

# THE EQUAL PAY COALITION'S MEDIA RELEASE: LEGISLATIVE PROPOSALS FOR EQUAL PAY FOR WORK OF EQUAL VALUE

*Le gouvernement de l'Ontario s'est engagé à introduire une loi pour le salaire égal à travail de valeur égal, pour les travailleuses de la fonction publique et du secteur privé, et aussi à l'introduction des lois nécessaires lors de la session actuelle de l'assemblée législative, ouverte le 15 octobre 1985. Au moyen d'un processus de consultation et de consensus, la Coalition pour le salaire égal (Equal Pay Coalition) a conclu que les lois proposées représentent une méthode juste et raisonnable de mettre en action le principe du salaire égal en Ontario.*

The Ontario Government has committed itself to implementing Equal Pay for Work of Equal Value legislation for both public and private sector workers and to introducing the necessary legislation in the current Session of the Legislature which opened on 15 October 1985.

The Equal Pay Coalition has concluded that the following twenty-eight legislative proposals represent an equitable and reasonable approach to the implementation of Equal Pay for Work of Equal Value in the Province. Further, these proposals represent a broad consensus of opinion among the Coalition's constituent groups which represent over one million women and men in organizations such as the Ontario Federation of Labour; the Law Union of Ontario; the Business and Professional Women's Clubs of Ontario; the Ontario Secondary School Teachers Federation; and the Sudbury Women's Centre.

These proposals were arrived at through a process of consultation with the Coalition's member groups and Ontario Government officials. The Coalition has reviewed various existing models for the implementation of Equal Pay for Work of Equal Value in other jurisdictions. Recently, it co-sponsored a two-day conference where speakers from major jurisdictions - namely the Federal Government, Quebec, Manitoba, the United States and the United Kingdom -

addressed the issues of implementation. These proposals have also been endorsed by the National Action Committee on the Status of Women which represents 385 member groups and 3 million people.

## HIGHLIGHTS OF THE COALITION'S PROPOSALS

The coalition proposes:

- A single Pay Equity Act covering all workers providing for both a complaint-based and pro-active approach to the implementation of Equal Pay for Work of Equal Value.
- Establishment of a Pay Equity Commission and Tribunal to administer and enforce the Equal Value Legislation.
- Full implementation details should be set out in the legislation rather than being left to later regulations.

The legislation should contain:

- An introductory statement of principle and philosophy.
- A complaint-based mechanism available to individuals, groups or 3rd party.
- Provisions requiring Employer filing of job/wage data upon request of the Commission.
- Penalties for non-compliance with the Act.
- Contract compliance for companies tendering for Government contracts.
- An amendment to the Labour Relations Act to require that all Collective Agreements include clauses providing for Pay Equity Programs.
- A requirement for Public Sector Employers to set aside a reasonable percentage of total payroll in a pay Equity Fund for assignment to Pay Equity Adjustments.

- A direction to Public Sector Unions and Employers to seek out and remedy under-valued jobs and gender-based inequities through a process of Pay Equity Negotiations within a specific time frame.
- A flexible approach permitting a range of bargaining options, such as equalization of base rates, averaging of pay lines, benchmark or comprehensive job evaluation.

## GENERAL TERMS: LEGISLATIVE PROPOSALS

### *A Single Pay Equity Act*

1. A single Pay Equity Act providing for both a complaint-based and pro-active approach to the implementation of Equal Pay for Work of Equal Value. The complaint-based approach would provide that all workers have a right to Equal Pay for Work of Equal Value and that complaints could be filed by individuals, groups or third parties. The pro-active approach directs employers, unions and governments to take positive measures, specifically the setting aside of a Pay Equity Fund to ensure that Equal Pay for Work of Equal Value is achieved within a reasonable period of time. The Coalition maintains that the Government has a special responsibility to act as a model employer and should be the first to implement this approach.

### *Preamble*

2. A strong statement of principles stating that achieving pay equity for women through requiring employers to implement Equal Pay for Work of Equal Value is a fundamental and paramount objective of Ontario society. The preamble would explicitly acknowledge that the present discriminatory wages paid to women are a result of many factors, but primarily the presence of women in female-dominated

occupational groupings which have been undervalued and underpaid in relation to male-dominated work of equal value.

### Pay Equity Commission and Tribunal

3. An independent Pay Equity Commission would administer and enforce the equal value legislation. It would report through the Minister of Labour to the Legislature each year. A Pay Equity Tribunal would serve as the appeal route for resolving any disputes arising out of both the complaint-based and proactive approach. The Commission and Tribunal would be mandated to hire individuals with a demonstrated background and understanding of the pay inequities faced by women in the labour force.

### Implementation Details in Legislation

4. Full implementation details would be set out in the Act itself rather than being left to later regulations.

### No Reduction in Wages

5. No employer would be able to reduce the wages of any employee in order to achieve pay equity.

### Range of Factors

6. A range of factors would be used to determine female predominance in any job, for example, historical patterns and stereotypes.

### Same Establishment

7. Comparisons of jobs would be limited to those within the same establishment, including those which cut across different bargaining units.

### A Variety of Job Comparisons

8. A variety of job comparisons should be allowed including comparing large classification groupings, such as typing clerks, with small classification groupings, such as maintenance crew.

### Exceptions

9. The Coalition wants an absolute minimum of exceptions to equal pay to be written into the legislation. Seniority is one exception that the Coalition could support so long as it is applied in a gender-free way.

## FEATURES OF THE COMPLAINT-BASED APPROACH

### Universal Coverage

10. The legislation would apply to all Ontario workers without exception.

### Commission Monitoring

11. The Pay Equity Commission would be given sufficient resources and personnel to monitor and review wage practices. The Commission would seek out wage inequalities and remedy them. Specifically the Commission would be directed to target certain industries for special monitoring. The Commission would be specifically allowed and directed to file complaints on its own initiative.

### Employer Filing of Job Data

12. The Commission would require and enforce the filing of job descriptions, wage rates, collective agreements and other job data, within specified time periods, if a complaint is filed or the Commission so directed. This information would be retained on public file with the Commission. As in the United Kingdom, the

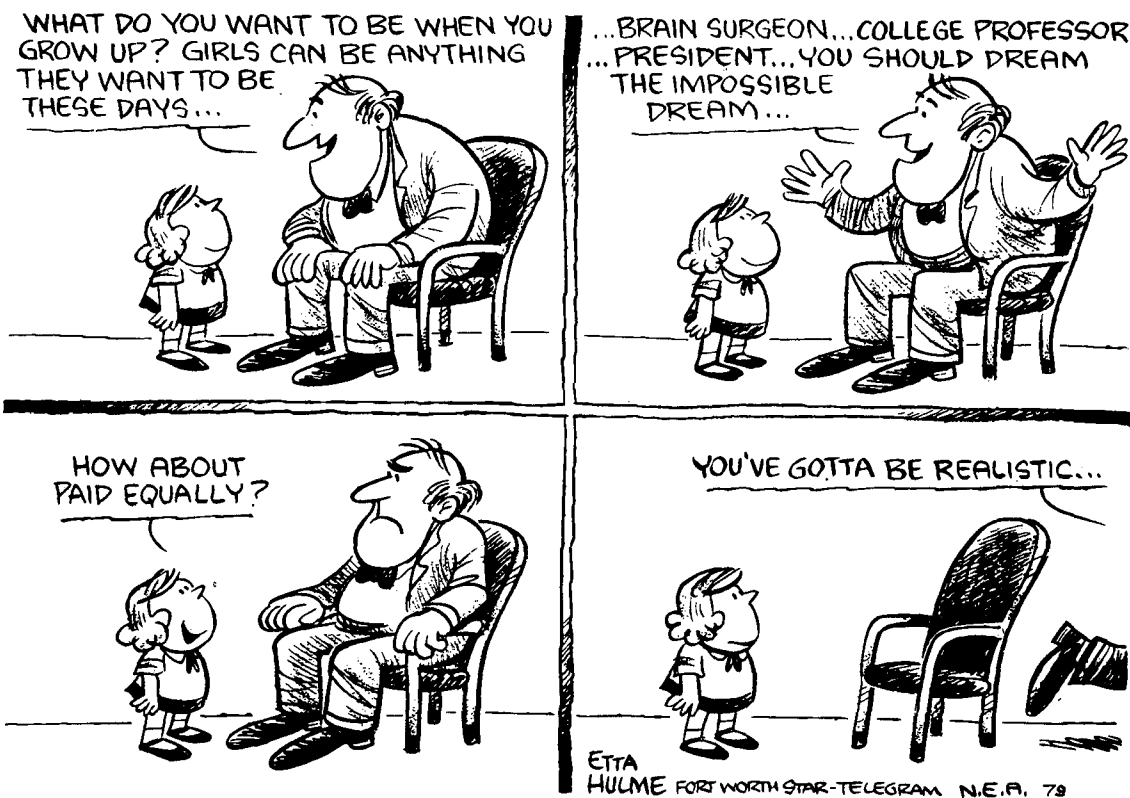


Illustration by Etta Hulme

complainant would not have to name specific comparison groups until the data had been examined. It would be sufficient that the complainant have a reasonable belief that there was undervaluing of female work.

#### *Deterrent Approach*

13. Employers would be subject to penalties where non-compliance with the Act is found.

#### *No Imposed Single Evaluation System*

14. Where an employer has an existing job evaluation or classification system, the Commission would use that system in assessing the complaint. It would examine that system for gender-based factors and if necessary, modify it. Only as a last resort would the Commission use an outside gender-free system for the purposes of assessing a complaint.

#### *Retroactivity*

15. Retroactivity would be limited to a period of two years prior to the complaint.

### **FEATURES OF THE PRO-ACTIVE APPROACH IN THE PUBLIC SECTOR**

#### *Definition of Public Sector Workers*

16. All public sector workers would be covered. Public sector workers would be defined broadly as those workers who were affected by prior wage controls, namely the Civil Service, Crown Agencies, Universities, Hospitals, Community Colleges, Municipalities, School Boards, etc.

#### *Employer Pay Equity Fund*

17. Employers would be required to set aside a reasonable percentage of the previous year's payroll, in a special Pay Equity Fund, for assignment to undervalued jobs and gender-based inequities.

#### *Time Period*

18. The payment of pro-active money should be accomplished within a four-year period. If at the end of this period, there is remaining pay inequity, the employer would be required to make an additional payment to redress it.

#### *Assignment of Monies through Collective Bargaining*

19. Collective bargaining would determine the precise assignment of monies to undervalued jobs and gender-based inequities for organized workers. Bargaining for pay equity would be separated from the normal collective bargaining process.

#### *Assignment of Monies for Unorganized Workers*

20. The Commission would administer the assignment of pay equity determinations for managerial, temporary, part-time, contract, casual employees, and other employees not covered by collective agreements.

#### *Bargaining Options*

21. The Coalition does not support the imposition of a single job evaluation plan as the only method of determination and assignment of monies. Instead, we support a flexible approach. Bargaining parties would be directed to seek out and remedy undervalued jobs and gender-based inequities.

#### *Special Funding for Pro-active Payments*

22. Pro-active monies for settlements in the broader public sector (municipalities, school boards, universities, public hospitals, etc.) would come from special provincial funding for this purpose, rather than from the property taxes or other sources.

#### *Access to Complaint Procedure*

23. Public sector employees would have access to both complaint-based legislation and these pro-active measures.

#### *Extent of Pay Gap*

24. Legislation should not restrict any determination about the extent of the pay gap which is attributable to unequal value.

### **ADDITIONAL PRO-ACTIVE MEASURES IN THE PRIVATE SECTOR**

In addition to requiring the Pay Equity Commission to engage in consistent monitoring of industries and providing a basic complaint mechanism, we propose

the following additional measures for the private sector:

#### *Contract Compliance*

25. Every public sector body would be required to adopt contract compliance policies which direct all suppliers of goods and services to the public sector to implement pay equity programmes. The legislation would provide for penalties and remedies for failure to comply, including the loss of the contract.

26. The Labour Relations Act would be amended to specifically require that all collective agreements include clauses providing for pay equity programmes.

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### **"Looking Forward, Reaching Back" Women's Archives In Canada Project**

The Canadian Women's Movement Archives has been collecting material on the women's movement in Canada since 1977. The bulk of archival material, though, is being saved by individuals and women's groups across the country.

During the next year, the CWMA will be researching and compiling a directory of Women's Archival Collections in Canada. A collective member will be travelling across the country to meet with individuals and women's groups.

If you or your organization have any material on the women's movement in Canada, please contact the CWMA. Help ensure that our history is saved.

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