sup> These data do not allow us to know the proportion of those who will marry following the birth of their child and those who will never marry.

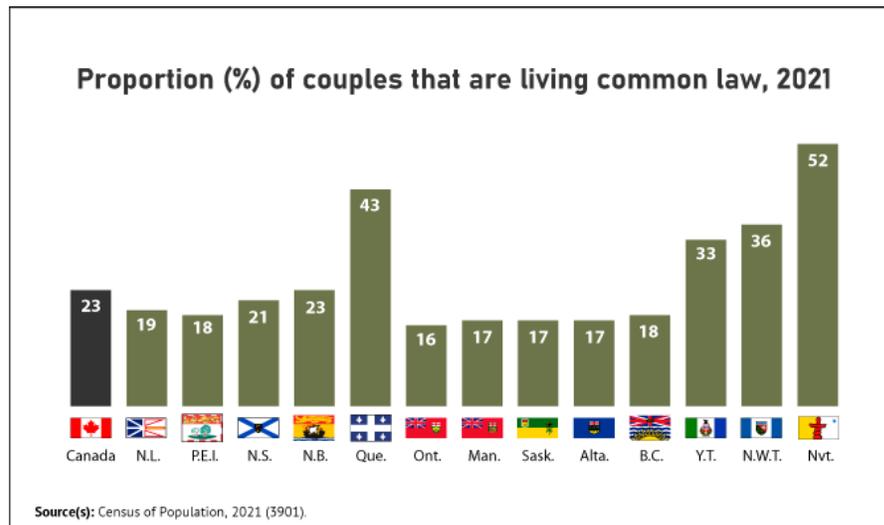
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<sup>10</sup> Statistics Canada (2022)

<sup>11</sup> Statistics Canada (2022) The share of common-law couples in Canada would have been 17% in 2021, if we exclude the province of Quebec.

<sup>12</sup> Statistics Canada (2022), "Live births, by marital status of mother" Tableau : 13-10-0419-01 (previously CANSIM 102-4506), (consulted 06-04-2023). The figure for Ontario compares to other provinces such as Alberta (29%), British Columbia (25%) and Manitoba (34%) but are well below the proportions in Quebec (68%), Newfoundland (64%) or Nunavut (87%).

**Figure 1 : Proportion of couples that are living common law, 2021.**



Source : <https://www150.statcan.gc.ca/n1/daily-quotidien/220713/dq220713b-eng.htm>

As elsewhere in Canada, unmarried couples are more prevalent in rural areas. In large urban centers, there are more immigrants among whom marriage is more common. According to Statistics Canada, this is particularly true in Toronto, where we find only 12% of common-law unions, compared to 27% in rural areas outside urban centres.<sup>13</sup>

## 1.2 The legal context in Ontario

The *Family Law Act* (FLA) was adopted in 1986 and has been amended several times. With this Act, Ontario's legislature wanted to regulate the rights of spouses and dependents regarding property, support, inheritance, prenuptial agreements, separation agreements, and other matters of family law. The codified sharing of gains during the relationship replaced a 1978 statute that provided for a discretionary allocation on separation. In 1999, Ontario amended the *Family Law Act* with respect to cohabitation and separation agreements, as well as claims for damages by family dependants, to include same-sex cohabitants.<sup>14</sup>

In common-law provinces, statutes confer mutual support rights and obligations to same-sex and opposite-sex unmarried cohabitants who satisfy the prescribed statutory conditions.<sup>15</sup> In Ontario, those conditions are as follows: "two persons who are not married to each other and have cohabited,

<sup>13</sup> Statistics Canada (2022)

<sup>14</sup> Various rights and obligations were extended to same-sex couples. Payne and Payne (2022), p. 37

<sup>15</sup> Payne and Payne (2022), p.41

1. Continuously for a period of not less than three years, or
2. In a relationship of some permanence, if they are the parents of a child (...).<sup>16</sup>

This means that in Ontario, if a couple meets these conditions, in the event of a break-up, spouses have the same mutual right and obligation of support as married couples upon divorce.

However, it must be noted that spousal property rights and intestate succession rights have never been extended to unmarried cohabitants in Ontario.<sup>17</sup> In the event of a relationship breakdown, the *Family Law Act* does not provide for a right to occupy the family home irrespective of who holds legal title, or for a sharing of its value. Nor does it provide for the sharing of the value of assets, including pensions. Those assets may represent significant amounts as they cumulate over the years and widen gender income gaps in the long term, especially at the time of retirement.<sup>18</sup> In the event of a separation, the absence of legislated sharing may have significant negative effects for common-law spouses, especially women, who are still doing more of the unpaid work. An inability to access the value of the home may be a shorter-term effect, while the inability to access a share of retirement savings may be a longer-term one, felt many years after the relationship ended.<sup>19</sup> Regarding succession rights, if a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner, a stark contrast with the treatment of married spouses under the *Succession Law Reform Act*.<sup>20</sup>

Many provinces,<sup>21</sup> including Ontario, authorize unmarried couples to enter into “cohabitation agreements” in order for them to determine the division of property, spousal and child support, and other aspects of their affairs. Such agreements can be made before or during cohabitation. Furthermore, unmarried couples can also draw up “separation agreements” to manage the end of their relationship. To our knowledge, the proportion of couples to have made this kind of domestic contract has not yet been studied. The present research will shed light on this question.

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<sup>16</sup> *Family Law Act*, R.S.O. 1990, c F.3. (art. 29) Online at <https://www.ontario.ca/laws/statute/90f03>

<sup>17</sup> Payne and Payne (2022), p.38

<sup>18</sup> Lehrer, Pan, and Finnie (2023); Fox and Moyser (2018); Rose (2015); Pugliese and Belleau (2020)

<sup>19</sup> Moyser and Burlock (2018) ; Houle, Turcotte, and Wendt (2017).

<sup>20</sup> R.S.O. 1990, c S.26.

<sup>21</sup> Payne and Payne (2022), p. 39

### 1.3 Paradoxes in Canadian laws and the common-law marriage myth

Over the years, the evolution of legislation regulating family issues has been largely fragmentary, with no coherent policy. As mentioned by Payne and Payne:

Federal, provincial and territorial legislation regulating the rights and obligations of family members has been largely “piecemeal” in this evolution and no coherent family policy has been articulated, particularly in the context of the relationship between the so-called private system of family law which regulates the personal rights and obligations of spouses, parents, and children as between themselves, and the public system that provides social assistance, tax concessions, pension and medical health schemes, and the like.<sup>22</sup>

From the citizens' point of view, the state sends contradictory messages. Thus, each year when making their tax return, Ontarians are informed that after one year of living together, the government views cohabitants as the same as married spouses. Citizens may thus wrongly suppose that common-law spouses in Ontario (and in other Canadian provinces) have the same rights and obligations on separation “as if they were married” under the private law of the family.

#### ***Common-law Marriage Myth***

In common-law jurisdictions in Canada, the justification for assimilating cohabitants to married spouses is based on the idea that “cohabitants do not meaningfully choose their situation” and that many do not know the law enough to make an informed choice.<sup>23</sup> This means that the idea of free and informed “choice” is considered basically false.<sup>24</sup> Indeed, the presumption that *de facto* spouses are well informed about the rights and responsibilities affecting them is undermined by empirical findings in Canada, as in many other countries.<sup>25</sup>

The common-law marriage myth may be defined as the mistaken belief that, when separation arises after a few years of cohabitation, the spouses will be subject to the same measures (division of property, maintenance obligation, etc.) as if they

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<sup>22</sup> Payne and Payne (2022), p.2.

<sup>23</sup> Leckey (2022), p.376.

<sup>24</sup> As well, the bargaining power between spouses is often unequal and they underline the functional equivalence of married and unmarried couples. Therefore, all common law provinces and territories include cohabitants in family laws, by “imposing a duty of maintenance, during the relationship and for a time afterwards”. See Leckey (2022), p.370.

<sup>25</sup> Belleau (2023); Akhtar and Probert (2020).

were married.<sup>26</sup> It has been the subject of several studies in England.<sup>27</sup> When an unmarried couple separates in England, the partners do not benefit from measures providing for “financial relief,” including the division of property and maintenance, applicable to married couples.<sup>28</sup> From 1970 onwards in that country, several rights and responsibilities previously reserved for married spouses were extended to *de facto* couples.<sup>29</sup> Over the years, there has been a great deal of confusion among the English population because of the plurality of legal rules applying to *de facto* spouses. Sometimes these rules treat couples as if they were married; at other times, as if they were mere strangers.<sup>30</sup> Relying on three British Social Attitudes Surveys (2000, 2006 and 2018), Barlow *et al.* have documented the extent of the misbeliefs in this area from a representative sample of the British population. Their conclusions stressed that about half of cohabiting couples believed that they had the same rights as married couples and only a small number had made legal provision in the event of a separation. They also concluded that there is strong support among the population for laws that would treat married and unmarried spouses similarly.<sup>31</sup> In 2015 and in 2022, we found similar results in the province of Quebec, in two large representative surveys from all regions.<sup>32</sup>

In the light of this phenomenon, our research was aimed to investigate the presumption that cohabitants make an informed choice by not getting married with two underlying assumptions: that couples have at least some knowledge of the rights and responsibilities that apply to them; and that a better knowledge of the laws would lead spouses to anticipate the possibility of a breakup and, if necessary, to protect themselves from the negative consequences of this eventuality. To what extent do common-law spouses in Ontario know that the treatment of the house and other assets in the event of a separation will not be the same as for married couples who separate or divorce? Are common-law spouses aware that if one of them dies without a will, the surviving partner will not inherit from the deceased spouse?

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26 While we use the expression “common law marriage myth” to refer to the idea that common-law spouses have the same rights and obligations as married spouses, it is also used to refer to the belief that a marriage, with full legal status, can arise from a simple exchange of consents between the parties. See Probert (2008) for a thorough analysis of the origin and uses of this expression. For information on the United States see Lind (2008).

27 Akhtar and Probert (2020); Barlow and Duncan (2000); Barlow, Duncan, James, and Park (2005); Hibbs, Barton, and Beswick (2001); Panades, Corney, Ayles, Reynolds, and Hovsepian (2007); Pleasence and Balmer (2012).

28 Probert (2008).

29 Probert (2008).

30 See Barlow, Duncan, James, and Park (2001) p. 29. It is interesting to note that, among the administrative categories used by the state was “common-law marriage.” See Panades *et al.* (2007). The parallel with the use made in Quebec of the concept of “spouse” as an administrative category, despite highly variable definitions from one program to another, is remarkable.

31 Barlow *et al.* (2001).

32 Belleau *et al.* (2017); Belleau, Lavallée, Leckey, Pugliese, Report of the 2022 Survey (to be published).

In this research, we hypothesize that there might be confusion among unmarried couples with regard to the scope of application of the Family Law Act, or rather, its parts relating to equalization of family property and the matrimonial home. Furthermore, we examined possible misconceptions concerning statutory conditions for a relationship to qualify as a “common-law union”, and also the extent to which Ontarians would favour having similar rules for married and common-law couples. 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.

#### **1.4 A theoretical approach rooted in social realities**

In this research project, we propose that the concept of the "pure relationship" - defined by norms of equality, free choice, and negotiated contractual relationships between autonomous individuals outside institutional frameworks - while being present in the ambient social discourse,<sup>33</sup> reflects only a portion of contemporary realities.<sup>34</sup> Changes in intimacy and identity have led to a retreat of institutional regulation (such as religious, legal, and social norms) in marital life.<sup>35</sup> However, conjugal life is still influenced by a complex social and normative landscape that includes structural inequalities, gender relations, social expectations, and duties that limit and shape individual choice.<sup>36</sup>

Our theoretical approach considers individuals, couples, families, the State, and its agents as part of the same social space ("the family field"<sup>37</sup>), all motivated variably by goals of protection, solidarity, and preservation of individual liberties within the legal framework of unions. We acknowledge the coexistence of various social representations and normative systems (family, conjugal, legal, religious) that interact and shape couples' relationships.<sup>38</sup> 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 mobilizes them individually and goes beyond them, this research takes into account singular discourses and practices (money management, desires to get married or not, etc.) that respond to individual motivations as well as to evolving collective imperatives.

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33 Cancian and Gordon (1988).

34 De Singly (2005); Jamieson (1999).

35 Beck and Beck-Gernsheim (2018); Giddens (1992).

36 Bastard (2013).

37 Dandurand and Ouellette (1995).

38 Carbonnier (1977); Rocher (1996).

The state law as a normative framework can provoke or hinder social changes.<sup>39</sup> Marriage as a legal institution is in decline due to the breakdown of normative coherence that traditionally supported it (religious, social, economic, etc.). Although family law still restricts alliances to specific definitions of conjugal unions (whether marriage, common-law unions, or in jurisdictions other than Ontario civil unions and registered partnerships) - and criminal law prohibits polygamy - social representations seem to have largely freed themselves from a conception of couple and family based solely 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.

Our survey methodology and population study are based on these theoretical and empirical foundations. We will discuss the initial results of our descriptive analyses in the following sections.

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<sup>39</sup> Ewick and Silbey (1998).

## **PART 2: ARE COMMON-LAW RELATIONSHIPS BASED ON INFORMED CHOICE? WHAT TERMS DO PEOPLE USE TO REFER TO THEIR SPOUSE?**

In this research project, we asked respondents in Ontario a series of questions to find out how familiar they are with the laws that apply to them (see Appendix H for the questionnaire). Appendix B presents more detailed results and demonstrates that in Ontario, both married and unmarried respondents have little legal knowledge regarding these issues. The following table shows only the answers of common-law spouses. We can see that

- 70% of unmarried spouses think that Ontario common-law partners automatically have family law rights and responsibilities vis-à-vis one another after living together more than one year. Another 20% say they do not know whether that statement was accurate or not. *Thus, 90% of common-law partners are unaware of family law rights and responsibilities.*
- 48% of Ontario common-law partners think that if unmarried spouses separate, the law entitles them to an equal share in the value of the house in which they lived together. Another 30% say they do not know whether that statement is true or false. *Thus, 78% of common-law partners are unaware of the law in relation to family homes.*
- 56% of common-law spouses in Ontario think that after three years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple. Another 28% say they do not know the answer. *Thus, 84% of common-law spouses are unaware of the legal differences between being married and in a common-law union.*
- Only 20% of common-law spouses in Ontario know that a spouse who is the sole owner of the house may, without warning, evict the other from the home in which they have been living together. Indeed, 39% think it is not true and another 41% cannot answer the question. *Thus, 80% of common-law partners are unaware of the risk that the sole owner could exclude the other from the house, even if they have been living together as a couple.*
- Only 28% of common-law partners know that if their union ended, they would not be entitled to share retirement savings and pensions. 22% think that they would need to split these assets; 50% could not answer the question. *Therefore, about 72% of common-law spouses in Ontario are unaware that neither will share the value of retirement savings and pensions of the other spouse in the event of a separation.*
- 42% of common-law partners in Ontario know that when married spouses get divorced, they have to share the value of retirement savings and pensions. 17% think that it is not true and 41% cannot answer the question. *Therefore, 58% of common-law spouses are unaware that the law says that married spouses have to share the value of retirement savings and pensions when they get divorced.*
- Only 28% of common-law spouses know that if a *de facto* spouse dies without a will, the surviving partner will not inherit from his or her spouse. Another 47% did not know the answer. *Therefore, 75% of common-law spouses in Ontario are unaware of the law regarding these issues.*

- Finally, almost half of common-law spouse (47%) know that in Canada unmarried spouses having cohabited for one year of cohabitation have the same rights and obligations as married persons under the federal regime of income tax.

**Table 1: Knowledge of family laws among common-law spouses, Ontario, 2022, (n=363) (\*good answer).**

Questions	Answers of unmarried respondents only		
	(* indicate the good answer)		
Do you think the following statements are either true or false?	True	False	I don't know
Q42_ONr1. Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year	70%	10%*	20%
Q42_ONr2. If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.	48%	22%*	30%
Q42_ONr3. After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.	56%	16%*	28%
Q42_ONr4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.	20%*	39%	41%
Q42_ONr5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.	28%*	22%	50%
Q42_ONr6: When married spouses get divorced, the law says they have to split retirement savings and pensions.	42%*	17%	41%
Q42_ONr7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.	28%*	25%	47%
Q42_ONr8: After one year of living together, <i>de facto</i> spouses have the same rights and obligations as married persons with respect to income tax in Ontario and Canada.	47%*	15%	38%

Considering these results, we examined whether the legal knowledge of common-law partners with three or more years of cohabitation or those who have a child was better than that of the general population (Appendix B, tables 9 to 12). The results demonstrate that this is not the case. Among common-law partners having cohabited for at least three years, only 8% and 22% had the correct answers to the first two questions, respectively (Q42\_R1, Q42\_R2). Among common-law partners with minor children at home, only 10% and 18% answered those questions correctly.

We can conclude that many Ontarians living in an unmarried couple think that they have the same rights as married partners do, even if they have not lived together for three years or had a child together. Further, many of them believe that *de facto* couples have the same legal protections as married couples.

## 2.1 Common-law Marriage Myth

The common-law marriage myth is well documented in different countries and in Quebec.<sup>40</sup> In the light of the scholarly literature, several factors explain this lack of knowledge of Ontario's family law protections. First, common-law spouses in Canada are treated as married spouses for tax purposes after only one year of cohabitation. Year after year, when filing their income tax, *de facto* spouses are reminded by the government that it considers them as an integrated economic unit. Through taxation and family laws, the government sends mixed messages to citizens of all provinces (as does Revenu Québec, within that province). The *Family Law Act* in Ontario may also have contributed to this confusion. The term "spouse" has two principal definitions: for purposes of equalization of family property and the matrimonial home, it means married spouses; for purposes of spousal support, the term broadens to capture cohabitants who have lived together for three years or had a child together. Further, the term "common-law spouses" was already used colloquially before the adoption of the *Family Law Act*, and was likely more inclusive than the term as defined legally.<sup>41</sup>

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40 For a review, see Belleau (2023); Belleau et al. (2017)

41 Advertising campaigns aiming to improve legal knowledge for the population, although necessary, have proven to be quite insufficient, as other studies have shown : «The living together campaign », was funded by the government and lunched in July 2004 : <https://www.advicenow.org.uk/living-together>. The legal knowledge of de facto spouses in Quebec improved by a few percentage points before and after the Lola and Éric affair. On this subject, see the survey of the Chamber of Notaries Descarie Ipsos and Chambre des notaires (2007b) and the results of our 2015 survey which took up the same questions Belleau et al. (2017).

Moreover, marriage is at a normative crossroads in the sense that several norms (social, legal, economic) come together. Social norms have been changing in recent decades. The growing social acceptance of common-law unions in Ontario, as elsewhere, is undoubtedly also one of the factors that contributes to "normalizing" this form of union in the minds of many, and to perpetuating the common-law marriage myth.

## 2.2 Spousal Terms

Language evolves with mores and helps in identifying the changes taking place in a given society. Some scholars, jurists, and journalists speculate that many couples in Ontario are calling themselves common-law even if they have not lived together for three years or had a child together.<sup>42</sup> This phenomenon is likely related to spouses' ignorance of the law and to the fact that the term "common-law relationship" is possibly used colloquially in a more inclusive way, reaching more broadly than even the expanded definition of "spouse" used in Part III of the *Family Law Act* in connection with the obligation of support.

To verify this phenomenon, we asked spouses, married and not, how they refer to the person with whom they lived. The question aimed to identify all the words that people use for their spouse, as these vary from context to context. Our previous surveys in Quebec and those of other authors<sup>43</sup> show that the terms used by *de facto* spouses are multiple and sometimes borrow from the terms used by married people (i.e., husband, wife). These studies also show that, conversely, the terminology used by married people often borrows from unmarried spouses (i.e., partner, lover). For example, this was a finding of our recent survey in Quebec.

We wanted to verify this phenomenon in Ontario by asking respondents the following question: "What words do you use to refer to the person you live with as a couple? Name all the words you use." A list of answers was provided but respondents could provide others (see Appendix C).

Two types of findings emerge: the first concerns the fact that unmarried spouses use many terms to designate their life partner; the second is that the boundary

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42 For example, see: <https://www.cbc.ca/news/canada/toronto/ontario-common-law-marriage-separation-rights-1.6520886> | CBC News; <https://galbraithfamilylaw.com/blog/common-law-myths/> | Galbraith Family Law; <https://financialpost.com/personal-finance/why-confusing-common-law-relationships-with-marriage-can-be-a-costly-mistake> | Financial Post.

43 Vincent (2007) ; Belleau (2012).

between married and cohabiting spouses is porous. Cohabitants do not lack shared language or terminology. They are using more than one term, as married persons do. The use of these terms generally depends on the context (such as formal/informal, personal/impersonal, etc.) and on what the person wishes to convey to their interlocutor (indicating that the relationship is serious or temporary, highlighting feelings, or, on the contrary, remaining neutral, etc.).<sup>44</sup>

- *De facto* spouses mainly use four terms: partner 42%; boyfriend/girlfriend 41%; husband/wife 39%; and spouse 21% (and common-law spouse 13%), showing the variety of realities covered by common-law unions.
- Married spouses mainly use husband/wife 86% and spouse 32%.
- The analysis shows that 21% of cohabitants and 36% of married persons use the term “spouse,” which is neutral in the sense that, in Ontario, it does not say whether the person is married or not.
- Other terms not corresponding to legal spousal status are used. For example, some married spouses sometimes use partner (16%) or lover or mate (9%). Conversely, nearly 39% of *de facto* spouses use husband or wife.
- Finally, as table 1 in Appendix C shows, men and women in common-law unions use substantially the same terms to designate their spouse, except that women use the duo husband/wife more often than do men (43% versus 34%).

In conclusion, we saw that there is a great deal of ignorance of family law in Ontario. A significant proportion of common-law spouses believe they have the same rights and obligations as married people. Several factors contribute to the “common-law marriage myth,” including mixed messages from the state. Furthermore, the words to refer to a *de facto* spouse borrow from the vocabulary of married people, and the reverse is also true, but to a lesser extent. We can hypothesize that this porosity between social representations of marital status is likely to increase if the prevalence of common-law unions increases, as is in the province of Quebec.

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44 Vincent (2007).

**PART 3: IF THEY HAD A CHOICE, WOULD COMMON-LAW SPOUSES RATHER BE MARRIED? IS IT A “CHOICE” FOR BOTH PARTNERS?**

One argument put forward in Ontario for justifying the status quo is that the majority of *de facto* spouses want to marry and that their status is temporary or transitory. To verify this belief, we asked them whether, if they had a choice about their marital status, they would rather be married or in a common-law relationship. Within common-law couples, we also examined if the “free choice” not to marry came from both spouses, or from one.

**3.1. Choice of marital status**

The next table shows that about 90% of married men and women say they would make the same choice and a small proportion say that it might be different (3% and 6%) or that they do not know (5% and 6%). Among common-law spouses, 38% of women and 25% of men say that they would rather be married and 47% of women and 55% of men would make again the same choice to stay in a common-law relationship. This means that, for various reasons, many couples in common-law unions cannot or may not want to get married.

**Table 2: Preference between being married or in a common-law relationship by marital status and sex, Ontario, 2022**

		Married women	Married men	Unmarried women	Unmarried men	Total
Q11b. If you had a choice, would you rather be married or in a common-law relationship?	Married	91%	90%	38%	25%	82%
	Unmarried spouse	3%	6%	47%	55%	11%
	Don't know	6%	5%	15%	19%	7%
<b>Total</b>		100%	100%	100%	100%	100%

N= 2582, V de Cramer = 0,571, Sign. approx. <,001

We verified whether legal knowledge could be related to the desire of *de facto* spouses to marry or, on the contrary, to remain in a common-law union. It is not: no significant link was found between the question on the preference between being married or not (Q11b) and questions on legal knowledge (Appendix D, tables

1 to 8). This means that common-law spouses are not rejecting marriage because they are making an informed choice of legal regime.

### 3.2 Choice not to get married within couples

We asked common-law spouses if one of them in their couple wanted to get married but not the other. About 18% said one of the spouses did not want to get married, with men being more often the ones opposed to doing so (73% of men when the man was the respondent and 67% of men when the women was the respondent). Similar results had been found in Quebec.<sup>45</sup>

**Table 3: Was a marriage wanted by only one common-law spouse in the couple, Ontario, 2022.**

		Total
Q12. Was a marriage wanted by one of the partners but not by the other?	Yes	18%
	No	69%
	Don't know	13%
<b>Total</b>		100%

**Table 4: Among common-law couples, who did not want to marry?, Ontario, 2022**

	Q12A. Is it you or your partner who did not want to marry?		Total
	Me	My partner	
Common-law women	33%	67%	100%
Common-law men	73%	27%	100%
<b>Total</b>	56%	44%	100%

N= 64, V de Cramer = ,395, sig approx = ,002

<sup>45</sup> Belleau et al. (2017).

In short, not all common-law spouses want to get married. The reasons for wanting or not wanting to marry are diverse, and often they have nothing to do with legal protections of marriage since they believe the same legal effects apply to married and unmarried couples.<sup>46</sup> In one of five couples, one of the spouses wants to get married and the other does not. More men than women do not want to marry, but the protections offered by marriage overwhelmingly benefit the latter more in the event of a separation because of the roles they generally assume in the family.

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<sup>46</sup> Belleau (2012) , chapter 8.

## **PART 4: HOW DO COUPLES MANAGE MONEY? IS THERE A DIFFERENCE BETWEEN SHORT, AND LONG, TERM MONEY MANAGEMENT?**

Since banking accounts are not good indicators of money management<sup>47</sup> (see also appendix E, table 1), we asked a series of questions to identify financial arrangements from the perspective of our respondents. Money management on a day-to-day basis should not be confused with the long-term horizon of the relationship, nor with management of financial assets such as investments.<sup>48</sup> Although there are indeed differences between common-law and married couples in terms of systems of money management, on a short- and long-term basis, these differences are smaller than expected. This may be explained by the common-law marriage myth but also, as we will show in Part 5, by the fact that couples rarely anticipate a relationship breakdown.

We asked respondents a series of questions regarding money management. Results are presented in the two following sections: the day-to-day money-management systems and the long-term management of savings.

### **4.1 Day-to-day**

We asked the following questions to identify money management systems:

**Q20: In terms of money management, which of the following do you feel best fits your current organization?**

**Answers**

[r1] All or most of your income is pooled.

[r2] One of you takes care of all the common expenditures.

[r3] You don't pool your income, but you share the expenditures.

**Q21: Which partner pays the bills?**

Condition: (Q20.r2)

**Answers**

[r1] You do

[r2] Your spouse

**Q22: How are expenses mainly distributed?**

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47 See also Ashby and Burgoyne (2007); Bonke (2015); Burgoyne and Morison (1997); Nyman (1998); Singh and Morley (2011); Sung and Bennett (2007).

48 Pugliese and Belleau (2020)

Condition: (Q20.r3)

**Answers**

[r1] You pay the expenditures 50-50.

[r2] Everyone contributes proportionally to their income (the one who earns more pays more).

[r3] The person who earns more pays more, but it is not proportional to income.

[r96] Other. Please specify:

In the following graphic,<sup>49</sup> a few things can be noted:

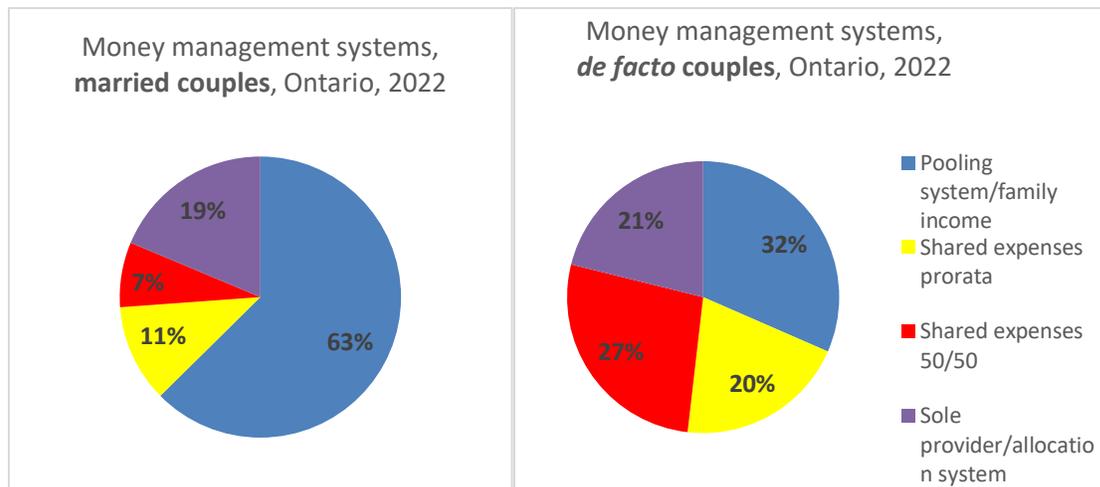
- First, although many more married couples (63%) pool all their income than do common-law couples (32%), the proportion of the latter is substantial. Further, a significant proportion of married couples do not pool all their income.
- Second, we can see that 20% of common-law unions share expenses in proportion to each spouse's income, compared to 11% of married couples. The "*pro rata* system" is a way of mitigating income gaps between spouses and shows the interdependence of spouses to a certain extent. Adding the money management systems of pooling and *pro rata* shows that about one-half of common-law unions in Ontario (32% + 20% = 52%) do not manage money separately. It shows a certain level of interdependency on a day-to-day basis.
- Third, a higher proportion of cohabiting couples (27%) share expenses 50/50, compared to 7% of married couples.
- Finally, there are as many cohabitants as married couples (19% versus 21%) who have adopted the "allowance" system. In this system, one spouse gives the other one a set amount for personal spending, household expenses, or both.

These differences will be the subject of further detailed analyses. Several variables influence these financial arrangements, such as cohabitation duration, age of respondents, presence or absence of common children, owning a house, and income gaps.

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49 Items 2 and 3 of Q31 have been merged into "Pro rata".

**Figure 2: Money management systems among married and *de facto* couples, Ontario, 2022**



#### 4.2 Long-term savings

A previous study had revealed that financially heterogamous couples – those with unequal resources – are less likely to save together and to redistribute resources to reduce the wealth gap between spouses with respect to financial assets.<sup>50</sup> This finding aligns with other recent research. Within Quebec, we found that 28% of adults between the ages of twenty-five and fifty in a financially heterogamous union reported that their couple sought to balance retirement savings between partners. However, the likelihood of redistribution regarding retirement savings changes with several factors: single-earner couples are more likely to balance savings across partners than dual earners; the propensity to redistribute retirement savings increases with union duration; and having children from a prior union is negatively associated with redistribution of retirement savings.

Marriage and common-law unions have distinctions as well. Scholars have long argued that unmarried couples are less likely to share their resources than married couples. Some have called for more nuance, however, highlighting that cohabiting couples form a heterogenous group and that many are deeply committed to values of family solidarity, particularly as cohabitation increasingly represents an alternative to marriage for long-term relationships and family formation. Our 2015 study from Quebec reinforced this view of cohabitation using new empirical evidence.

<sup>50</sup> Pugliese and Belleau (2020)

In our study in Ontario, we asked questions to see how couples manage their assets. As shown in Appendix E, Table 3, 19% of married couples and 26 % of common-law couples say that neither spouse has saved for retirement or for the longer term. Among those who have long-term savings<sup>51</sup> (Table 5 below), 61% of married couples and 23% of cohabitants say, “we try to balance long-term savings between us by taking investments for both of us”. We can see as well that 39% of married spouses and 77% of common-law spouses say they save money for the longer term on their own, independently of one another.

**Table 5: Long-term savings by marital status, Ontario, 2022.**

	Married	Unmarried	Total
We save money for the longer term on our own, independently of one another.	39%	77%	44%
We try to balance the long-term savings between us by taking investments for both of us.	61%	23%	56%
<b>Total</b>	100,0%	100%	100%

N=2581, V de Cramer ,216, Sig approx <,001

Finally, we pointed out in an article<sup>52</sup> that policymakers and retirement experts often assume that retirement savings are a resource shared by both partners in a household. However, a significant number of couples do not share or balance their retirement savings. Our research suggests that this assumption about shared savings may lead researchers and policymakers to overestimate the retirement savings available to lower-income individuals, particularly women who partnered with higher-income spouses. This error can result in underestimating the number of individuals who may require state assistance in their old age, as well as the financial impact of separation, especially on women in common-law relationships. As a result, we recommend abandoning the assumption of shared savings, particularly for financially heterogamous couples, married or not.

51 These results for Ontario take into account all couples and not only financially heterogamous couples as we did in our article.

52 Pugliese and Belleau (2020).

**PART 5: WHAT DO COMMON-LAW SPOUSES THINK ABOUT LEGAL PROTECTIONS IN SPOUSAL RELATIONSHIPS GENERALLY? DO THEY ANTICIPATE THE POSSIBILITY OF A BREAKDOWN IN THEIR RELATIONSHIP?**

**5.1 Opinions regarding legal protection**

We asked Ontarians for their views on three issues related to the division of property after a relationship breakdown or death of a spouse. Respondents' support for these proposals is telling. Indeed, overall, approximately 85% agree with the following proposal (somewhat agree (52%) or strongly agree (34%)).

*“Give only common-law spouses who have lived together for more than three years or who have a child together, the same protections as married couples have in the event of separation which means sharing equally the value of the house in which they lived together, as well as the increase in value during the union of retirement savings, pensions, etc.”*

Amongst unmarried spouses only, 80% say they “somewhat agree” or “strongly agree” with that proposal.

**Table 6: Proposal 1 in the event of a separation by status, Ontario, 2022**

**How much do you agree with the following proposals?**

**Q56\_ONr1: Give only common-law spouses who have lived together for more than three years or who have a child together, the same protections as married couples have in the event of separation which means sharing equally the value of the house in which they lived together, as well as the increase in value during the union of retirement savings, pensions, etc.**

		<b>Married</b>	<b>Unmarried</b>	<b>Total</b>
How much do you agree with the following proposals? Q56_ONr1	Strongly agree	34%	34%	34%
	Somewhat agree	53%	46%	52%
	Somewhat disagree	10%	13%	10%
	Strongly disagree	3%	7%	4%
<b>Total</b>		<b>100%</b>	<b>100%</b>	<b>100%</b>

N=2581, V de Cramer = 0,085, <,001

Concerning inheritance, two questions were asked:

**In the event of the death of one of the spouses in a common-law union (unmarried spouses)**

**Q57\_ONr1: In the absence of a will, give common-law spouses (unmarried spouses) the right to inherit part of their deceased spouse's property.**

**Q57\_ONr2: In the absence of a will, give the right to inherit part of their deceased spouse's property to only those common-law spouses who lived together for more than three years or who had a child together.**

The analysis shows strong support for the above proposals. More than 80% say they somewhat or strongly agree with both proposals. This is the case for married and unmarried spouses.

**Table 7: Proposal 1 in the event of the death of one of the spouses, by marital status, Ontario, 2022.**

**In the event of the death of one of the spouses in a common-law union (unmarried spouses)**

**Q57\_ONr1: In the absence of a will, give common-law spouses (unmarried spouses) the right to inherit part of their deceased spouse's property.**

		Married	Unmarried	Total
How much do you agree with the following proposals? Q57_ONr1	Strongly agree	33%	44%	35%
	Somewhat agree	51%	41%	49%
	Somewhat disagree	13%	12%	13%
	Strongly disagree	3%	3%	3%
<b>Total</b>		<b>100%</b>	<b>100%</b>	<b>100%</b>

N=2582, V de Cramer = 0,083, sig. approx. <,001

**Table 8: Proposal 2 in the event of the death of one of the spouses, by marital status, Ontario, 2022**

**In the event of the death of one of the spouses in a common-law union (unmarried spouses)**

**Q57\_ONr2: In the absence of a will, give the right to inherit part of their deceased spouse’s property to only those common-law spouses who lived together for more than three years or who had a child together.**

		Married	Unmarried	Total
How much do you agree with the following proposals? Q57_ONr2	Strongly agree	34%	40%	35%
	Somewhat agree	52%	44%	51%
	Somewhat disagree	11%	12%	11%
	Strongly disagree	3%	4%	3%
<b>Total</b>		100%	100%	100%

N=2582, V de Cramer = 0,056, sig.approx.<.05

In Appendix F, we investigate whether this adherence to the proposals could be linked to the lack of legal knowledge among unmarried spouses. The vast majority are in favour of these proposals, whether or not they know the law. However, in respect of only three questions are the links statistically significant (Appendix F, table 2,3 and 16). In two of them, those who know the law are less likely to support a proposition than those who do not know the law. In the third one, it is the opposite: those who know the law are more likely to support a proposition.

## **5.2 Do the spouses anticipate the possibility of a separation?<sup>53</sup>**

Many family experts in various fields tend to disregard the importance of love in conjugal relationships. Instead, they rely on theories of modernization to depict partners as independent individuals who negotiate agreements based on

<sup>53</sup> Part of this section refers to Belleau, Piazzesi, and Seery (2020)

rationality. Emotional interdependence is rarely considered in these accounts, despite its significant influence on the practices of romantic partners.<sup>54</sup>

In a previous study, we examined how love semantics shape the practices, expectations, and conceptions of intimate relationships<sup>55</sup> among 160 married couples and *de facto* unions who had been together for three years or had a child. We identified eight “meaning rules” of contemporary conjugal semantics,<sup>56</sup> including the “fiction of duration,” which orients behaviors and interpretations related to love. Even though breakups, separation, and divorce are common, contemporary couples often act as if their love relationship is endless. This “fiction of duration” creates a blind spot in the relationship, leading to a form of obliviousness where few spouses anticipate the effects, problems,<sup>57</sup> and hardships that arise in the event of a breakup.

Indeed, a large proportion of the population, in Ontario as elsewhere, is aware of divorce rates, but few spouses, married or not, anticipate the breakup. The difficulty of negotiating the end of a relationship can be explained by a double psychological bias.

- The “above average effect” leads one to consider oneself less likely than most people to experience a negative event, be it an accident, an illness, a divorce, or a separation.<sup>58</sup>
- The “optimism” bias plays a central role in the process of building a conjugal life. This bias works as a self-fulfilling prophecy;<sup>59</sup> partners are disproportionately optimistic about the prospects of their relationship and feel protected from a possible breakup. As a result of this bias, they continuously invest in their relationships, which in turn solidifies the relationship. Conversely, anticipating the end of a relationship makes partners more likely to disengage, and can accelerate a breakup. Optimism bias is also observed when partners are *led* to imagine the possibility of a breakup; many remain convinced that their love will be strong enough to

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54 Blais, Hébert-Ratté, Hébert, and Lavoie (2014), Genard (1995)

55 The study was based on empirical data regarding financial arrangements between partners forming a couple, married and unmarried, as well as on the sociological literature concerning love relationships. We conducted 160 qualitative interviews, averaging two hours. Every interview featured a series of open questions concerning the economic arrangements between spouses and participants’ expectations and attitudes towards marital life. For methodology, see : Belleau et al. (2020)

56 We have identified eight meaning rules that operate in long-term conjugality (as opposed to ephemeral relationships or to “falling in love”): 1) the fiction of duration; 2) love as destiny, or the involuntary nature of love; 3) love as work, or the ongoing investment in the relationship; 4) the imperative of communication; 5) self-sacrifice and disinterest; 6) delayed reciprocity; 7) trust and 8) fidelity. Organized around these rules, love semantics function as a repertoire of generalized and socially accessible “scripts” (Simon and Gagnon (2003)), which are adapted and recreated by actors in concrete intimate situations, i.e. when “love” is the case.

57 Baker and Emery (1993), Bowman (2010), Williams (2008)

58 Gigerenzer (1991), Higgins, St-Armand, and Poole (1997), Rachlinski (2003)

59 Armor and Taylor (1998), Reece (2015), Sharot (2012)

ensure an amicable and mature separation process. The quality of their current relationship, the number of years they have spent together, and their mutual trust are taken as evidence that partners would conduct their separation amicably.

These two psychological biases can be observed in partners' disinclination to make concrete legal or financial arrangements to deal with the material consequences of a breakup. Whether married or not, most partners behave as if their relationship will last forever.

To test for these two cognitive biases, we asked respondents if they knew the divorce rate in Ontario (about 4 out of 10) as well as three more personal questions.

**Q37: Do you think you will ever separate from your current spouse?**

To common-law spouses only

**Q38: Do you have a cohabitation agreement/contract?**

To married and common-law spouses

**Q39: In the event of a breakup, do you personally have money set aside?**

As we see in the following tables, more than one-half of respondents (55%) know that in Ontario four in 10 marriages end in divorce. Roughly another quarter think that it is around two out of 10. However, only 7% think they might separate from their current spouse and 18% say they do not know. It is interesting to note that only 13 percentage points separate married respondents and common-law spouses who think that they will never separate from their current spouse. Indeed, to the question, "Do you think you will ever separate from your current spouse?", 77% of married men and women answered no, compared to 64% of common-law men and women. This means that most common-law spouses do not perceive themselves as in a short-term relationship.

**Table 9: Knowledge of divorce rate in Ontario by residents, Ontario, 2022.**

<b>Q49. What statement do you think is true for Ontario?</b>	<b>Frequencies</b>	<b>Percentage</b>
One in 10 marriages ends in divorce	537	21%
Two in 10 marriages end in divorce	629	24%
Four in 10 marriages end in divorce	1415	55%
<b>Total</b>	<b>2582</b>	<b>100%</b>

**Table 10: Spouses who think that they will ever separate from current spouse, by sex and marital status, Ontario, 2022.**

		Sex and marital status				Total
		Married women	Married men	Unmarried women	Unmarried men	
Q37. Do you think you will ever separate from your current spouse?	<b>Yes</b>	6%	7%	9%	6%	7%
	<b>No</b>	77%	77%	64%	64%	75%
	<b>Don't know</b>	17%	16%	27%	30%	18%
<b>Total</b>		100,0%	100%	100%	100%	100%

N=2583, V de Cramer = 0,084, Sign. approx. <,001

Although they do not think they will ever separate, do the spouses take concrete measures to protect themselves in the event of a possible separation? We asked *de facto* spouses if they had made a cohabitation contract (table 11) and all spouses if they had money set aside in the event of a breakup (table 12). The next table shows that only 9% of *de facto* spouses say they have such a contract.

When a couple signs a cohabitation agreement or contract, it is generally because the spouses have basic knowledge of family laws and want to organize their property according to their needs. Many will ask for legal advice before signing it. Given previous findings in Quebec regarding similar questions, and considering the poor legal knowledge of residents of both Ontario and Quebec, we hypothesize that many people confuse a “cohabitation contract” with a “will” or a “power of attorney,” as is the case in Quebec. This is why we inquired into the legal knowledge of people who say they have a cohabitation agreement or contract. As shown in tables presented in Appendix G, more than one-half of those who sign a cohabitation agreement could not correctly answer questions about the law. In short, it is probable that the real figure is not 9% of people who have signed a cohabitation agreement in Ontario, but more likely around 4% or 5%. Further research is needed to confirm this hypothesis.

**Table 11: Proportion of cohabitation agreement/contract among unmarried spouses, Ontario, 2022**

Question		Percentage
Q38. Do you have a cohabitation agreement/contract?	Yes	9%
	No	86%
	I don't know	5%
<b>Total</b>		100%

(n=362)

Table 12 show that roughly 45% of *de facto* spouses, compared to 35% of married women and 38% of married men, say they personally have money set aside in the event of a breakup.

**Table 12: Proportion of respondent having money set aside in the event of a separation, by sex and marital status, Ontario 2022.**

		Married women	Married men	Unmarried women	Unmarried men	Total
Q39. Having money set aside in the event of a breakup	Oui	35%	38%	45%	45%	38%
	Non	65%	62%	55%	56%	62%
<b>Total</b>		100%	100%	100%	100%	100%

N = 2582, V de Cramer = 0,066, sig.approx.<,05

In short, this analysis indicates that few spouses anticipate the separation and that less than one-half say they have money aside in the event of separation. Less than 9% of common-law couples have a cohabitation agreement or contract. Furthermore, the data show that the vast majority of spouses in Ontario, married

or not, are in favour of measures that would ensure a better sharing of assets for common-law spouses, as is the case for married couples.

## **PART 6: IS THERE MORE FINANCIAL EQUALITY AND BETTER SHARING OF UNPAID WORK BETWEEN COMMON-LAW PARTNERS THAN BETWEEN MARRIED SPOUSES?**

To answer this question, we will address two aspects: the perceptions of sharing of domestic tasks and of the income gap between spouses. A few American,<sup>60</sup> European,<sup>61</sup> and Canadian<sup>62</sup> studies have examined the effects of separation and divorce. Despite these studies' different legal and political contexts, they arrived at similar conclusions, namely, that the economic consequences of separation for women in common-law unions are less than those of divorce for married women. Crucially, though, comparing women between themselves, as a group, is misleading. Even if cohabiting women are better off than married women after a separation, this does not mean that they do well, or as well as their ex-spouse. Differences between men and women within each type of union should be the focus of our analysis. The reason is that the legal framework, their relationship dynamics, and economic arrangements, combined with structural inequalities, can increase or reduce inequalities within couples.

### **6.1 Paid and unpaid work**

Ontario women still do most of the domestic work in households, married or not.<sup>63</sup> The presence of children and the care of dependent relatives in the household, and the unequal sharing of domestic tasks, contribute to widening the income gap between spouses. In our survey in Ontario, we had only one question about perceptions of how domestic tasks were shared. Differences between married and unmarried spouses appear small (table 16). However, the gaps between men and women remain substantial, irrespective of marital status. Only 4% more *de facto* spouses than married people who feel that they share household chores equally. Conversely, we find more married people who perceive that one of the spouses is the main person responsible for domestic tasks, overwhelmingly the wife. Perceptions of task sharing are different for men and women, as documented in the scholarly literature.<sup>64</sup>

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60 Avellar and Smock (2005) ; Tach, Laura M. et Alicia Eads (2015).

61 de Regt, Sabrina, Dimitri Mortelmans et Tinne Marynissen (2013).

62 Le Bourdais, Jeon, Clark, and Lapierre-Adamcyk (2016).

63 Charton and Zhu (2017)

64 According to several studies, men tend to overestimate the time they devote to unpaid domestic work, especially when it comes to answering a survey question rather than keeping a logbook. (Voir Parker, Horowitz, and Rohal (2015)

**Table 13: Perception of domestic task sharing within couples by sex and marital status, Ontario, 2022.**

<b>Q19. How do you organize sharing domestic tasks between you and your spouse?</b>	<b>Married women</b>	<b>Married men</b>	<b>Common-law women</b>	<b>Common-law men</b>	<b>Total</b>
I am the main person in charge of the domestic tasks at home (I do 75% of the tasks - he/she about 25%)	40%	17%	35%	15%	30%
We share, but I do most of it (I do about 60% - he/she does 40%)	28%	14%	30%	19%	23%
We share and it's pretty equal between us (about 50% - 50%)	26%	42%	30%	46%	33%
We share but my spouse does more than me (I do about 40% - he/she does 60%)	5%	19%	5%	16%	11%
My spouse is mainly responsible for domestic tasks at home (I do about 25% - he/she does 75% or more)	2%*	8%	1%*	5%	4%
<b>Total</b>	100%	100%	100%	100%	100%

\*Less than 10 cases.

## 6.2 Perception of income gap between spouses

As mentioned in Appendix A, a limitation of our study is that the variable “income” contained a non-negligible proportion of missing values. Knowing that this is often the case, we asked a follow-up question to all respondents that aimed to identify perceptions of income gaps between spouses. The question was:

**Q66: Which statement most closely matches your situation over the past 2 years?**

[r1] My spouse makes much more than I do.

[r2] My spouse makes slightly more than I do.

[r3] We make about the same income.

[r4] I make slightly more than my spouse.

[r5] I make much more than my spouse.

Although this question measures what respondents perceive as their income differential and not their real income gap, it gives us insight into the financial gaps between spouses. Table 17 shows that about 15% of spouses in Ontario, married or not, say they earn about the same income. The main difference between married and unmarried spouses is where spouses answered the first item: “my spouse makes much more than I do”. We find that 36% of married couples answered this way, compared to 30% of unmarried spouses.

**Table 14: Perceptions of income gap between spouses, by marital status, Ontario, 2022.**

		<b>Married</b>	<b>Unmarried</b>	<b>Total</b>
Q66. Which statement most closely matches your situation over the past 2 years	My spouse makes much more than I do.	36.1%	29.8%	35.2%
	My spouse makes slightly more than I do.	14.0%	16.5%	14.3%
	We make about the same income.	14.5%	16.5%	14.8%
	I make slightly more than my spouse.	15.3%	17.6%	15.6%
	I make much more than my spouse.	20.1%	19.6%	20.0%
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

N= 2582, n.s.

Unsurprisingly, the differences are significant when we add the “sex” variable in addition to marital status. In the following table, we can see that women are two to three times more likely to say that their spouse earns much more than they do. This is the case for 54% of married spouses and 43% of unmarried women.

**Table 15: Perceptions of income gap between spouses, by marital status, Ontario, 2022.**

		Sex and status				Total
		Married women	Married men	Unmarried women	Unmarried men	
Q66. Which statement most closely matches your situation over the past 2 years	My spouse makes much more than I do.	54%	14%	43%	18%	35%
	My spouse makes slightly more than I do.	16%	12%	17%	17%	14%
	We make about the same income.	12%	18%	15%	18%	15%
	I make slightly more than my spouse.	9%	23%	14%	21%	16%
	I make much more than my spouse.	9%	34%	12%	27%	20%
<b>Total</b>		100%	100%	100%	100%	100%

N= 2582, V de Cramer = 0,453, Sign. approx. <,001

## CONCLUSION

Although there are some differences between married and unmarried couples in Ontario, they share significant similarities including a general misunderstanding of family law; almost no anticipation of a possible breakdown of their union (around 7%); and significant inequalities in income, long-term savings, assets, and unpaid domestic work between genders within couples. These similarities were found in Quebec too.

We have seen that between 72% and 90% of common-law spouses are unaware of the legal differences between married and common-law unions. Many factors explain this persistent “common-law marriage myth,” notably, growing social acceptance of common-law unions, a tax regime that considers common-law couples as married after one year of cohabitation, and, potentially, a difference in meaning and scope between the term “spouse” in the *Family Law Act* and as used colloquially. Therefore, the choice to get married or not in Ontario is not one that is legally informed. The reasons to marry or cohabit are diverse and generally have little to do with legal protections and financial security. Due to the nature of intimate relationships being based on love semantics, which fundamentally differs from a market-like rationality, few spouses, married and in *de facto* unions, anticipate the possibility of a breakdown in their relationship. The majority of spouses in Ontario agree that common-law spouses should have the same legal protections as married couples in the event of a separation (including property protections) or on the death of one spouse.

As mentioned in Part 4, wealth<sup>65</sup> is even more critical than income for wellbeing, for it provides financial security during emergencies, after a separation or divorce, and in older age.<sup>66</sup> Research has found that an individual's personal wealth has a greater impact on their subjective and financial wellbeing<sup>67</sup> within a couple, compared to their partner's wealth. Wealth disparities within a union can negatively affect life satisfaction, especially for women.<sup>68</sup> A recent study conducted in Canada analyzed the Canadian GSS-T1FF file from 1986 to 2013 to examine the changes in contributions to tax-deferred retirement accounts before and after the separation of cohabiting and married couples. The study found that retirement savings decline after union dissolution for married men and women and for cohabiting women, but

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65 Pugliese and Belleau (2022); Lizotte (2017), p. 170.

66 Headey (2019); Sieminska, Frick, and Grabka (2010); Spilerman (2000)

67 Kan and Laurie (2014); Lersch (2017)

68 Tisch and Lersch (2021)

not for cohabiting men.<sup>69</sup> The presence of children common to the partners creates an economic interdependence between spouses, which is particularly felt during separations and can have a damaging impact on retirement. Mothers may experience a negative impact on their financial security due to time spent on maternity leave, reduced hours of paid work, and increased unpaid work.

In Canada, the primary residence is the main asset, with 67% of residences being owner-occupied<sup>70</sup> and real estate accounting for over 40% of gross household wealth.<sup>71</sup> Housing wealth is important not only as the primary asset among Canadians but also because it provides housing and financial security.<sup>72</sup> Sharing the value of the house and assets can equalize wealth, while more individualized arrangements may lead to the growth of inequalities between spouses over time.

Scholars have been encouraged by these findings to advocate for more research on wealth inequality, not only between households but also within couples, rather than focusing solely on income inequality.<sup>73</sup> However, in Canada, assets and debts are measured exclusively at the household level in national surveys, impeding research on disparities within unions.

To be sure, spousal support through the *Family Law Act* in Ontario attempts to mitigate inequalities between *de facto* spouses on separation. Its implementation is a major step forward for *de facto* spouses in Ontario, and the province of Quebec should be inspired by it. The evidence shows that many unmarried relationships are marked by the same economic interdependency as married relationships. However, the *Family Law Act* does not take into account the importance of gaps in assets, which may grow over the years, and which sometimes represent significant amounts with a long-term impact on common-law spouses, especially women. Upon divorce, Ontario's rule is to include the total value of the matrimonial home in the family property subject to equalization, without deducting its premarital value, as done for other assets. Therefore, the gap between married and unmarried partners is bigger than in provinces without such a rule, including Quebec.<sup>74</sup> In this context, we conclude that in Ontario, the cost of family life carries significantly more weight for women than it does for men in common-law unions, as the supporting data demonstrate. This is not the case among married spouses.

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69 We underline. Pugliese, Pelletier, and Le Bourdais (2021)

70 Statistics Canada (2022)

71 Statistics Canada (2022b)

72 André, Dewilde, and Muffels (2019); Zimmermann and Wanzenried (2019))

73 Frémeaux and Leturcq (2020); Killewald, Pfeffer, and Schachner (2017); Saez and Zucman (2016); Maroto (2016).

74 Payne and Payne (2022), p.778

For *de facto* spouses who do not want such a legal framework, “opting out” accompanied by legal advice could be a solution.

## **APPENDIX A: METHODOLOGY**

The sample for this survey was drawn from the LEO web panel of the firm Léger et Léger. A total of 32,369 residents of Quebec and 40,391 residents of Ontario were stratified and randomly selected, and invited to complete the survey. This way of proceeding makes it possible to get as close as possible to a probability sample taken from the general population.

### **The sample**

The statistical universe includes people living in cohabiting couples domiciled in Quebec and Ontario with at least one spouse aged 25 to 64. The main objective of the study was to compare common-law and married spouses in each of the provinces. The former being less numerous than the latter, the sample was stratified according to the type of union, seeking to obtain for Quebec approximately 70% of respondents in a common-law union and 30% married spouses, and for Ontario, 30% of respondents in a common-law relationship and 70% married spouses. A total of 5,110 people responded to the survey, specifically, 2,525 in Quebec and 2,585 in Ontario.

### **Participation rate and response rate**

The 72,760 panel members selected to constitute the web sample were first contacted on September 22, 2022, and were contacted up to three times. Among them, 14,167 undertook to answer the questionnaire; the participation rate is therefore 19.47%. This rate is normal for an online questionnaire that takes an average of 12:07 minutes to complete. Although web questionnaires have higher non-response rates, they reach younger populations.<sup>75</sup>

### **Weighting**

In both panels, common-law respondents are overrepresented to facilitate analyzing in these sub-populations. The weighting variables created by the polling firm Léger et Léger adjust this over-representation from the 2021 census. The profile of the panelists corresponds to that of Quebec and Ontario population who are in couples weighted by age, sex, administrative regions, education, and status (married, common-law). All results presented here concern Ontario only and have been weighted.

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75 Shin, Johnson, and Rao (2012); Dillman, Smyth, and Christian. (2014)

**Table 1 : Characteristics of Ontario sample, n=2585**

Variables		Pourcentage
<b>Sex</b>	Men	45.2
	Women	54.8
<b>Age group</b>	25 to 34 years	23,9
	35 to 44 years	25,0
	45 to 54 years	25,3
	55 to 64 years	25,9
<b>Statut matrimonial</b>	Married	85,9
	Unmarried/ <i>de facto</i> /common-law	14,1
<b>Education</b>	Secondary diploma or less	33,9
	Non-university post-secondary diploma	31,3
	University diploma	34,8
<b>Total annual income of all members of the family</b>	Less than 39 000\$	7,7
	40 000\$ to 79 999\$	16,6
	80 000\$ to 119 999\$	26,1
	120 000\$ to 159 999\$	22,1
	160 000\$ to 199 999\$	13,9
	200 000\$ and more	13,6
<b>Are you born in Canada?</b>	Canada	78,5
	Other	21,5

### The questionnaire

The survey was conducted using a closed questionnaire developed by our research team based on knowledge acquired from several qualitative studies carried out between 2005 and 2012,<sup>76</sup> and a quantitative survey conducted in 2015 with 3,250 respondents.<sup>77</sup> New questions were added to assess issues such as economic violence, ownership of the house after a relationship breakup, depth,

76 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). 7) Belleau, H., c. Lavallée et A. Seery, (2015), Unions et désunions conjugales au Québec, (CRSH, 2014-2017).

77 Belleau et al. (2017); Belleau and Lavallée (2020)

etc. For Ontario, new questions were designed concerning legal knowledge to reflect family law in that province.

### **Limitations of this report**

First, the data of this research project are cross-sectional, rather than longitudinal. Thus, our results should be viewed as descriptive only. While this is an important limitation, our descriptive results nevertheless provide critical information about patterns on various issues (money management, savings, legal knowledge, etc.) where information on these topics is almost inexistent in Ontario.

Second, the target population of our sample was restricted to working-age couples (between 25 and 64), which prevents us from generalizing to younger or older groups.

Third, one of our variables, not used in the analysis, contained a non-negligible proportion of missing values; in particular, the partners' combined income was unobserved in 27 percent of cases. To all respondents, we asked a follow-up question to identify their perception of how their own income compared to their spouse's income (Part 5). Only three people did not answer this follow-up question. Therefore, in the future, we hope to be able to address that issue, as we did in previous research.<sup>78</sup>

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<sup>78</sup> Pugliese and Belleau (2022)

## APPENDIX B: COMMON-LAW MARRIAGE MYTH IN ONTARIO

### Tables 1 to 8

#### Legal knowledge of married and common-law spouses in Ontario, Province of Ontario, Canada, 2022.

Q42\_ONr1 to Q42\_ONr8: Do you think the following statements are true or false?

**Table 1**

Q42_R1 : Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year	Married	Unmarried	Total
True	67%	70%	67%
False	11%	10%	11%
I don't know	22%	20%	22%
<b>Total</b>	100%	100%	100%

N=2585, n.s.

**Table 2**

Do you think the following statements are true or false? Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.	Married	Unmarried	Total
True	57%	48%	56%
False	14%	22%	15%
I don't know	29%	30%	29%
<b>Total</b>	100%	100%	100%

N=2585, V de Cramer = 0,024, Sign. approx... <,001.

**Table 3**

Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple	Married	Unmarried	Total
True	64%	56%	63%
False	10%	16%	11%
I don't know	26%	28%	26%
<b>Total</b>	100%	100%	100%

N=2586, V de Cramer = 0,072, sig.approx.<,001.

**Table 4**

Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.	Married	Unmarried	Total
True	19%	20%	19%
False	38%	39%	38%
I don't know	43%	41%	43%
<b>Total</b>	100%	100%	100%

N=2584, n.s

**Table 5**

Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.	Married	Unmarried	Total
True	24%	28%	24%
False	27%	22%	27%
I don't know	49%	50%	49%
<b>Total</b>	100%	100%	100%

N=2585, n.s

**Table 6**

Q42_R6; When married spouses get divorce, the law says they have to split retirement savings and pensions.	Married	Unmarried	Total
True	52%	42%	50%
False	13%	17%	14%
I don't know	35%	41%	36%
<b>Total</b>	100%	100%	100%

N=2585, V de Cramer = 0,068, Sign. approx. < ,05.

**Table 7**

Q42_R7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.	Married	Unmarried	Total
True	24%	28%	25%
False	31%	25%	30%
I don't know	45%	47%	45%
<b>Total</b>	100%	100%	100%

N=2586, V de Cramer = 0,048, Sign. approx. < ,05.

**Table 8**

Q42_R8 : After one year of living together, <i>de facto</i> spouses have the same rights and obligations as married persons with respect to income tax in Ontario and Canada.	Married	Unmarried	Total
True	47%	47%	47%
False	11%	15%	12%
I don't know	42%	38%	42%
<b>Total</b>	100%	100%	100%

N=2584, n.s.

Knowledge of family laws and cohabitation duration

**Table 9**  
**Knowledge of family laws of Ontario common-law respondents**  
**by cohabitation duration, Ontario, 2022**

		Cohabitation duration				Total	
		Less than 3 years		3 years and more			
		N	%	N	%	N	%
Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.	True	164	68%	91	74%	255	70%
	False	26	11%	10	8%	36	10%
	Don't know	51	21%	22	18%	73	20%
<b>Total</b>		241	100%	123	100%	364	100%

N=365, n.s

**Table 10**

**Knowledge of family laws of Ontario common-law respondents  
by cohabitation duration, Province of Ontario, 2022**

		Cohabitation duration				Total	
		Less than 3 years		3 or more years			
		N	%	N	%	N	%
Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.	True	107	44%	69	57%	176	49%
	False	54	22%	27	22%	81	22%
	Don't know	80	33%	26	21%	106	29%
<b>Total</b>		241	100%	122	100%	363	100%

N=364, n.s.

Knowledge of family laws and presence of minor children

**Table 11**

**Knowledge of family law of Ontario common-law respondents  
by presence of minor children, Ontario, 2022**

		Q17: Do you have a minor child or children at home?				Total	
		Yes		No			
		N	%	N	%	N	%
Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.	True	125	70%	130	70%	255	70%
	False	17	10%	19	10%	36	10%
	Don't know	35	20%	38	20%	73	20%
<b>Total</b>		177	100%	187	100%	364	100%

N=364, n.s.

**Table 12**

**Knowledge of family law of Ontario common-law respondents  
by presence of minor children, Ontario, 2022**

		Q17: Do you have a minor child or children at home?				Total	
		Yes		No			
		N	%	N	%	N	%
Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.	True	96	55%	80	42%	176	49%
	False	31	18%	50	27%	81	22%
	Don't know	48	27%	58	31%	106	29%
<b>Total</b>		175	100%	188	100%	363	100%

N=363, V de Cramer = 0,133, sig.approx.<,05.

## APPENDIX C: SPOUSAL TERMS

For this section, we selected only those who answered the questionnaire in English in Ontario (n=2445).

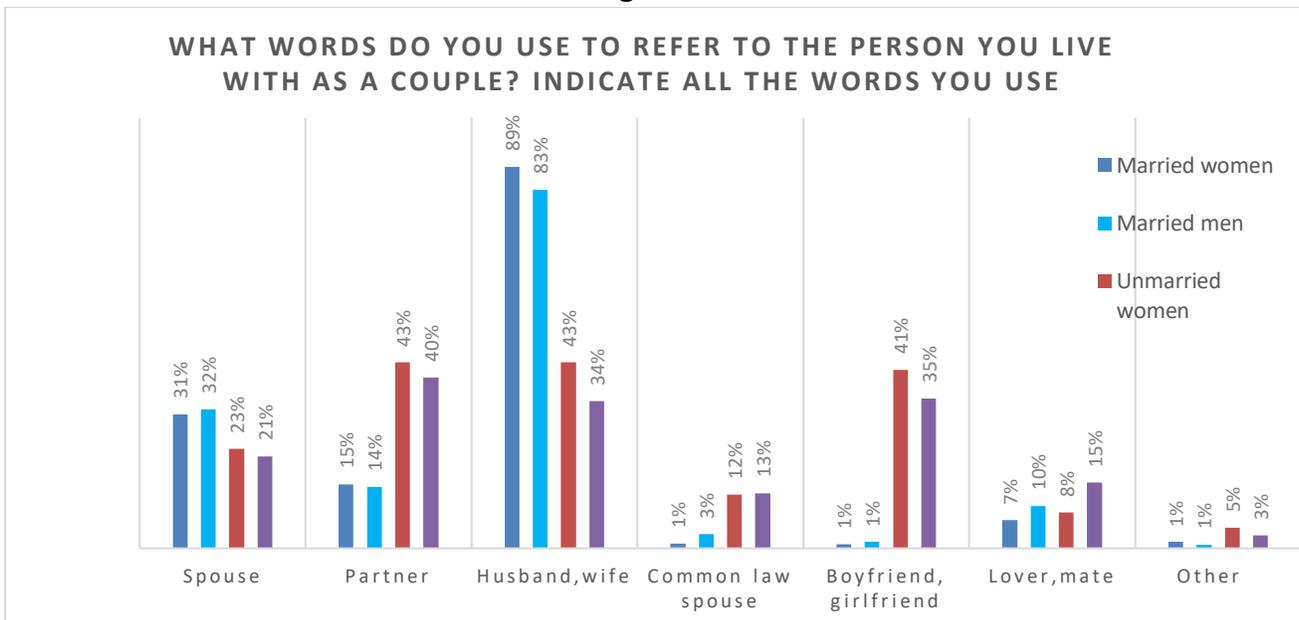
The question asked was:

**Q9: What words do you use to refer to the person you live with as a couple? Name all the words you use**

\*\*\*more than one possible answer \*\*\*

- My spouse
- My partner
- My husband/ my wife
- My common-law spouse
- My boyfriend /girlfriend
- My lover/ my mate
- Other (please specify) \_\_\_\_\_

**Figure 1**



**Table 1**

**What words do you use to refer to the person you live with as a couple?  
Indicate all the words you use**

Spousal terms	Married women		Married men		Unmarried women		Unmarried man		Total	
	n	%	n	%	n	%	n	%	n	%
Spouse	381	31%	307	32%	39	23%	35	21%	766	30%
Partner	182	15%	136	14%	73	43%	65	40%	459	18%
Husband,wife	1083	89%	792	83%	73	43%	56	34%	2007	80%
Common-law spouse	14	1%	31	3%	21	12%	21	13%	88	4%
Boyfriend, girlfriend	11	1%	14	1%	70	41%	57	35%	152	6%
Lover,mate	80	7%	93	10%	14	8%	25	15%	215	9%
Other	18	1%	8*	1%	8*	5%	5*	3%	39	2%

\*Less than 10 cases

## APPENDIX D: COMMON-LAW SPOUSES' CHOICE TO GET MARRIED OR NOT AND LEGAL KNOWLEDGE

We verified whether legal knowledge could be related to the desire of *de facto* spouses to marry or, on the contrary, to remain in a common-law union. This is not the case. No significant link was found between question Q11B and legal knowledge. Here are some examples.

**Table 1**

		Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.			Total
		True	False	I don't know	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	33%	37%	23%	31%
	Common-law relationship	51%	51%	55%	52%
	I don't know	16%	11%	22%	17%
<b>Total</b>		100%	100%	100%	100%

N=362, n.s.

**Table 2**

		Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.			Total
		True	False	I don't know	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	33%	31%	30%	31%
	Common-law relationship	54%	56%	45%	52%
	I don't know	14%	14%	25%	17%
<b>Total</b>		100%	100%	100%	100%

N= 362, n.s

**Table 3**

		Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.			<b>Total</b>
		<b>True</b>	<b>False</b>	<b>I don't know</b>	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	32%	26%	33%	31%
	Common-law relationship	53%	58%	46%	52%
	I don't know	16%	16%	21%	17%
<b>Total</b>		100%	100%	100%	100%

N=365, n.s.

**Table 4**

		Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.			<b>Total</b>
		<b>True</b>	<b>False</b>	<b>I don't know</b>	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	28%	35%	29%	31%
	Common-law relationship	62%	49%	49%	52%
	I don't know	10%	16%	22%	17%
<b>Total</b>		100%	100%	100%	100%

N=363, n.s.

**Table 5**

		Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.			<b>Total</b>
		<b>True</b>	<b>False</b>	<b>I don't know</b>	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	33%	30%	31%	31%
	Common-law relationship	53%	56%	49%	52%
	I don't know	14%	15%	20%	17%
<b>Total</b>		100%	100%	100%	100%

N=365, n.s.

**Table 6**

		Q42_R6: When married spouses get divorce, the law says they have to split retirement savings and pensions			<b>Total</b>
		<b>True</b>	<b>False</b>	<b>I don't know</b>	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	36%	33%	27%	31%
	Common-law relationship	51%	52%	51%	52%
	I don't know	13%	15%	22%	17%
<b>Total</b>		100%	100%	100%	100%

N=365, n.s.

**Table 7**

		Q42_R7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.			<b>Total</b>
		<b>True</b>	<b>False</b>	<b>I don't know</b>	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	36%	31%	29%	31%
	Common-law relationship	50%	54%	51%	52%
	I don't know	14%	14%	20%	17%
<b>Total</b>		100%	100%	100%	100%

N=365, n.s.

**Table 8**

		Q42_R8: After one year of living together, <i>de facto</i> spouses have the same rights and obligations as married persons with respect to income tax in Ontario and Canada.			<b>Total</b>
		True	False	I don't know	
Q11B: If you had a choice, would you rather be married or in a common-law relationship?	Married	29%	35%	34%	31%
	Common-law relationship	57%	51%	46%	52%
	I don't know	15%	15%	21%	17%
<b>Total</b>		100%	100%	100%	100%

N=365, n.s.

## APPENDIX E: BANK ACCOUNTS AND MANAGEMENT OF LONG-TERM SAVINGS IN ONTARIO

### Bank accounts and money management systems:

Bank accounts are more financial tools than a way of managing money. In Ontario, we can see that in all money management systems, around 40% use both a personal and a joint account. This means that in 4 couples out of 10, the bank accounts do not make it possible to identify the money management system which prevails. Furthermore, among those who say they pool all their incomes, 48% have a joint account only and 38% say they have both personal and joint accounts. Another 13% say they pool their money with personal accounts only. Among those who share their expenses 50/50, which is the more independent money management system, around half of them (53%) say they have only a personal account and 38% say they have both a personal bank account and a joint one. For those who partly pool their money with *pro rata* system, roughly 51% have only personal accounts and 42% have both, personal, and joint accounts. In sum, bank accounts are not good indicators of money management systems within couples.

**Table 1 : Bank accounts by money management systems, Ontario, 2022**

Q26.What type(s) of bank account do you have?	Money management systems				Total
	Pooling/ family income	Share of expenses/ <i>Pro rata</i>	Share of expenses/ 50/50	Sole provider/ allocation system	
Personal account only	13%	51%	53%	35%	27%
Joint account only	48%	7%	8%	28%	35%
Both personal and joint accounts	38%	42%	38%	37%	39%
<b>Total</b>	100%	100%	100%	100%	100%

N=2584, V de Cramer = 0,304, Sig. approx. <,001

**Table 2 : Bank account by marital status, Ontario, 2022**

Q26.What type(s) of bank account do you have?	Status		Total
	Married	Unmarried	
Personal account only	21%	60%	27%
Joint account only	39%	8%	34%
Both personal and joint accounts	40%	32%	39%
<b>Total</b>	100%	100%	100%

N=2538, V de Cramer = 0,325, Sig. approx. <,001

Long-term management

**Table 3 : Long term savings by status, Ontario, 2022**

Q50. When it comes to saving for the longer term or for retirement, which statement best fits your current relationship?	Married		Unmarried		Total	
	N	%	N	%	N	%
Neither I nor my spouse have saved for retirement or for the longer term.	425	19,2%	96	26,4%	521	20,2%
We save money for the longer term on our own, independently of one another.	628	28,3%	175	48,2%	803	31,1%
We try to balance the long-term savings between us by taking investments for both of us.	973	43,9%	51	14,0%	1024	39,7%
I don't know	192	8,7%	41	11,3%	233	9,0%
<b>Total</b>	2218	100,0%	363	100,0%	2581	100,0%

N=2581, V de Cramer = 0,216, sig.approx.<,001.

## APPENDIX F: OPINIONS ON PROPOSALS IN ONTARIO

### Proposals vs knowledge of family laws of Ontario common-law respondents

We investigated whether support for the following proposals could be linked to the spouses' lack of legal knowledge among unmarried spouses. Because of small numbers, for questions Q56\_ONr1, Q57\_ONr1 and Q57\_ONr2, we merged on the one hand, “strongly agree” and “somewhat agree”, and on the other hand, “somewhat disagree” and “strongly disagree”. The following tables show that, the links are statistically significant for only three questions (table 2, 3 and 16). In general, the majority of common-law spouses who know the laws, support the proposals, sometimes less and sometimes more than those who do not know the law.

#### How much do you agree with the following proposals?

**Q56\_ONr1: Give only common-law spouses who have lived together for more than three years or who have a child together, the same protections as married couples have in the event of separation which means sharing equally the value of the house in which they lived together, as well as the increase in value during the union of retirement savings, pensions, etc.**

**Table 1 to 5 - Unmarried spouse’s opinion on proposal Q56\_ONr1 by legal knowledge, Ontario, 2022.**

**Table 1**

		Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q56_ONr1	Agree	212	83,1%	25	69,4%	54	74,0%	291	79,9%
	Disagree	43	16,9%	11	30,6%	19	26,0%	73	20,1%
<b>Total</b>		255	100,0%	36	100,0%	73	100,0%	364	100,0%

N=364, n.s.

**Table 2**

		Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q56_ONr1	Agree	152	86,9%	52	64,2%	87	81,3%	291	80,2%
	Disagree	23	13,1%	29	35,8%	20	18,7%	72	19,8%
<b>Total</b>		175	100,0%	81	100,0%	107	100,0%	363	100,0%

N=363, V de Cramer = 0,223, sig. approx. <,001

**Table 3**

		Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q56_ONr1	Agree	174	85,3%	36	64,3%	80	77,7%	290	79,9%
	Disagree	30	14,7%	20	35,7%	23	22,3%	73	20,1%
<b>Total</b>		204	100,0%	56	100,0%	103	100,0%	363	100,0%

N=363, V de Cramer = 0,186, sig. approx. <,001

**Table 4**

		Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q56_ONr1	Agree	61	84,7%	111	77,6%	117	79,6%	289	79,8%
	Disagree	11	15,3%	32	22,4%	30	20,4%	73	20,2%
<b>Total</b>		72	100,0%	143	100,0%	147	100,0%	362	100,0%

N=362, n.s.

**Table 5**

		Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q56_ONr1	Agree	79	77,5%	64	79,0%	147	81,7%	290	79,9%
	Disagree	23	22,5%	17	21,0%	33	18,3%	73	20,1%
<b>Total</b>		102	100,0%	81	100,0%	180	100,0%	363	100,0%

N=362, n.s.

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**In the event of the death of one of the spouses in a common-law union (unmarried spouses)**

**Q57\_ONr1: In the absence of a will, give common-law spouses (unmarried spouses) the right to inherit part of their deceased spouse's property.**

**Table 6 to 11 – Unmarried spouse's opinion on proposal Q57\_ONr1 by legal knowledge, Ontario, 2022.**

**Table 6**

		Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	220	86,3%	28	77,8%	61	84,7%	309	85,1%
	Disagree	35	13,7%	8	22,2%	11	15,3%	54	14,9%
<b>Total</b>		255	100,0%	36	100,0%	72	100,0%	363	100,0%

N=363, n.s.

**Table 7**

		Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	155	88,6%	61	75,3%	93	86,9%	309	85,1%
	Disagree	20	11,4%	20	24,7%	14	13,1%	54	14,9%
<b>Total</b>		175	100,0%	81	100,0%	107	100,0%	363	100,0%

N=363, n.s.

**Table 8**

		Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	179	87,7%	42	75,0%	88	85,4%	309	85,1%
	Disagree	25	12,3%	14	25,0%	15	14,6%	54	14,9%
<b>Total</b>		204	100,0%	56	100,0%	103	100,0%	363	100,0%

N=363, n.s.

**Table 9**

		Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	61	84,7%	118	82,5%	129	87,2%	308	84,8%
	Disagree	11	15,3%	25	17,5%	19	12,8%	55	15,2%
<b>Total</b>		72	100,0%	143	100,0%	148	100,0%	363	100,0%

N=363, n.s.

**Table 10**

		Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	87	84,5%	65	80,2%	157	87,2%	309	84,9%
	Disagree	16	15,5%	16	19,8%	23	12,8%	55	15,1%
<b>Total</b>		103	100,0%	81	100,0%	180	100,0%	364	100,0%

N=364, n.s.

**Table 11**

		Q42_R7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr1	Agree	85	83,3%	78	86,7%	146	85,4%	309	85,1%
	Disagree	17	16,7%	12	13,3%	25	14,6%	54	14,9%
<b>Total</b>		102	100,0%	90	100,0%	171	100,0%	363	100,0%

N=363, n.s.

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**In the event of the death of one of the spouses in a common-law union (unmarried spouses)**

**Q57\_ONr2: In the absence of a will, give the right to inherit part of their deceased spouse's property to only those common-law spouses who lived together for more than three years or who had a child together.**

**Table 12 to 17 - Unmarried spouse's opinion on proposal Q57\_ONr2 by legal knowledge, Ontario, 2022.**

**Table 12**

		Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	216	84,7%	28	80,0%	62	84,9%	306	84,3%
	Disagree	39	15,3%	7	20,0%	11	15,1%	57	15,7%
<b>Total</b>		255	100,0%	35	100,0%	73	100,0%	363	100,0%

N=363, n.s.

**Table 13**

		Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	147	84,0%	65	80,2%	94	87,9%	306	84,3%
	Disagree	28	16,0%	16	19,8%	13	12,1%	57	15,7%
<b>Total</b>		175	100,0%	81	100,0%	107	100,0%	363	100,0%

N=363, n.s.

**Table 14**

		Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	173	85,2%	46	82,1%	86	83,5%	305	84,3%
	Disagree	30	14,8%	10	17,9%	17	16,5%	57	15,7%
<b>Total</b>		203	100,0%	56	100,0%	103	100,0%	362	100,0%

N=362, n.s.

**Table 15**

		Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	62	86,1%	115	80,4%	128	87,1%	305	84,3%
	Disagree	10	13,9%	28	19,6%	19	12,9%	57	15,7%
<b>Total</b>		72	100,0%	143	100,0%	147	100,0%	362	100,0%

N=362, n.s.

**Table 16**

		Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	89	87,3%	61	75,3%	156	86,7%	306	84,3%
	Disagree	13	12,7%	20	24,7%	24	13,3%	57	15,7%
<b>Total</b>		102	100,0%	81	100,0%	180	100,0%	363	100,0%

N=363, V de Cramer = 0,133, sig approx <,05

**Table 17**

		Q42_R7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.						<b>Total</b>	
		<b>True</b>		<b>False</b>		<b>I don't know</b>			
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
How much do you agree with the following proposals? Q57_ONr2	Agree	87	84,5%	75	83,3%	144	84,7%	306	84,3%
	Disagree	16	15,5%	15	16,7%	26	15,3%	57	15,7%
<b>Total</b>		103	100,0%	90	100,0%	170	100,0%	363	100,0%

N=363, n.s.

## APPENDIX G: COHABITATION AGREEMENT/CONTRACT

### Cohabitation agreement/contract by knowledge of family laws (table 1-8)

**Table 1**

		Q42_R1: Ontario common-law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.			<b>Total</b>	
		<b>True</b>	<b>False</b>	<b>I don't know</b>		
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	22	5*	4*	31
		% dans Q38On	71,0%	16,1%	12,9%	100,0%
	No	Effectif	232	30	69	331
		% dans Q38On	70,1%	9,1%	20,8%	100,0%
<b>Total</b>		Effectif	254	35	73	362
		% dans Q38On	70,2%	9,7%	20,2%	100,0%

N=362, n.s., \*less than 10 cases.

**Table 2**

			Q42_R2: If common-law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	16	10	6*	32
		% dans Q38On	50,0%	31,3%	18,8%	100,0%
	No	Effectif	160	71	101	332
		% dans Q38On	48,2%	21,4%	30,4%	100,0%
<b>Total</b>		Effectif	176	81	107	364
		% dans Q38On	48,4%	22,3%	29,4%	100,0%

N=364, n.s., \*less than 10 cases.

**Table 3**

			Q42_R3: After 3 years of living together, common-law partners (unmarried spouses) automatically have the same legal protections as a married couple.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	15	7*	9*	31
		% dans Q38On	48,4%	22,6%	29,0%	100,0%
	No	Effectif	189	49	94	332
		% dans Q38On	56,9%	14,8%	28,3%	100,0%
<b>Total</b>		Effectif	204	56	103	363
		% dans Q38On	56,2%	15,4%	28,4%	100,0%

N=363, n.s. \*less than 10 cases.

**Table 4**

			Q42_R4: With common-law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	7*	12	12	31
		% dans Q38On	22,6%	38,7%	38,7%	100,0%
	No	Effectif	65	131	135	331
		% dans Q38On	19,6%	39,6%	40,8%	100,0%
<b>Total</b>		Effectif	72	143	147	362
		% dans Q38On	19,9%	39,5%	40,6%	100,0%

N=362, n.s. \*less than 10 cases.

**Table 5**

			Q42_R5: When common-law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/ contract?	Yes	Effectif	11	5*	15	31
		% dans Q38On	35,5%	16,1%	48,4%	100,0%
	No	Effectif	91	76	165	332
		% dans Q38On	27,4%	22,9%	49,7%	100,0%
<b>Total</b>		Effectif	102	81	180	363
		% dans Q38On	28,1%	22,3%	49,6%	100,0%

N=362, n.s., \*less than 10 cases.

**Table 6**

			Q42_R6: When married spouses get divorce, the law says they have to split retirement savings and pensions			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/ contract?	Yes	Effectif	14	5*	13	32
		% dans Q38On	43,8%	15,6%	40,6%	100,0%
	No	Effectif	139	56	137	332
		% dans Q38On	41,9%	16,9%	41,3%	100,0%
<b>Total</b>		Effectif	153	61	150	364
		% dans Q38On	42,0%	16,8%	41,2%	100,0%

N=364, n.s. \*less than 10 cases.

**Table 7**

			Q42_R7: If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	11	7*	13	31
		% dans Q38On	35,5%	22,6%	41,9%	100,0%
	No	Effectif	91	83	158	332
		% dans Q38On	27,4%	25,0%	47,6%	100,0%
<b>Total</b>		Effectif	102	90	171	363
		% dans Q38On	28,1%	24,8%	47,1%	100,0%

N=363, n.s. \*less than 10 cases.

**Table 8**

			Q42_R8: After one year of living together, <i>de facto</i> spouses have the same rights and obligations as married persons with respect to income tax in Ontario and Canada.			Total
			True	False	I don't know	
Q38. Do you have a cohabitation agreement/contract?	Yes	Effectif	16	6*	9*	31
		% dans Q38On	51,6%	19,4%	29,0%	100,0%
	No	Effectif	154	48	130	332
		% dans Q38On	46,4%	14,5%	39,2%	100,0%
<b>Total</b>		Effectif	170	54	139	363
		% dans Q38On	46,8%	14,9%	38,3%	100,0%

N=363, n.s. \*less than 10 cases.

**APPENDIX H: QUESTIONNAIRE**

## Survey

### Economic practices and social and legal representations of life together

---

**[Q1] In which province do you live?**

**Row:**

[r1] Québec

[r2] Ontario

[r96] Other province

---

**[Q2] What are the first three characters of your postal code?**

---

**[Q3] What gender do you identify with?**

**Row:**

[r1] Male

[r2] Female

[r96] Other

---

**[Q4] To which age group do you belong?**

**Row:**

- [r1] 18-24
  - [r2] 25-34
  - [r3] 35-44
  - [r4] 45-54
  - [r5] 55-64
  - [r6] 65 or over
- 

**[Q5] What is your mother tongue?**

**Row:**

- [r1] French
  - [r2] English
  - [r3] Spanish
  - [r4] Mandarin
  - [r5] Cantonese
  - [r6] Punjabi
  - [r96] Other language, please specify:
- 

**[Q6] Are you currently in a relationship?**

Condition: (Q18.r2) or (Q17.r2)

**Row:**

- [r1] Yes
  - [r2] No
-

**[Q7] Do you live together?**

Row:

[r1] Yes

[r2] No

---

**[Q8] In what year did you start living with your current spouse?**

Condition: (Q7.r1)

**Row:**

[r1] Year:

---

**[Q9] What words do you use to refer to the person you live with as a couple?  
Indicate all the words you use.**

**Row:**

[r1] My spouse

[r2] My partner

[r3] My husband / my wife

[r4] My common-law spouse

[r5] My boyfriend / girlfriend

[r6] My lover / my mate

[r96] Other (please specify)

---

**[Q10] What gender does your current spouse identify with?**

**Row:**

[r1] Male

[r2] Female

[r96] Other

---

**[Q11] With your present partner are you:**

**Row:**

[r1] Married

[r2] Common-law spouse/de facto spouse

[r96] Other. Please specify:

---

**[Q11B] If you had a choice, would you rather be married or in a common-law relationship ?**

**Row:**

[r1] Married

[r2] Common-law spouse

[r98] Don't know

---

**[Q12] Was a marriage wanted by one of the partners but not by the other?**

**Row:**

[r1] Yes

[r2] No

[r98] I don't know

---

**[Q12A] Is it you or your partner who did not want to marry?**

Condition: (Q12.r1)

**Row:**

[r1] Me

[r2] My partner

**[Q12B] Why was a marriage not wanted by you?**

Condition: (Q12A.r1)

*More than one possible answer.*

**Row:**

[r1] I don't believe in marriage/ I don't see the need

[r2] Religious motives: I am not religious, or we are from different religions

[r3] Cost of the ceremony is too high

[r4] I don't want financial responsibilities at separation/ legally simpler when in common law union

[r5] I want to avoid traditional roles

[r6] Personal reasons: I don't feel ready

[r96] Other. Please specify:

---

**[Q12C] Why doesn't your spouse want to get married?**

Condition: (Q12A.r2)

*More than one possible answer.*

**Row:**

[r1] He/she does not believe in marriage/he does not see the need for it.

[r2] Religious reasons: he/she is not religious / he/she is of another faith, etc.

[r3] The cost of a wedding too high according to him/her

[r4] He/she doesn't want financial responsibilities if we separate / he/she doesn't want to divide the assets if the relationship ends / he/she thinks separation is easier when in a common-law / de facto relationship

[r5] He/she wants to avoid the traditional roles associated with marriage

[r6] Personal reasons: he/she does not feel ready

[r96] Other. Please specify:

---

**[Q12D] Why aren't you married?**

Condition: (Q12.r2 or Q12.r98)

*More than one possible answer.*

**Row:**

[r1] Neither one of us wants to get married.

[r2] We never really talked about it.

[r3] It's a future project.

[r4] It's a project that never came to pass.

[r5] We don't agree on the celebration.

[r6] One of us is not divorced.

[r7] We don't want financial responsibilities if we separate; we don't want to divide property if the relationship ends; we think it will be easier if one day we separate.

[r8] The cost of a wedding is too high.

[r96] Other - Please specify:

---

**[Q13] In what year did you marry your current spouse?**

Condition: (Q11.r1)

**Row:**

[r1] Year of marriage

---

**[Q14] Before living with your current spouse, did you live with another spouse?**

**Row:**

[r1] Yes

[r2] No

---

**[Q15] Have you ever been married before this union?**

**Row:**

[r1] Yes

[r2] No

[r3] Refuse to answer

---

**[Q15A] We are still referring to this last marriage, i.e., before your current union.  
Are you:**

Condition: (Q15.r1)

**Row:**

[r1] Legally divorced (court order) from this spouse

[r2] Separated from this spouse

[r3] Widow or widower

---

**[Q15B] Did you live in a dwelling owned by one or both of you?**

Condition: (Q14.r1)

**Row:**

[r1] Yes, I was the owner

[r2] Yes, my ex was the owner

[r3] Yes, we were both owners

[r4] No, we were not owners

---

**[Q15C] If so, did either of you keep the house after the breakup?**

Condition: (Q15B.r1 or Q15B.r2 or Q15B.r3)

**Row:**

[r1] Yes, I did

[r2] Yes, my ex-spouse

[r3] No, neither one of us

[r4] If not, why not?

---

**[Q15D] Why did you keep the house after the breakup?**

Condition: (Q15C.r1)

*More than one possible answer.*

**Row:**

[r1] I owned the house entirely

[r2] I could afford to buy my ex-spouse's share of the house

[r3] I kept the house because I have primary custody of the children

[r4] My spouse didn't want to keep the house

[r96] Other, please specify:

---

**[Q15E] Why did your ex-spouse keep the house after the breakup?**

Condition: (Q15C.r2)

*More than one possible answer.*

**Row:**

[r1] The house belonged entirely to my ex-spouse

[r2] He/she could afford to buy my share of the house

[r3] He/she kept the house because he/she had primary custody of the children

[r4] I didn't want to keep the house

[r96] Other, please specify:

---

**[Q16] Has your current spouse been married before?**

**Row:**

[r1] Yes

[r2] No

[r98] I don't know

---

**[Q16A] Is he/she:**

Condition: (Q16.r1)

**Row:**

- [r1] Legally divorced (court order) from this spouse
  - [r2] Separated from this spouse
  - [r3] Widow or widower
  - [r98] I don't know
- 

**[Q17] Do you have a minor child or children at home?**

**Row:**

- [r1] Yes
  - [r2] No
- 

**[Q18] Is (are) the minor child/children:**

Condition: (Q17.r1)

**Row:**

- [r1] Born of a union between you and your current spouse
  - [r2] Born from a previous union
  - [r3] Both
- 

**[Q19] How do you organize sharing domestic tasks between you and your spouse?**

**Row:**

- [r1] I am the main person in charge of the domestic tasks at home (I do 75% of the tasks - he/she about 25%)
  - [r2] We share, but I do most of it (I do about 60% - he/she does 40%)
  - [r3] We share and it's pretty equal between us (about 50% - 50%)
  - [r4] We share but my spouse does more than me (I do about 40% - he/she does 60%)
  - [r5] My spouse is mainly responsible for domestic tasks at home (I do about 25% - he/she does 75% or more)
-

**[Q20] In terms of money management, which of the following do you feel best fits your current organization?**

**Row:**

[r1] All or most of your income is pooled.

[r2] One of you takes care of all the common expenditures.

[r3] You don't pool your income, but you share the expenditures.

---

**[Q21] Which partner pays the bills?**

Condition: (Q20.r2)

**Row:**

[r1] You do

[r2] Your spouse

---

**[Q21a] Do either of you give an allowance or money to the other for household expenses?**

**Row:**

[r1] Yes

[r2] No

---

**[Q21b] Do either of you give an allowance or money to the other for personal expenses?**

**Row:**

[r1] Yes

[r2] No

---

**[Q21c] Why do you operate this way?**

Condition: (Q21b.r1)

*More than one possible answer.*

**Row:**

[r1] One of us has little or no income.

[r2] One of us takes care of the family rather than working outside the home.

[r3] One of us prefers that the other not work.

[r4] This is a way of "controlling" expenses.

[r96] Other

---

**[Q22] How are expenses mainly distributed?**

Condition: (Q20.r3)

**Row:**

[r1] You pay the expenditures 50-50.

[r2] Everyone contributes proportionally to their income (the one who earns more pays more).

[r3] The person who earns more pays more, but it is not proportional to income.

[r96] Other. Please specify:

---

---

**[Q23] Has your spouse ...**

**Column:**

[c1] Never

[c2] Almost never

[c3] Sometimes

[c4] Often

[c5] Very often

**Row:**

[r1] Sometimes asked how you spend the money intended for common expenditures?

[r2] Asked how you spend your personal spending money?

[r3] Made financial decisions without consulting you?

[r4] Ever refused to give you money for common expenditures

[r5] Ever spent the money needed (for example, to pay rent) to pay for something else?

[r6] Ever forced you to give him/her money?

---

**[Q24] Are you hiding money without telling your spouse, deliberately and secretly?**

**Row:**

[r1] Yes

[r2] No

[r99] Refuse to answer

---

**[Q25] Do you think your spouse has ever deliberately hidden money from you?**

**Row:**

[r1] Yes

[r2] No

[r98] I don't know

---

**[Q26] What type(s) of bank account do you have?**

**Row:**

[r1] Personal account only

[r2] Joint account only

[r3] Both personal and joint accounts

[r99] I don't know / I prefer not to answer

---

**[Q27] In which bank account(s) do you deposit your personal income? Is it:**

**Row:**

[r1] ... in your personal account?

[r2] ... in your spouse's personal account?

[r3] ... in the joint account?

[r4] Not applicable, no income

[r96] Other. Please specify:

[r98] I don't know

---

**[Q28] In which bank account(s) is your spouse's income deposited? Is it:**

**Row:**

[r1] ... in his/her personal account?

[r2] ... in my personal account?

[r3] ... in the joint account?

[r4] Not applicable, no income

[r96] Other. Please specify:

[r99] I don't know

---

**[Q29] In your couple, who is primarily responsible for handling the accounts and paying the bills?**

**Row:**

[r1] I do mostly

[r2] My spouse mostly

[r3] My spouse and I

[r4] It varies

[r96] Another person

---

**[Q30] Do you own or rent the home where you currently live?**

**Row:**

[r1] Own

[r2] Rent

---

**[Q31] Who signed the deed of purchase before the notary or lawyer?**

**Row:**

[r1] Only me

[r2] My spouse only

[r3] My spouse and I

[r96] Someone else, please specify:

---

**[Q32] In what year did you purchase your property?**

Condition: (Q31.r1 or Q31.r3)

**Row:**

[r1] Year of purchase

---

**[Q32B] In what year was it purchased?**

Condition: (Q31.r2 or Q31.r96)

**Row:**

[r1] Year of purchase

---

**[Q33] Who made the down payment on your property?**

Condition: (Q31.r1 or Q31.r2 or Q31.r3)

**Row:**

[r1] Only you

[r2] Only your spouse

[r3] Your spouse and you

[r4] A family member. Please specify:

[r96] A family member. Please specify:

---

**[Q34] Did you put in the same amount for the down payment?**

Condition: (Q33.r3)

**Row:**

[r1] Yes

[r2] No

[r99] Refuse to answer

---

**[Q35] Did both of you sign a paper to specify who made the down payment?**

**Row:**

[r1] Yes

[r2] No

---

**[Q36] In the event of a breakup, do you think you could continue to live where you currently live (with your children)?**

**Row:**

[r1] Yes

[r2] No

---

**[Q37] Do you think you will ever separate from your current spouse?**

**Row:**

[r1] Yes

[r2] No

[r3] I don't know

---

**[Q38] Do you have a cohabitation agreement/contract?**

Condition: (Q11.r2)

**Row:**

[r1] Yes

[r2] No

[r98] I don't know

---

**[Q39] In the event of a breakup, do you personally have money set aside?**

**Row:**

[r1] Yes

[r2] No

---

**[Q40] Apart from the mortgage, do you have any personal debts (all debts combined, including personal loans, loan against collateral, credit cards, etc.)?**

**Row:**

[r1] Yes, I have personal debts

[r2] No I don't have any personal debts;

[r98] I don't know

---

**[Q40A] What is your estimate of this personal debt?**

Condition: (Q40.r1)

**Row:**

[r1] Amount

---

**[Q40B] Apart from the mortgage, do you have any joint debts with your spouse (all debts combined, personal loans, loan against collateral, credit cards, etc.)?**

**Row:**

[r1] Yes

[r2] No

[r98] I don't know.

---

**[Q40C] What is your estimate of this joint debt?**

Condition: (Q40B.r1)

**Row:**

[r1] Amount

---

**[Q41] Has your spouse ever incurred debts (line of credit, purchases, etc.) that you would be legally required to repay?**

**Row:**

[r1] Yes

[r2] No

[r98] I don't know

---

**[Q41A] What is your estimate of this debt?**

Condition: (Q41.r1)

**Row:**

[r1] Amount

---

**[Q42\_QC]**

Do you think the following statements are true or false?

---

Condition: (Q1.r1)

**Column:**

[c1] True

[c2] False

[c99] I don't know

**Row:**

[r1] After a few years of living together, de facto spouses have the same legal status as a married couple in Quebec.

[r2] If two de facto spouses break up, all property acquired during their life together will be separated in equal parts according to existing legislation.

[r3] If a de facto union ends, the poorer spouse is not entitled to alimony for himself or herself.

[r3B] A de facto spouse who is the sole owner of the family home can sell it without the consent of his/her spouse.

[r4] Under current legislation, if a de facto couple separates, the spouses must share their pension funds and RRSPs acquired during their relationship.

[r5] If a married couple divorces, the spouses have a legal obligation to divide their pension funds and RRSPs acquired during their union.

[r6] In a de facto union, if one spouse dies and has not left a will, the surviving spouse is entitled to a portion of the inheritance.

[r7] After one year of living together, de facto spouses have the same rights and obligations as married persons with respect to income tax in Québec and Canada.

---

[Q42\_ON]

Do you think the following statements are either true or false?

---

Condition: (Q1.r2)

**Column:**

[c1] True

[c2] False

[c99] I don't know

**Row:**

[r1] Ontario common law partners (unmarried spouses) automatically have family law rights and responsibilities to each other after living together more than one year.

[r2] If common law partners (unmarried spouses) separate, the law says that they have to split equally the value of the house in which they lived together.

[r3] After 3 years of living together, common law partners (unmarried spouses) automatically have the same legal protections as a married couple.

[r4] With common law partners (unmarried spouses), a spouse that is the sole owner of the house, may be able to lock the other out of the home in which they have been living together without warning.

[r5] When common law partners (unmarried spouses) break up, the law says they do not need to split retirement savings and pensions.

[r6] When married spouses get divorce, the law says they have to split retirement savings and pensions.

[r7] If a common-law partner dies without a will, the surviving spouse will not inherit from his or her partner.

[r8] After one year of living together, de facto spouses have the same rights and obligations as married persons with respect to income tax in Ontario and Canada.

---

**[Q48] What are your sources of information on these issues?**

*More than one possible answer.*

**Row:**

- [r9] I have been through a separation
  - [r6] A couple I know has separated
  - [r5] My friends and family
  - [r7] Notary, lawyer
  - [r1] I have legal training
  - [r8] I attended a marriage preparation course
  - [r2] Websites
  - [r3] Financial advisor
  - [r4] Media (television, newspapers, radio)
  - [r96] Other sources, please specify:
- 

**[Q48B] In the past 5 years, have you consulted one or more of these professionals?**

*More than one possible answer.*

**Row:**

- [r1] Notary
  - [r2] Lawyer
  - [r3] Financial advisor/planner
  - [r4] No, I did not
- 

**[Q48C] Why did you mainly consult this or these professionals?**

Condition: (Q48B.r1 or Q48B.r2 or Q48B.r3)

*More than one possible answer.*

**Row:**

- [r1] Cohabitation agreement/contract
- [r2] A will
- [r3] A divorce
- [r4] Custody agreement

- [r5] Purchase of a property
  - [r6] Long-term savings / retirement savings
  - [r7] Power of attorney/Protection mandate
  - [r8] Debt management
  - [r9] Obtaining information (please specify)
  - [r96] Other (please specify)
- 

**[Q49\_question] Q49 question**

**Row:**

- [r1] What statement do you think is true for Ontario?
- 

**[Q49] [pipe: Q49\_question]**

**Row:**

- [r1] One in 10 marriages ends in divorce
  - [r2] Two in 10 marriages end in divorce
  - [r3] Four in 10 marriages end in divorce
- 

**[Q50] When it comes to saving for the longer term or for retirement, which statement best fits your current relationship?**

**Row:**

- [r1] Neither I nor my spouse have saved for retirement or for the longer term.
  - [r2] We save money for the longer term on our own, independently of one another.
  - [r3] We try to balance the long-term savings between us by taking investments for both of us.
  - [r98] I don't know
-

**[Q51] Do you and/or your spouse have an employer-sponsored pension plan?**

**Row:**

[r1] Neither of us have an employer-sponsored pension plan.

[r2] I have an employer-sponsored pension plan.

[r3] My spouse has an employer-sponsored pension plan.

[r4] We both have an employer-sponsored pension plan

[r98] I don't know

---

**[Q52] How did you come to organizing your savings in this way?**

Condition: (Q50.r2 or Q50.r3)

**Row:**

[r1] We discussed this together

[r2] We didn't discuss this, it just happened naturally

[r3] It was my spouse's decision

[r4] It was my decision

[r5] This was advised by a financial advisor

[r98] I don't know

---

**[Q52A] Why are you saving money separately? Please identify all the answers that fit your situation:**

Condition: (Q50.r2)

*More than one possible answer.*

**Row:**

[r1] We don't have the same income

[r2] We don't have the same objectives or financial priorities

[r3] We have different investment profiles

[r4] We want to maintain some financial autonomy

[r5] We have different responsibilities (children from a previous union, other)

[r6] One of us doesn't want to pool our savings

[r96] Other, please specify:

---

**[Q52B] Why are you saving money together? Please identify all the answers that fit your situation:**

Condition: (Q50.r3)

*More than one possible answer.*

**Row:**

- [r1] We have approximately the same income; it's easier
  - [r2] We have income gaps and this helps balance things out
  - [r3] This is our idea of what a couple is, we work together
  - [r4] We have the same financial objectives or priorities
  - [r5] We have similar investment profiles
  - [r6] We want a better return on investment
  - [r7] Together, it's easier to understand these complex financial issues
  - [r8] This is a way of recognizing domestic and/or educational work
  - [r96] Other, please specify:
- 

**[Q53] Within your couple, who is primarily involved in longer-term financial planning?**

Condition: (Q50.r2 or Q50.r3 or Q50.r98)

**Row:**

- [r1] Me
  - [r2] My partner
  - [r3] Both
  - [r4] Neither one of us
-

**[Q54A] Why are you primarily the only one involved in longer-term financial planning? Please identify all the answers that fit your situation:**

Condition: (Q53.r1)

*More than one possible answer.*

**Row:**

- [r1] I know more about this than my spouse
  - [r2] We share the tasks and I take care of this task
  - [r3] I make more than my spouse
  - [r4] My partner is not interested in these issues
  - [r5] I don't want him or her to get involved
  - [r6] I consider it more my money than his or hers
  - [r96] Other, please specify:
- 

**[Q54B] Why is your spouse primarily the only one involved in longer-term financial planning? Please identify all the answers that fit your situation:**

Condition: (Q53.r2)

*More than one possible answer.*

**Row:**

- [r1] He/she knows more about this than I do
  - [r2] We share the tasks and he/she takes care of this task
  - [r3] My spouse makes more than I do
  - [r4] I'm not interested in these issues
  - [r5] He/she discouraged me from getting involved.
  - [r6] I consider it more his or her money than mine
  - [r96] Other, please specify:
-

**[Q54C] Why aren't either of you involved in longer-term financial planning? Please identify all the answers that fit your situation:**

Condition: (Q53.r4)

*More than one possible answer.*

**Row:**

- [r1] We don't have the money
  - [r2] It's too risky to lose everything
  - [r3] Financial planning doesn't interest us.
  - [r4] We don't trust banks, financial advisors, etc.
  - [r5] These financial matters are too complex.
  - [r96] Other (please specify)
- 

**[Q55] Have you made a will?**

**Row:**

- [r1] Yes
  - [r2] No
- 

**[Q55B] Who are your heirs?**

*More than one possible answer.*

**Row:**

- [r1] My spouse
  - [r2] My brothers and sisters
  - [r3] My nieces and nephews
  - [r4] The children I have with my current spouse
  - [r5] The children I had from a previous union
  - [r6] My spouse's children from a previous relationship
  - [r96] Other. Please specify:
  - [r99] I don't remember
-

**We would like to hear your views on possible government changes to family law.**  
**If a couple separates ...**

---

**[Q56\_ON] How much do you agree with the following proposals?**

Condition: (Q1.r2)

**Column:**

[c1] Strongly agree

[c2] Somewhat agree

[c3] Somewhat disagree

[c4] Strongly disagree

**Row:**

[r1] Give only common-law spouses who have lived together for more than three years or who have a child together, the same protections as married couples have in the event of separation which means sharing equally the value of the house in which they lived together, as well as the increase in value during the union of retirement savings, pensions, etc.

---

[Q57\_ON]

In the event of the death of one of the spouses in a common-law union (unmarried spouses) ...

How much do you agree with the following proposals?

---

Condition: (Q1.r2)

**Column:**

[c1] Strongly agree

[c2] Somewhat agree

[c3] Somewhat disagree

[c4] Strongly disagree

**Row:**

[r1] In the absence of a will, give common-law spouses (unmarried spouses) the right to inherit part of their deceased spouse's property.

[r2] In the absence of a will, give the right to inherit part of their deceased spouse's property to only those common-law spouses who lived together for more than three years or who had a child together.

---

**[Q58] In which country were you born?**

**Row:**

[r1] Canada

[r96] Other country than Canada - Please specify:

---

**[Q58A] In what year did you arrive in Canada?**

Condition: (Q58.r96)

---

**[Q59] In which country was your spouse born?**

**Row:**

[r1] Canada

[r96] Other country than Canada - Please specify:

---

**[Q60] What is the highest level of education you have completed?**

**Row:**

[r1] High school or less

[r2] College

[r3] University

[r99] Refuse to answer

---

**[Q61] Are you employed?**

**Row:**

[r1] Yes

[r2] No

---

**[Q61A] How many hours per week do you usually work?**

Condition: (Q61.r1)

---

**[Q62] Is your spouse currently employed?**

**Row:**

[r1] Yes

[r2] No

---

**[Q62A] How many hours per week does he/she usually work?**

Condition: (Q62.r1)

---

**[Q63] What is the highest level of education that your current spouse has completed?**

**Row:**

[r1] High school or less

[r2] College

[r3] University

[r98] I don't know

---

[Q64] For this study, we would like to determine the income gaps between spouses.

**What is your estimate of your personal income, before taxes, in 2021?**

**[Q65] What is your estimate of your spouse's personal income, before taxes, in 2021?**

**[Q66] Which statement most closely matches your situation over the past 2 years?**

**Row:**

[r1] My spouse makes much more than I do.

[r2] My spouse makes slightly more than I do.

[r3] We make about the same income.

[r4] I make slightly more than my spouse.

[r5] I make much more than my spouse.

---

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