

UNITED STEELWORKERS

# Submission by the United Steelworkers

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Closing the Gender Wage Gap

United Steelworkers District 6

January 15, 2016



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## Introduction

The United Steelworkers (the “Steelworkers” or the “USW” or the “Union”) welcomes this opportunity to submit recommendations on closing the gender wage gap to the Gender Wage Gap Strategy Steering Committee as part of Ontario’s Gender Wage Gap Strategy. The mandate of the Committee is to consult with groups across the province in order to understand the effects of the established wage gap on women at work, in the family and in the community. They seek comments on relevant legislation, including the Pay Equity Act, the Employment Standards Act, 2000 and the Human Rights Code, though “it will not recommend specific legislative amendments.”

Despite the statement that the Steering Committee will not recommend specific legislative amendments, the Steelworkers believe it is essential to review the ways in which relevant legislation can be improved and better enforced as a means of reducing the gap. The Steering Committee recognizes that there is overlap between the ongoing Changing Workplaces Review, the Poverty Reduction Strategy and the reduction of the gender wage gap. In fact, the first portion of the Steelworkers’ submission is heavily informed by its submission on the Changing Workplaces Review and USW contends that there is an inextricable link between closing the gender wage gap and improving access to unions for workers in low-income, contract, part-time and temporary positions, as well as improving the statutory provisions affecting those workers. However, legislative reform on its own is not enough to confront the systemic gender discrimination that causes the gender wage gap.

The Steering Committee also presents several opening statements about its goals, such as how the wage gap impacts women across the economic spectrum, how the gender wage gap intersects with race and disability (and other factors) and the ways that labour, government, business and others can address the wage gap and its causes. The Steelworkers comment on all of these throughout our submission.

In “Closing the Gender Wage Gap: A Consultation Paper for Business and Organizations”, the Steering Committee lays out the context of the consultation process. They highlight the following:

- There is a persistent gap that is unexplained
- Regardless of the measure used, women’s wages remain behind those of men (on an annual basis, women take home about 30% less in earnings than men)
- This gap is higher for racialized women, Aboriginal women, women with disabilities, and immigrant women

- Questions center around what can be done to address this gap, not only from a legislative or policy perspective, but more broadly, what can unions, employers and the government do to reduce and eliminate the gap
- The questions and commission ask organizations to go beyond the formal indicators of discrimination (though not to dismiss them) and to address other aspects, such as gender stereotypes or hiring and promotion practices, in order to fully address the wage gap

The Gender Wage Gap Steering Committee points to the persistent “unexplained” gap that remains even when education and other factors are accounted for. USW contends that this results from deep-seated systemic discrimination against women that occurs at all levels of society, including the workplace, in assumptions that are made about “women’s” and “men’s” work, in policy-making and in the home. This systemic discrimination intersects with other forms of discrimination, such as that based on race, class, disability, and sexuality. This discrimination takes form both explicitly and implicitly: **combatting it requires broad-based and comprehensive collective action at all levels of society.**

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## Background

### USW Membership

The United Steelworkers is an international trade union with over 220,000 members in Canada. Approximately 70,000 of these are in Ontario. In District 6, which covers Ontario and the Atlantic provinces, **women comprise 44% of the District's membership**. Overall, Steelworkers are women and men employed in every sector of the economy and who come from every social, cultural, and ethnic background in every industry of the economy. While originally based in industrial sectors, USW has expanded and is now a diverse union with members working the post-secondary education sector, the health care sector, across various segments of the service sector, including call centres and hotels, as well as members in the traditional manufacturing and mining sectors

USW's female members are employed in all sectors of the economy. In addition to its focus on bargaining strong contracts for all members and organizing new members, USW has also fought for gender equality through the job evaluation and pay equity process, in bargaining, and through the development of its Women of Steel Program. The Steelworkers also puts a particular emphasis on organizing and representing the most vulnerable workers in society, including racialized workers, Aboriginal workers, recent immigrants, LGBTQ workers and workers with disabilities.

### Additional Background

In this submission, USW is guided by its previous submission on the Changing Workplaces Review Consultation Process, as well as the Equal Pay Coalition's (EPC) Submission to the Changing Workplaces Review, which uses a gender lens to analyze labour law reform: the Union contends that the recommendations for labour law reform would have significant effects on closing the gender wage gap and ensuring gender equity. The Gender Wage Gap review committee has provided much data on the persistence of the wage gap, despite the existence of the Pay Equity Act and a push to close the Gap over the past 30 years. Despite the efforts undertaken, women continue to be concentrated in part-time, casual and temporary employment, referred to broadly as **precarious employment**, and comprise a disproportionate segment of the low end of the income distribution in Ontario. This contributes to the gender wage gap, as precarious work is characterized by "job instability, lack of benefits, low wages and

degree of control over the process. It may also involve greater potential for injury.”<sup>1</sup> In addition to the economic inequality that results (and perpetuates) the existence of precarious employment, it has further insidious effects, such as forcing women, who are the disproportionate victims of domestic violence, to remain economically dependent on abusers and to fear job loss due to time needed to exit abusive situations and to deal with the consequences, which may require medical appointments and additional time needed to get to work resulting from controlling behaviours by an abusive partner.

Economist Sheila Block, in her report titled “A Higher Standard: the case for holding low-wage employers to a higher standard,” presents compelling data demonstrating the increase in precarious employment and the ways it affects women and other marginalized groups in particular ways. From 1997-2014, the share of minimum wage workers in Ontario rose from 2.4 per cent of all employees to 11.9 per cent of all employees. Furthermore, the proportion of workers who are working close to minimum wage (within \$4.00) also rose by 48 per cent during that time, from 19.8 per cent to 29.4 per cent. Block also shows that the share of workers who have full-time employment has also decreased and that one out of two workers does not have a 40-hour-a-week job. Moreover, the economic sectors experiencing the biggest growth are those with the lowest unionization rates (and which are lower-paid and are female-dominated, where a high proportion of workers are racialized and are recent immigrants) – these sectors include retail, cleaning, security, food services and those encompassing temporary agency work. As it relates to women, Block points out that:

“the share of women who are low-wage workers has consistently been higher than the share of men. In 2014, 14.9 per cent of women employees were working for minimum wage, compared to 8.8 per cent of men. The share of women making within \$4.00 of the minimum wage increased from 24 to 34.3 per cent over the same period. This compares to a rise from 16.1 to 24.5 per cent for men<sup>2</sup>.”

Additionally, the Law Commission of Ontario’s report ***Vulnerable Workers and Precarious Work*** points out that food and accommodation is the most highly precarious industry in Ontario and that it “typically employs women with a high-school diploma or less. Both racialized and recently immigrated women are

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<sup>1</sup> Law Commission of Ontario: *Vulnerable Workers and Precarious Work*, Toronto: December 2012.

<sup>2</sup> Sheila Block. *A Higher Standard: The Case for Holding Low-Wage Employers in Ontario to a Higher Standard*. Canadian Centre for Policy Alternatives. 2015.

overrepresented in the industry. The industry also employs the highest proportion of part-time workers, of whom about a third are temporary.”<sup>3</sup>

### Higher Gaps for Racialized, Aboriginal, Immigrant Women and Women with Disabilities

It is well established that the gender wage gap is higher for racialized, Aboriginal and immigrant women, as well as for women with disabilities. In fact, it is staggeringly high for some groups in society who experience discrimination not only based on gender, but also on other factors.

The consultation paper states that, in addition to a higher wage gap, the employment gap for racialized women workers is higher than it is for non-racialized workers (both men and women) as well as compared to racialized men, and the participation rate is also lower and the unemployment rate higher. The same is true for Aboriginal women.

In terms of wages: Overall, when it comes to median income visible minority women receive “19% less than non-visible minority women and 24% less than visible minority men. First-generation immigrant women earn 18% less than non-immigrant women and 27% less than immigrant men; Aboriginal women earn 17% less than non-Aboriginal women, 25% less than Aboriginal men and 40% behind non-Aboriginal men.”<sup>4</sup>

The numbers from the consultation document show the following:

- Current gap for all women: **31.5%** (average annual earnings for all earners)
- For Racialized women: **36.7%** (compared to all men)
- Aboriginal Women : **44%** (compared to all men)

Additional data show that the wage gap for women with disabilities is 25% compared to men without disabilities.<sup>5</sup> If

A 2011 report from the Wellesley Institute by Sheila Block and Grace-Edward Galabuzi paints an even starker picture for racialized women. Using data from the 2006 long form census, they found that racialized women only make 55.6% of the income of non-racialized men<sup>6</sup>. Regardless of the study or measures used, there is clearly a significantly larger wage gap for racialized, Aboriginal, and immigrant women, as well as for women with disabilities.

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<sup>3</sup> Law Commission of Ontario: Vulnerable Workers and Precarious Work

<sup>4</sup> Kate McInturff. *Ontario's Gender Wage Gap: Women and Jobs Post-Recession*. Canadian Centre for Policy Alternatives

<sup>5</sup> Pay Equity Commission: Gender Wage Gaps and Earnings Ratios in Ontario

<sup>6</sup> Sheila Block and Grace-Edward Galabuzi. *Canada's Colour Coded Labour Market: The gap for racialized workers*. Canadian Centre for Policy Alternatives and the Wellesley Institute. 2011

### **“The Unexplained Gap”:**

One of the commonly proposed solutions to closing the wage gap concerns individual responsibility, including suggestions that women simply need to get more education (in the “right” fields) or act more confidently or assertively in workplaces and to negotiate higher starting salaries. Studies have demonstrated that this simply does not work as a way to confront long-standing, entrenched systemic discrimination, particularly for women facing multiple types of discrimination. When “women did all the things they have been told will help them get ahead – using the same tactics as men, - they still advanced less than their male counterparts and had slower pay growth.”<sup>7</sup> In the consultation documents presented by the steering committee, there is reference to the so-called “**unexplained**” gap, which is the gender wage gap that persists despite equal levels of education and other measurable factors. This demonstrates that even when women are as (or more) educated as men, the gap persists, necessitating comprehensive systemic solutions to the gap. We have already established that the wage gap is particularly high for all Aboriginal women; however, Senior CCPA Researcher Kate McInturff found that high levels of education for Aboriginal workers barely closes the gap, especially in the private sector, where Aboriginal workers with post-secondary education “**can expect to take home fully 44% less than their non-Aboriginal peers**”<sup>8</sup> with the same levels of education. In sum, individual solutions or actions will not, on their own, close the gap.

### **Women and Part-Time Employment:**

While the proportion of men in part-time employment has increased at a higher rate than for women, **the number of women employed in part-time work remains significantly higher than for men, at 59.6 per cent for women and 41.3 per cent for men**<sup>9</sup>. More than half of women are working in part-time employment. There is also a strong relationship between low-wage work and the variability of hours, as close to two-thirds of minimum wage workers work unpredictable hours, compared to a quarter of those earning more than \$15.00/hour. Not only are part-time employees subject to variable hours, but they are also typically less likely to have access to additional workplace benefits, such as sick leave and holiday pay, and, because they are part-time, have limited access to such things as employment insurance (and maternity and parental leave as determined by the EI system) and have lower lifetime contributions to the Canada Pension Plan, all of which are hours- and compensation-based.

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<sup>7</sup> *The Myth of the Ideal Workers: Does Doing All the Right Things Really Get Women Ahead?* Catalyst. 2011

<sup>8</sup> Kate McInturff and Paul Tulloch. *Narrowing the Gap: the Difference That Public Sector Wages Make*. Canadian Centre for Policy Alternatives, 2014

<sup>9</sup> Sheila Block. *A Higher Standard*.

Block's *A Higher Standard* also includes pertinent information on the lack of leaves provided to workers in precarious employment, which has a particularly strong impact on women, who are more likely to take on additional care and family responsibilities,<sup>10</sup> and, according to a Law Commission of Ontario report on precarious work "...the fact is that women remain primarily responsible for unpaid labour in the home. The decision to adopt precarious work in order to meet that responsibility is not really a choice but a practical necessity for many."<sup>11</sup> In her report, Block demonstrates that the lower the wage, the more likely an absence from work will be unpaid: for those earning between \$11.00 and \$15.00 per hour only 25 per cent had access to paid absences.

### **Unionization and the reduction of the wage gap:**

In the highly unionized public sector (union density for women working in Ontario was 68.8 per cent in 2014)<sup>12</sup> wages between women and men, Aboriginal and non-Aboriginal workers, racialized and non-racialized workers and other marginalized and non-marginalized workers are much more equal than they are in the private sector.<sup>13</sup> Unionization and access to collective bargaining removes opportunities for employers to base wage rates, benefits, promotion, and training on non-job-related factors like gender. Ultimately, "unionization and access to collective bargaining is strongly correlated with a reduction in wage inequalities."<sup>14</sup> The unionized wage premium in Ontario was 28.2 per cent, or \$6.43 per hour in 2013<sup>15</sup>. In addition to higher and more equal wages, unionization "often leads to greater access to full-time positions and/or more secure and greater part-time hours. As well, it means women have someone to negotiate with their employer to secure their pay equity rights."<sup>16</sup> Additionally, transparent pay structures serve to illuminate where clear discrimination exists, which can then be eliminated through the collective bargaining process. **It is clear that unionization and access to collective bargaining is one of the single most important means of reducing the gender wage gap in Ontario.**

### **Union density:**

While women in Ontario have higher union density overall (53.3 per cent as opposed to 46.7 per cent for men in 2014), women in the private sector have significantly lower unionization rates than men in

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<sup>10</sup> *Closing the Gender Wage Gap: Act Now*. Canada OECD, 2012

<sup>11</sup> *Vulnerable Workers and Precarious Work*

<sup>12</sup> Statistics Canada. CANSIM table 278-0078. Accessed January 13, 2016.

<sup>13</sup> Kate McInturff and Paul Tulloch. *Narrowing the Gap; the Difference that Public Sector Wages Make*

<sup>14</sup> *Ibid*

<sup>15</sup> Cornish, Mary. *A Growing Concern: Ontario's Gender Pay Gap*. Canadian Centre for Policy Alternatives. 2013

<sup>16</sup> *Ibid*

the private sector. While the numbers are low for both men and women, with a unionization of only 16 per cent for men working in the private sector, it is even lower for women, at 12.3 per cent.<sup>17</sup> The higher unionization rates for women overall are due to significantly higher unionization rates for women working in the public sector. In addition to the lower unionization rates for women in the private sector (both compared to men in the private sector and women in the public sector), pension coverage is significantly lower for women working in the private sector, with only 15 per cent covered by a defined benefit plan (compared to 31.2 per cent of men in the private sector).

#### **Limitations to the effects of unionization:**

**While organizing unorganized workers into unions is of utmost importance as it regards the reduction of the gender wage gap,** there may be *some* limitations to what that will solve if it is not part of a broader, society-based approach to closing the gap and confronting various forms of discrimination. These limitations, based on the current legislative and economic environment, inform many of the USW's additional recommendations in this report.

**The persistence of “female job ghettos”:** Unionization has not yet eliminated gendered occupational segregation; however it can serve to improve wages and other protections in female-dominated industries. Even in the highly unionized public and broader public sectors, women continue to occupy positions lower in wage grids and are under-represented in the higher-paid managerial positions<sup>18</sup>, though much of the public sector inequality occurs in the non-unionized segment<sup>19</sup> When discussing female- and male-dominated sectors and the push against occupational segregation, it is important to ensure that as wages improve in a female-dominated sector, that women—particularly racialized, Aboriginal, and immigrant women—are not simply pushed into other low-wage sectors, creating new “female job ghettos.” Increasing union density across-the-board helps prevent this from happening.

**Changing labour market conditions,** including the rise of precarious employment, the emergence of smaller workplaces and the lack of sectoral bargaining, lack of clarity of who an employer is, and unequal home and life circumstances all hamper the current ability of unions to address the continued

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<sup>17</sup> Statistics Canada. CANSIM 278-0078. Accessed January 13, 2016.

<sup>18</sup> Equal Pay Coalition. *Equality, Fairness and Transparency in Ontario Workplaces: Submissions to the Changing Workplace Review*, September 19, 2015.

<sup>19</sup> Ashley Csanady. “A government glass ceiling? Nearly 80% of Ontario’s top-paid public-sector workers are men.” National Post, March 30, 2015.

gender wage gap. These are typically a result of policy decisions that have shifted power and wealth to corporate elite – these policy choices are not inevitable.

USW strongly asserts that one important way to reduce the gender wage gap is through reforms to the *Labour Relations Act* that would improve access to unions for precarious workers and *Employment Standards Act* reforms that would expand the definition of employee, as well as improving statutory coverage for various leaves of absence through the ESA. We expand on these recommendations and other legislative and policy reform in our submission.

In addition to the substantive policy and legislative measures that must be taken to close the gender wage gap, USW also points to the role of the Union in closing the gap, through organizing, education, bargaining, and pushing other actors to create initiatives to reduce the gap. It is necessary for unions to educate union leadership, employers and members, and to develop concrete goals and methods within and between workplaces to reduce the gap. Such projects are particularly necessary in order to address what is often referred to as “implicit” sexism and discrimination or unconscious gender biases that have negative economic consequences for women and that contribute to the wage gap. There is substantial research on this, with findings that women suffer from a so-called “**care penalty**” for work that is deemed an extension of women’s “natural” domestic abilities, and is therefore often invisible or undervalued because it is not seen as work.

This **care penalty** has an impact on the wage penalties experienced by women working in the health care sector, social service and child care sectors, for example, who experience one of the largest pay gaps, despite the strenuous work it requires. The essentialist assumption that much of what is considered “women’s work” is “natural” and innate leads to the invisibility of much of the work typically done by women, as well as undervaluing that labour. This includes what is referred to as “emotional labour,” or the requirement to manage, assess and understand one’s own emotions, but also be responsible for those of others. Once again, the responsibility for the emotions and well-being of others is something that is typically considered to be something that women are “inherently good at” and thus the responsibility often falls on women to perform this labour, often without cost (such as in care and service occupations, as well as in office environments). The expectation that women are good at this kind of work, without effort, plays a role in the types of work they are hired into and to the types of work they are assigned, as well as the level at which they are compensated<sup>20</sup>. This emotional labour is

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<sup>20</sup> Angelo Soars. *Tears at Work: Gender, Interaction, and Emotional Labour*. Just Labour vol. 2, 2003

particularly apparent in the service sector, such as call centres, child care, nursing, and food service, which are low-paid, feminized sectors of employment.

Furthermore, assumptions about “women’s work” and what it entails not only serves to undermine the work that falls within that category (including any type of care work, and also assumptions that women are better organized than men, are more empathetic and non-confrontational, and so on) but also causes ignorance about the duties that various jobs actually entail<sup>21</sup>. For example, nursing and personal support work is extremely physical and, due to the constant physicality required, it has one of the highest rates of workplace injury<sup>22</sup>. USW represents roughly 5,000 members in the health care sector, with most working as personal support workers in nursing and retirement homes. Our members report high rates of physical injury, as well as frequent exposure to aggressive residents in the workplace, resulting from conditions such as dementia. Chronic understaffing makes it difficult to deal with many of the physical and care aspects of their jobs, which require lifting and bathing adults who may have limited mobility, in addition to the interpersonal aspects of the job. As we have discovered in bargaining and in working with our members, the understaffing and low pay in the retirement and nursing home sectors is related to a lack of recognition of the skills required for these jobs. USW also emphasizes that racialized women are over-represented in the health care sector,<sup>23</sup> especially in the lower-paid segments of that sector, such as retirement homes and home care.

When one considers nursing and other health care work, the skills required for it that most people think of regard the interpersonal side, a side that is undervalued and, again, seen as “natural” for women and, therefore, not difficult work. The underpayment of women’s work and assumptions about certain types of work as “natural” for both men and women have led to occupational segregation, which contributes to the wage gap. Not only are there few men employed in highly feminized sectors, but **there are particular difficulties faced by women working in male-dominated sectors**. Steelworker members have expressed, in particular through our Women of Steel Program, that there are specific difficulties for women working in male-dominated workplaces. First, there are often issues related to explicit discrimination and harassment, which we continually address through anti-harassment training, both internally and jointly with employers. Secondly, women in mining and primary manufacturing (areas typically dominated by men) report that there is often a lack of safe space for women in these

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<sup>21</sup> *Pay Equity: A New Approach to a Fundamental Right*. Pay Equity Task Force Final Report 2004. Ministry of Justice and Attorney General of Canada, and the Minister of Labour, 2004.

<sup>22</sup> *Canada’s Health Care Providers*. Canadian Institute for Health Information. 2002

<sup>23</sup> Sheila Block. *The Growing Gap: The Role of Race and Gender*. Canadian Centre for Policy Alternatives. 2010

environments, such as women’s bathrooms or change rooms. This is something that has especially strong effects on LGBTQ members and workers (especially transgender workers) – the lack of space is something that can be remedied easily by employers and through government regulations, by requiring accessible change rooms and bathrooms that provide safe spaces for women and other marginalized groups.

The stereotypes that create a false dichotomy between what is considered “men’s work” and what is considered “women’s work” extends outside of the workplace as well, as numerous studies clearly demonstrate that women still take on a disproportionate amount of the care work in the domestic sphere. Recent OECD data show that women in Canada spend an extra 1.5 hours/day on domestic duties, as compared to men<sup>24</sup>. This has significant economic consequences, as women are more likely to seek flexible and part-time employment, which has lower pay, less security, and fewer benefits, in order to balance domestic and work duties. Furthermore, women are more likely to take leave, both paid and unpaid, from work, affecting opportunities for training, gaining experience, and promotions.<sup>25</sup> To address the “care penalty” it is absolutely essential that Ontario subsidize child care, along with improving other leaves -- including stigmas around men taking parental leave and the assumption that women are less committed or reliable because they have children **or may someday have children**-- that enhance the ability to balance care and work, for **both** men and women.

In addition to the care penalty and the dismissal and undervaluing of the work women tend to do, women also face pervasive subtle sexism and discrimination across sectors on a daily basis. Studies of workplaces and academia show that women are more likely to be seen as less competent at math and science, despite evidence to the contrary<sup>26</sup>; are not taken seriously at meetings and are not viewed as authoritative; do not always receive credit for teamwork with men<sup>27</sup>; are often assigned work based on gender stereotypes, regardless of whether it is a good fit, such as administrative work; women are also typically assumed to be responsible for making coffee and planning office parties; women receive fewer opportunities for promotion-- broadly, men are more likely to be promoted, even when productivity and other factors are equal.<sup>28</sup> These experiences, while they may appear to be minor in single instances, accumulate and are part of the larger discriminatory structure that undervalues the work that women

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<sup>24</sup> *Closing the Gender Wage Gap: Act Now. Canada* OECD, 2012

<sup>25</sup> Katherine Marshall. *Fathers’ use of Paid Parental Leave*. Statistics Canada, 2008

<sup>26</sup> Ernesto Reuben, Paola Sapienza and Luigi Zingales. *How Stereotypes Impair Women’s Careers in Science*. PNAS, vol. 111, no. 12. March 25, 2015

<sup>27</sup> Heather Sarsons. *Gender Differences in Recognition for Group Work*. Working Paper, 2015.

<sup>28</sup> *Ibid*

do and prevents them from accessing work that is not considered within their domain. The systemic component demonstrates the inadequacy of using individual solutions to reducing the wage gap (such as encouraging women to simply act more assertively or pay for their own training and education to gain access to more lucrative employment).

### **Economic Consequences of Stereotypes about Women's Work:**

**The stereotypes and undervaluing of so-called “women’s work” have real economic consequences, such as for the USW’s highly feminized membership in the post-secondary sector, where women tend to occupy the bottom to middle of wage grids, while the top of the grids cover jobs that are typically male-dominated, such as those in IT.**

Three of the Steelworkers’ largest locals in Ontario represent workers in the post-secondary education sector. Women comprise about 75% of the membership at those locals, representing workers at the University of Guelph, Queen’s University, The University of Toronto and Victoria University. Feedback from members working at the universities indicates that there are ongoing problems with gender discrimination and wage gaps, though the Union has been able to significantly improve the situation through bargaining and pay equity. However, anecdotal reports about feelings that work performed by women is not “taken as seriously” or “viewed as less important than that done by men” is borne by wage data within the workplace. At one of the four universities, for example, **there are eight wage bands: of the men employed at the university and represented by the Steelworkers, 43 per cent fall within the two highest bands. In contrast, only 17 per cent of women fall in the two highest-paid bands. In fact, while women make up 77 per cent of the entire bargaining unit, the absolute number of men and women in the highest-paid band is almost exactly equal.** USW notes that this bargaining unit has not yet undergone a job evaluation and pay equity process. Other economic consequences of the higher proportion of women working part-time include access to employment insurance and pensions, **in particular as eligibility for some of the post-secondary workplace pensions is only mandatory for full-time staff, affecting women disproportionately.** This is a case where the Union can address the issue in bargaining, as can a concerted effort by the Employer to make sure that all members are aware of the pension plan and its provisions.

Local union leaders in other parts of this sector also identify other issues within the workplace affecting the gap, including departmental discretion for some types of family and other leaves, significant managerial discretion in job promotion, increasing numbers of contract and temporary positions in the bargaining unit and the existence of **“7,8,9 month contracts. These workers are laid off for a period during the year, impacting their income as well as access to benefits including EI. Again – mostly women.”** If discrimination and sexist/racist stereotypes and assumptions are not acknowledged and confronted, they will continue to have pernicious effects on women’s opportunities for hiring or promotion into higher-paying and more secure positions.

Furthermore, women internalize the stereotypes imposed on them and even when describing their skills and achievements, they typically use language that is more modest and understated than male counterparts.<sup>29</sup> Through organizing, bargaining, job evaluation, and education, unions can play a very important role in addressing these “hard-to-name” issues and in pushing employers and government to properly address gender discrimination

**USW will expand in its specific recommendations; it supports and references the following submissions throughout this brief:**

**USW submission on *Changing Workplaces Review***

**Support of the EPC *Changing Workplaces Review Submission***

**Support of the EPC Submission to Close the Gender Wage Gap**

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<sup>29</sup> *How Stereotypes Impair Women’s Careers in Science*, 2014

## Legislative Reform

### Recommendation #1 – Employment Standards Act, 2000

The United Steelworkers supports the recommendations in its “Submission by the United Steelworkers: Ontario’s Changing Workplaces Review Consultation Process” and highlights the recommendations that will have a particularly strong effect on closing the gender wage gap; it has also been guided by the Equal Pay Coalition’s Submission “Equality, Fairness and Transparency in Ontario Workplaces.”

Improving the minimum standards in the *ESA* will significantly improve conditions, particularly for women in the private sector who are less likely to belong to unions and who are often employed in part-time or other work that is low paid and has variable hours USW re-states the research from Sheila Block’s report *A Higher Standard*, where she states that almost 60% of women work fewer than 40 hours per week. As stated, it is women who disproportionately take on the care responsibilities for family members<sup>30</sup> and it is women whose employment security suffers as a result of this, as they are more likely to take on flexible or part-time work that is unstable or to formally ask for accommodations to balance expected responsibilities<sup>31</sup>. **Providing protected flexibility as well as a requirement for employers to provide advance notice of schedules would significantly improve the ability to balance duties without reprisal or job loss.**

#### 1. Expanding coverage and equal pay for equal work

##### A) Expansion of the definition of employee under the Act and Equal Pay for Equal Work

In its submission on the Changing Workplaces Review Consultation Process, USW supported the proposal by the Workers’ Action Centre (WAC) in its submission, *Still Working on the Edge*, to expand the definition of employee under the *Act* to match that of the *Health and Safety Act* to “a person who is paid to perform work or supply services for monetary compensation.” This is necessary to properly reflect the changing nature of work (including that which is encompassed in the term precarious work) to ensure *ESA* coverage by all workers. This ensures all workers, regardless of type or status, receives basic protections. **Considering the number of women in**

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<sup>30</sup> OECD, Law Commission on Ontario report on Vulnerable workers

<sup>31</sup> Erin Reid. “Why Some Men Pretend to Work 80-Hour Weeks.” Harvard Business Review, April 28, 2015.

**part-time and contract work, it is essential that employers cannot use that status to avoid the basic protections of the ESA.**

Related to the WAC proposal and the USW's support of it, we also support the recommendations made by the Equal Pay Commission in its submission, *Equality, Fairness and Transparency in Ontario Workplaces: Submissions to the Changing Workplace Review*. In its submission, the EPC calls for **equal pay for equal work**.

In summary:

- Full-time and part-time workers should be paid the same hourly rate when they do the same job
- **The “ESA should be amended to ensure part-time, part-year, contract, temporary agency workers are paid the same rate as full-time workers**
- “...the exemptions regarding seniority and merit systems should be amended to include the principle that where the jobs are of equal value, the wage grids and wage structures should be of equal length and equal steps on the wage grid.”
- Section 42 2(d) provides for an exemption of “a differential based on any other factor than sex” so there is no explicit discrimination on that basis, but the effects of that exemption are gendered
- The EPC points out, for example, that there have been cases where employers have been allowed to pay casual workers at lower rates

## **2. Leaves, Scheduling and Flexibility**

Both USW and the EPC emphasize the importance of expanding access to and protection for various types of paid leaves, along with increasing the flexibility for employees to have access to and some control over scheduling:

### **a) Leaves for victims of domestic violence**

According to 2014 research by the Canadian Labour Congress, one in three workers in Canada has experienced domestic violence and of those, over 80 per cent report that their work performance was negatively affected as a result. The research demonstrates that while both men and women experience domestic violence, victims of high-risk cases with the most serious injuries are women. Additionally, 70

per cent of employed victims of woman abuse say their abusers have harassed them at work.  
<sup>32</sup>According to a CCPA study, more than a million women report having experienced domestic or sexual violence in the past year alone, **with a rate that is significantly higher for Aboriginal women and girls.**<sup>33</sup>

The Canadian Research Institute for the Advancement of Women states that “[d]espite decades of research and grassroots lobbying, violence against women remains one of the most persistent manifestations of misogyny and gender discrimination.<sup>34</sup>” The CRIAW’s fact sheet on domestic violence further states that “among adult victims of sexual assault reported to police, 92% are women.”<sup>35</sup> It also found that “women in male-dominated work environments are vulnerable to sexual harassment and violence” and that “**Aboriginal women** face interconnected disadvantage due to the intergenerational legacies of racism, colonization, residential schools, and cultural devaluation that contribute to vulnerability to intimate partner violence, sexual violence, femicide, and the normalization of this violence.<sup>36</sup>”

Victims of domestic violence, who are disproportionately women (and among women, are disproportionately Aboriginal, racialized, disabled or transgender), need additional protection to deal with the consequences of domestic violence in order to ensure that they do not receive further punishment for time missed at work resulting from exposure to such violence. **Furthermore, USW asserts that those exiting abusive relationships must have access to paid, protected leave that provides them with the necessary time to exit such a relationship (such as time needed to find new housing).** The CRIAW also found that women seek and have access to help in a variety of ways and that women with disabilities, for example, may require additional assistance in accessing safe shelter and other forms of help: “women’s experiences of violence and help-seeking are shaped by myriad factors relating to their intersecting identities, the severity and frequency of abuse, fear of retaliation, economic circumstances, level of ability, availability of services and other social supports.”<sup>37</sup>

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<sup>32</sup> Domestic Violence – Is There a Risk of Death? Centre for Research and Education on Violence Against Women and Children. Western University.

<sup>33</sup> Kate McInturff and Courtney Lockhart. *The Best and Worst Places to be a Woman in Canada in 2015*. Canadian Centre for Policy Alternatives. 2015

<sup>34</sup> CRIAW Domestic Violence Fact Sheet

<sup>35</sup> *ibid*

<sup>36</sup> *Ibid*

<sup>37</sup> *ibid*

**Additionally, there should not be any restrictions for leave based on the size of the workplace or length of employment.**

In its submission, USW has emphasized the ubiquity of precarious work and its particular impact on women, particularly those who are racialized, Aboriginal, disabled and who are new immigrants. Not only does the precarious work (that is rarely subject to union protections or even other minimum statutory protection) result in difficulty obtaining necessary leaves relating to domestic abuse, but it also reinforces the existence of the problem. Women who rely on precarious employment often lack the material security to leave a relationship (they may face economic dependence on an abusive partner), along with the ability to take the time needed to find new accommodations, or deal with injuries resulting from the violence. Women's economic inequality is related to the difficulty exiting a violent relationship

**As a result, the Union contends that it is essential to provide protected leave under the ESA for victims of domestic violence. It is clear that there is a very strong link between the violence that happens in the home and the quality of a woman's working life.**

**b) Additional leave provisions:**

**Additional leaves covered in the ESA include the following: Personal Emergency, Family Medical Leaves, Critically Ill Child Care, Organ Donation, Crime-related Death or Disappearance of a Child**

USW re-emphasizes that women take on a disproportionate amount of the care work in the domestic sphere, not only for children, but also for parents and other family members. Moreover, women tend to seek flexible employment to balance these responsibilities and are more likely than men to request formal arrangements at work to balance such needs. There are important provisions in the *Employment Standards Act* that protect emergency leave for gravely ill family members or for personal emergency leaves for urgent matters. While the leave provisions are important, USW recommends several modifications that would improve them:

- Expansion of **Personal Emergency Leave**:
  - Remove the exemption for workplaces with 50 or fewer employees and the requirements to have worked for a certain amount of time before gaining eligibility

- Personal Emergency Leave shall be a paid leave
- **Family Care Leave**
  - Remove the limitation that leaves must be taken as a full week (instead, single days should be allowed)
  - Remove the lack of protection for employees if a medical note is not immediately provided
- **Paid vacation** to increase to three weeks after two years of service and to four weeks after five years of service
- **Paid sick days:** USW supports the inclusion a minimum of seven paid sick days/year
- **Penalties for termination of employees on pregnancy or parental leave:**
  - ESA to be amended to provide the immediate reinstatement of a terminated employee on pregnancy or parental leave, along with a \$10,000 fine, as per the EPC recommendations

**c) Scheduling:**

USW also supports the EPC's call for advance notice of scheduling and incentives for employers to provide sufficient notice should a schedule change:

- Two weeks' advance notice of posting of work schedules; advance notice for schedule changes and compensation for changes with fewer than 24 hours' notice;
- Overtime after 40 hours
- Voluntary job sharing agreements
  - Scheduling protected in the ESA, allowing for voluntary agreement to share one full-time position

**3. Review, eliminate and update the exemptions under the Act**

**USW, in its Changing Workplaces submission, also calls for the elimination of exemptions under the Act:**

- Certain jobs are exempt from minimum wage , hours of work, overtime pay, public holiday pay

- **Affects industries such as residential care workers and domestic workers, most of whom are women, particularly racialized women**
- **Removal of exemptions for notice of termination and severance pay (for workplaces with under 50 employees, which represent the largest portion of the economy in Ontario)**

**Additional USW Recommendations from the Changing Workplaces Review submission:**

**4. Amend the language of the Act around employer joint and several liability**

- USW's recommendation on this aspect of the Act confronts subcontracting and clarifies related employers. This ensures that employers cannot escape their responsibilities under the Act in a case where associated or related activities are being carried out by a subcontractor.

**5. Restore the employee wage protection program**

- NDP Government introduced this legislation in the 1990s
- It provided protection of vacation, holiday pay, severance and termination pay
- Protects those in vulnerable situations from losing out on wages and other benefits in the case an employer becomes insolvent

**6. Improve enforcement of the Act**

- Lack of knowledge about basic rights
- Public education and outreach targeting employees
  - Ensuring that this reaches marginalized groups (sessions and material in various languages)
  - Expansion of legal aid clinics to ensure low-income employees have legal support to enforce their employment rights

Considering the high proportion of women in non-unionized precarious work, stronger enforcement of the ESA, educational outreach and expansion of legal aid would have a particularly positive effect on women, in particular those who suffer from additional discrimination.

**Additional Equal Pay Coalition recommendations to amend the Act, supported by USW:**

7. Transparency: reporting on hourly wage and pay structures

USW supports the Equal Pay Coalition's recommendation to mandate transparency on hourly wage and pay structures, including bonuses and other compensation. Pay transparency would report the hourly wage and pay structures, merit systems, occupation and the nature of the employment relationship (part-time, contract, temporary agency, etc.). The most essential first step in reducing the wage gap is acknowledging that it exists, that it is systemic and broad-based, but that it manifests at the workplace level. Reporting requirements and transparency is the first step in ensuring that employers recognize the existence of a pay gap. USW points out that unionization and collective bargaining also ensure transparency and provide a necessary collective voice to confront the issue.

The example of the pay adjustments for female professors at McMaster University provides a concrete example of the power of pay transparency and analysis of the wage rates. All female faculty received pay increases of \$3,515 per year in starting in 2014 as a result of a study between the faculty association and the university, which determined that female faculty had lower salaries than their male counterparts as a result of systemic bias in favour of male faculty.

## Recommendation #2 - Pay Equity Act

Overall, the power of the Pay Equity Office, which administers the *Act* through two operational units, Review Services and Education and Communication Services, is insufficiently funded and lacks sufficient power of enforcement.

As it concerns the *Pay Equity Act*, USW broadly supports the recommendations included in Mary Cornish's report for the Canadian Centre for Policy Alternatives entitled *A Growing Concern: Ontario's Gender Pay Gap*, where the following is emphasized:

- The lack of legal assistance provided for women to complain under the *Act* makes many rights inaccessible. **USW recommends that the Pay Equity Office provide legal assistance, which would enable women to properly exercise their rights under the Act, regardless of income or legal knowledge. Similar to the Human Rights Legal Support Centre, this legal support could take the form of specialized counsel provide to women who want to enforce their rights.**
- No pay transparency laws: **instituting pay transparency** would illuminate an organization's pay systems that would reveal gender bias, as the EU has done in reaction to the slow pace at which the pay gap is closing
- The Pay Equity Office, which does not produce consistent reports, stated in 2010 that "progress in achieving pay equity in predominantly female workplaces, such as nursing homes and child care centres as "uneven" and moderate."<sup>38</sup> Restoring funding would enable the office to report more regularly
- Difficulty determining proxy comparators (for workplaces that do not have male comparators in the workplace) : assistance should be provided for employers and unions to better understand the proxy process and to identify better comparators.

### Enforcement:

- In *A Growing Concern*, Cornish refers to the U.S. White House, which prioritized enforcement of pay discrimination laws and which now publicizes charges filed and resolved

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<sup>38</sup> Ibid

**This leads to the following recommendations:**

- Concrete plans and timeframes to achieve equity
  - There are other examples of broad-based plans, such as the *Accessibility for Ontarians with Disability Act, 2025*.<sup>39</sup> It should be feasible in this instance as well.
- Action by the federal and local municipal governments, in addition to the province

**Additional recommendations:**

**Restoration of Sufficient Funding:**

- The Commission and Tribunal have seen funding reductions over the past 20 years that have not been reinstated. Under the Conservative government in the 1990s, cutbacks led to the elimination of the Pay Equity Legal Clinic. Cutbacks continued under the Liberals in the early 2000s: when the Liberal government came to power in 2003, the Commission and Tribunal budgets reduced by another 20 per cent,<sup>40</sup> at least
- In 1995, the newly elected Conservative government capped public sector pay equity funding at \$500 million annually. The *Act* was further amended under Bill 26, the Savings and Restructuring Act, 1995, which abolished the proxy method of comparison; however, the proxy requirements were reinstated by the Ontario Court of Justice in its decision in the 1997 *SEIU Local 204 v. Attorney-General of Ontario*.
- **USW supports reinstatement of funding to the Commission and Tribunal to at least the 1992-93 levels and additional funding as necessary to ensure sufficient enforcement of the Act**
- Under the proxy method, which is used to achieve pay equity in organizations with no internal male comparators (in order to address occupational segregation), a minimum of 1% of payroll is required to be spent every year until pay equity is achieved, regardless of whether the employer is receiving funding to achieve pay equity
  - **USW contends that this 1% minimum is not sufficient and that funding should be provided to employers until pay equity is achieved**

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<sup>39</sup> Mary Cornish. *A Growing Concern: Ontario's Gender Pay Gap*. Canadian Centre for Policy Alternatives, 2014

<sup>40</sup> Mary Cornish. *Putting Fairness Back into Women's Pay*. Canadian Centre for Policy Alternatives, 2008

- **USW also maintains that the proxy requirements and methods are poorly understood, necessitating education on its provisions**
- **USW also supports the expansion of the proxy method, including assistance to employers and unions to identify appropriate comparators and to better understand the process**
- **Education:**
  - Many of the requirements under the Pay Equity Act are poorly understood by various actors, not only by employers, but also unions. USW supports the recommendation for Equal Pay Days and education strategies that inform all affected parties (employers, employees, and unions) about rights and responsibilities under the Act.

## Recommendation #3 - Labour Relations Act

USW has provided numerous recommendations regarding reform of the ESA as a means of reducing the Gender Wage Gap. However, we believe it is essential to point out that organizing workers into unions would help address many of the issues raised and is one of the most important ways of reducing the gender wage gap. As the experience of high density of unions in the public sector demonstrates, the reduction of the wage gap is highly related to levels of unionization, as discussed in the introduction. While review of the LRA was not explicitly requested by the Steering Committee, USW strongly believes that it is essential to organize workers in precarious sectors -- amendments to the Ontario *Labour Relations Act, 1995*, would facilitate this.

As discussed in its introduction, the rise of part-time, contract, and temporary work in sectors with low union density and low wages, inadequate benefits, and insufficient protection of leaves of absence, known as precarious work, has particularly detrimental impacts on women, and even stronger impacts on racialized, Aboriginal and immigrant women, as well as women with disabilities. As a result, USW asserts **that amendments to the Ontario *Labour Relations Act, 1995*, are essential to improve the ability to organize these sectors.** The impact of unionization on closing the gender wage gap is well-established. While the Commission did not specifically request feedback on this legislation, USW contends it is imperative that the following reforms are undertaken.

### a) Restore Card-Based Certification

As discussed, there is a clear relationship between unionization and a reduced gender wage gap. In order to truly diminish the gap, unions must organize workers in sectors not typically organized. Amending the *Act* to restore card-based certification is an important means of facilitating the ability of unions to increase coverage to non-represented workers, including women in precarious employment.

USW details the historical changes the *Act* in its submission to Ontario's Changing Workplaces Review and includes a summary of that in this submission: In 1995, the Conservative government removed card-based certification without consultation, replacing it with a mandatory representation vote process. As we have previously pointed out, this has caused a

decrease in the number of employees who have been able to exercise their right to join a union, where “a review of the Labour Board’s Annual Reports for the past 14 years confirms a reduction of approximately 200 to 400 applications per year when compared to the pre-1995 card-based certification process.” The decrease in unionization attempts cannot be explained by a reduction of interest in joining a union, especially among women and racialized workers.<sup>41</sup>

In our Changing Workplaces Submission, USW presents strong empirical evidence demonstrating the positive effects of reinstating a card-check system on the ability of all workers to organize, including women most strongly affected by the pay gap. Mandatory votes allow for employer interference into the unionization process, as illuminated by UBC researcher Chris Riddell, who found that “certification success rates decline by almost 20% following a move from card-based certification regimes to mandatory representation votes.”<sup>42</sup>

**In the context of Ontario and the impact of mandatory vote systems on vulnerable workers, of which women are over-represented, the USW Changing workplace review referenced work by York University Professor Sara Slinn:**

“It is clear that the overall proportion of certification applications resulting in a certificate being issued is substantially lower in the Bill 7 period than in the Bill 40 period. It is also apparent that the characteristics of applicants seeking certification, and of those units granted union certification are significantly different. The apparent shift under the Bill 7 period towards larger bargaining units, and away from part-time units and the service sector, is a matter of concern to both policy-makers and unions. The majority of job growth in the private sector is in smaller workplaces and in the service sector. This shift therefore suggests that Bill 7 has had a disparately negative effect on relatively weaker employees, such that **employees who may most benefit from unionization are less able to access union representation.**”

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<sup>41</sup> Submission by the United Steelworkers: Ontario’s Changing Workplaces Review Consultation Process. 2015.

<sup>42</sup> Chris Riddell (2004) “Union Certification Success under Voting Versus Card-Check Procedures: Evidence from British Columbia, 1978-1998”, *Industrial & Labor Relations Review*, Vol. 57, No.4, article 1, p. 509

**Overview of USW's additional recommendations included in its Changing Workplaces Review Submission:**

**B) Provide Successor Rights in the Contract Service Sector:**

- These would provide security for contract workers and protection of union representation
- They are essential for the services sector, which has high numbers of part-time and casual work and, as referenced earlier in this submission, disproportionately high numbers of women, particularly racialized and immigrant women
- Consequences of the 1995 removal of contract successorship rights:
  - Contract employees who have union representation often lose both their collective agreement and their bargaining rights if their employer loses the service contract covering their worksite

**C) Broaden the Definition of Related Employer:**

- “relationships between a parent company and its subsidiary, franchisor or franchisee, and owner and subcontractor have fallen outside of the purview of section 1(4) unless the parent, franchisor or owner retains fundamental control over the ostensible employer and over employees of that ostensible employer, or who exercise significant influence over terms and conditions of employment”
- This allows employers to avoid liability under the Act: there is a separation between control over costs (including labour costs) and day-to-day supervision and control over employees, undermining the power of collective bargaining
- Related employer where there is indirect control over the working conditions of a group of employees
- This is essential for precarious workers, who are often caught in situations where, because of corporate organization, employee rights are denied and made difficult, if not impossible, to enforce through related employer claims under the ESA

#### **D) Broaden Sectoral or Regional-Based Bargaining**

The model of collective bargaining in Ontario is based on the Wagner Act, which presumes bargaining between a union and employer in a single workplace. As stated in the USW *Changing Workplaces* submission, “the model presupposes a stable, full-time, steady, fairly large workforce and a local or national employer.”

As discussed in the summary of Sheila Block’s *A Higher Standard*, the fastest growing sectors in Ontario in the past 15 years have been retail, business services (including temporary agencies, cleaning and security services), and accommodation and food service, all sectors that very difficult organize. Moreover, growth in those industries have typically been in small workplaces (though not necessarily with small employers), and are characterized by part-time work and low pay.

In order to reflect the changing nature of work, which has particularly negative effects on women and racialized workers, USW submits that sectoral-based bargaining is necessary. This would allow unions to properly address the issues affecting the sector as a whole, as it would facilitate bargaining, for “larger number of employees increase the union’s bargaining power, with the result that there will also be more pressure on non-union employers in the industry to match the terms and conditions of employment provided under collective agreements.”

USW’s *Changing Workplaces Review* submission provides greater detail on comparative experiences of sectoral bargaining in British Columbia and Quebec, along with its detailed recommendations.

USW also made recommendations to make organizing non-union workers easier, including requiring employers to provide unions with comprehensive lists about employees, allowing electronic union membership cards, removing the bar on successive certification applications and increasing monetary penalties for unfair labour practices. **The full list of recommendations to revise the OLRA is included in the USW submission.**

## Recommendation #4 - Human Rights Code

As USW has stated, the gender pay gap is caused by systemic structural discrimination against women that is exacerbated by other forms of discrimination against racialized, Aboriginal, disabled, immigrant and LGBTQ women. Therefore, the continued pay gap is fundamentally a human rights issue. **USW supports the Equal Pay Coalition's submission regarding the Human Rights Code**, which fully expands on the gender wage gap as a human rights issue and is summarized here.

Below are the main components of treating this as a human rights issue, in summary:

- a. Entitlement to sex equality in the workplace:
  - The 31.5% pay gap is a human rights violation
  - Women have a legal entitlement to be treated without discrimination on the basis of sex under the Human Rights Code
  - Employers are required to build in conceptions of equality into workplace standards
- b. Systemic human rights remedy for discrimination
- c. Enforcement mechanism:
  - 0% pay gap must be fully achieved by 2025
  - To meet this, there is a requirement that all workplaces and all levels of government undertake gender-based analysis and planning, including clear goals and monitoring of results

**The Equal Pay Coalition's submission contains a significantly more substantive discussion of pay equity in the context of the Human Rights Code.**

## Recommendation #5- Restore the Employment Equity Act

As expressed in the introduction, the gender wage gap is caused by long-standing, historical **systemic discrimination against women** and is particularly acute for women who are racialized, Aboriginal, new immigrants, who identify as LGBTQ or who have disabilities:

“the gender pay gap for racialized women is even higher, as they receive 19% less than non-visible minority women and 24% less than racialized men; first-generation immigrant women earn 18% less than non-immigrant women and 27% less than immigrant men; Aboriginal women earn 17% less than non-Aboriginal women, 25% less than Aboriginal men and 40% behind non-Aboriginal men.”

USW supports the restoration and reform of the repealed *Employment Equity Act, 1993, (EEA)* arguing that it would help reduce the gender wage gap and its relation to other forms of discrimination (the Act was repealed under the Harris Conservative government in 1995):

- The restored Act would require employers to have specific proactive legal obligations to remove barriers to hiring employees from disadvantaged groups and to ensure their and advancement in the workplace
- The EEA contained the following equity-related protections:
  - Requirement for employers to implement anti-discrimination measures
  - Enhanced remedies to systemic discrimination against disadvantaged groups (women, Aboriginal people, members of racial minorities, people with disabilities)
  - The EEA recognized that members of particular groups have faced and continue to face discrimination, which affects access to and maintaining employment; that people from the identified disadvantaged groups face fewer opportunities for advancement in the workplace and “that ending discrimination in employment and increasing opportunity of individuals to contribute in the workplace will benefit all people in Ontario”<sup>43</sup>

The Union has already identified that women and members of further disadvantaged groups face barriers in hiring and promotion processes, both of which contribute to the gender wage gap. The restoration and reform of the EEA would address this particular form of discrimination, putting all qualified candidates on a more equal footing by reducing discrimination in the hiring process.

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<sup>43</sup> *Employment Equity Act*

## Other Policy and Economic Reform

### Recommendation #6 - Child Care

**USW strongly recommends the creation of a universal system of regulated child care with a professional workforce, similar to the Quebec model.**

One of the main themes guiding the Steelworkers' recommendations relates to the disproportionate responsibility for child care taken on by women. This affects both explicit and implicit forms of discrimination and has major impact on women's ability to be hired and remain employed in stable, well-paid employment with benefits. The implicit assumptions about women's "natural" domestic abilities lead to what is often referred to as the "care penalty", which has broad effects on virtually all work performed by women. Not only does the reality that women spend significantly more time caring for children than men do affect the ability for women to balance work and home life, but the assumptions that women are naturally better at caring for others affects compensation in paid care sectors, such as nursing and child care. The wage gap for all women is well-established, but the Union points out that there is a particular wage penalty for women who have children<sup>44</sup>.

As provincial and territorial governments are primarily responsible for child care<sup>45</sup>, one of the single most important actions that can be taken on by the Ontario government is to institute a subsidized child care program, similar to what already exists in the neighbouring province of Quebec that makes child care affordable and accessible for all women. Of course, funding should be accelerated from the federal level as well. The cost of child care is significantly higher in Ontario than it is in Quebec: the median monthly cost of full-time care in Quebec in 2011 was \$152, in contrast to Ontario, where the median cost was the highest in Canada at \$677.<sup>46</sup> A report by the Canadian Centre for Policy Alternatives showed that the Ontario cities of Toronto, Brampton, Mississauga and Ottawa all had median monthly toddler childcare fees of more than \$1,000 per month, comprising some the highest rates in the country. Not only is child care expensive in Ontario, but it is also frequently unregulated, unavailable (there are long wait lists), characterized by low wages and uneven access. A 2014 CCPA report by Mary Cornish states that only about 20 per cent of Ontario children under the age of five have access to regulated child care.<sup>47</sup> The report further states that actors from the municipal, provincial and federal

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<sup>44</sup> Zuelin Zhang. *Earnings of Women with and without Children*. Statistics Canada, 2010.

<sup>45</sup> *Child Care in Canada*, Statistics Canada. 2014.

<sup>46</sup> Ibid

<sup>47</sup> Mary Cornish. "A Growing Concern: Ontario's Gender Pay Gap," CCPA, 2014

governments must work together to develop a child care strategy, as funding and policy is developed at all three levels.

In addition to using child care, women comprise the vast majority of those working in child care. For example, early childhood educator is another “female work ghetto” (96.5% of ECEs are women, nationally, according to Service Canada) that is low-paid and frequently without benefits. According to Statistics Canada, as of 2006, annual employment income for childcare workers who worked full-time and full year was \$20,285, significantly lower than the 2006 median income of \$41,401. However, when all family child care providers are included, the median income was only \$10,295.<sup>48</sup> Mary Cornish, in her CCPA report *A Growing Concern: Ontario’s Gender Pay Gap* emphasizes that the lack of a gender equity lens in policy making has actually led to a worsening of the funding mechanisms for child care that may make wages for workers in that sector worse: in 2013, Ontario changed the child care funding formula and took existing wage grants and collapsed them into a new funding stream to be used by municipalities as they please.

#### **Notes on the Quebec child care program:**

Studies of the effects of Quebec’s subsidized child care system show that “access to low-fee childcare in Quebec induced nearly 70,000 more mothers to hold jobs than if no such program existed – an increase of 3.8% in women employment. By our calculation, Quebec’s domestic income (GDP was higher by about 1.7% (\$5 Billion) as a result).<sup>49</sup>” The program was initially launched in 1997, with a \$5.00 a day daycare aimed at 4-year-olds, which was then extended to all children aged 5-12 in 1998. In 2000, the program expanded to all children aged 0-4 and in January 2004, the fee was raised to \$7.00 per day. The program is heavily used: as of 2011, it served 215,000 preschool-age children, representing almost half of all children in that age group. Fortin et al.’s findings show that **the rapid expansion of the provincial child care program was accompanied by “an equally large increase in the number of Quebec women in the labour force.”** Overall, there has been a positive impact on women’s employment levels and income, as well as government budgets.<sup>50</sup>

In addition to the importance of creating subsidized child care, part of a child care system could also include incentives to increase the balance between parents taking leave. In many European countries,

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<sup>48</sup> Jane Beach. *Overview of Child Care Wages*, 2000-2010. Child Care Human Resources Sector Council. 2013

<sup>49</sup> Pierre Fortin, Luc Godbout and Suzie St. Cerny. *Impact of Quebec’s Universal Low-Fee Childcare Program on Female Labour Force Participation, Domestic Income, and Government Budgets*. Universite de Sherbrooke, 2012

<sup>50</sup> Ibid

there are additional leave provisions solely for the second parent (usually the father) that is not transferrable in order to provide incentives to equalize leave<sup>51</sup> and to normalize child care and domestic duties for men. Countries with these policies, such as Sweden, Iceland and Norway have very high paternal participation rates:<sup>52</sup> It is significantly higher in Sweden (90%), Norway (89%) and Iceland (84%) than countries without such policies, such as France (1%) and Austria (2%). However, the countries with these high paternal participation rates also have significantly higher wage replacement rates for those on leave, as Belgium has a non-transferrable leave policy, yet its paternal participation rate is under 7%, due to significantly lower wage replacement rates during the leave. To conclude, Canada should consider additional incentives to increase equality in parental leave take-up in order to equalize the domestic care responsibilities, which would lessen the discrimination women face in hiring and promotion as a result of the view that they are somehow less committed to a job because they have children or may have children.

**To conclude, the USW recommends that the Ontario government institute a comprehensive, publicly funded childcare care system, in conjunction with all levels of government. This would create a regular, professional workforce and stable, accessible care. Furthermore, living wages for workers in this sector—one of the most highly feminized sectors—would doubly reduce the gender wage gap.**

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<sup>51</sup> Katherine Marshall. *Fathers' Use of Paid Parental Leave*. Statistics Canada, 2009.

<sup>52</sup> Ibid

## Recommendation #7– Applying a Gender Lens in all Policy Making

USW recommends that all policy making be viewed through a gender equity lens, that it should be subject to a gender impact assessment, and that governments should enshrine planning mechanisms into governance mechanisms. The gender wage gap is caused by systemic gender discrimination and therefore requires a comprehensive systemic response.

Gender discrimination in all of its forms is highly interconnected and systemic. It exists at the workplace, in assumptions that are made about men and women, in the domestic sphere, in politics and in government. Due to the pervasive nature of systemic gender discrimination, it is not enough to simply use one piece of legislation, such as the *Pay Equity Act*, to address the ongoing wage gap (or other forms of gender discrimination), nor is it sufficient to attack the wage gap solely on a workplace level. Because gender discrimination is systemic and institutionalized, policy and economic changes affect women in particular ways: **labour market changes**, such as increasingly precarious work, combined with cuts to public services, affect women and men differently, based on gender discrimination and the varied realities in which women live, which are further influenced by class, race, sexuality, ability, ethnicity, and status in Canada. **USW strongly asserts that these labour market changes are not inevitable, rather they are the result of concerted policy choices that have shifted wealth and income from workers to the wealthy and have eroded social protections provided by the state, pushing risk onto individuals.**

In order to properly address gender discrimination and the wage gap, it is therefore necessary to include an equity analysis at all levels of policy and economic decision making.

**USW supports the recommendation by the Equal Pay Coalition, which would require the government to assess the gendered impact of all policy decisions as well as mainstreaming pay equity compliance:**

In its recommendations to Ontario’s Changing Workplaces Review, the Equal Pay Coalition calls for the use of Gender Based Analysis (GBA) over all policy decisions: this would require an examination of “existing differences between women’s and men’s socio-economic realities as well as the differential impacts of proposed and existing policies, programs, legislative options, and agreements on women and men.”<sup>53</sup>

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<sup>53</sup> EPC report

GBA allows for recognition of the differential impacts of policy decision on various groups in society as it regards resources (distribution of time, information, money, political and economic power, education, training, jobs, health care services, housing are all uneven), norms and values (including gender roles and the division of labour by gender, attitudes and stereotypes, inequalities in the value attached to men and women or to masculine and feminine characteristics) and rights (direct or indirect sex-discrimination, human rights, access to justice, in the legal, political or socio-economic environment).<sup>54</sup> The European Commission's Guide to Gender Impact Assessment states that "policy decisions that appear gender neutral may have a differential impact on women and men, even when such an effect was neither intended nor envisaged. Gender impact assessment is carried out to avoid unintended negative consequences and improve the quality and efficiency of policies."

**Some examples where a gender equity analysis may have led to different policy decisions:**

- Cornish points out that in 2013, "the Ontario government has communicated to some public sector community services agencies that it is ending pay equity funding as part of its effort to take sustainable measures to "manage with available resources" given the current economic climate." This comes after the government eliminated some pay equity funding in various parts of the public sector (USW supports re-instating that funding and improving enforcement for the existing *Pay Equity Act*)
- Closing the gender pay gap as part of Ontario's Poverty Reduction Strategy (it is not)
- It is also absolutely essential to use a gender-based assessment over budget and public funding decisions and to ask the follow: will these help to reduce the pay gap, or will they serve to maintain or increase it? USW notes that the equality of wages for public sector workers are significantly more equal than those in the private sector –reductions in the public workforce has particular impacts on women's equality
- USW also recommends that there should be a sign off or formal mechanism for review of proposed laws and policies

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<sup>54</sup> *A guide to gender impact assessment*. Directorate –General for Employment, Social Affairs and Inclusion, European Commission, 1998

## Recommendation #7a – Labour Market Assessments through a Gender Lens

As stated, the persistence of the gender wage gap is multi-faceted and systemic, therefore development of **individual workplace strategies are not enough to fully reduce the gap. Moreover, the Steelworkers re-emphasize that labour market changes and policy decisions have different effects on women and other disadvantaged groups and that the labour market changes identified by the Union are largely a result of policy choices, rather than economic inevitability.**

A theme throughout this brief is that in order to reduce the wage gap, we must address precarious work and income inequality generally, with a specific focus on groups in society that experience particular disadvantages. It is necessary to view labour market changes and policies affecting the labour market through an equity lens.

The International Labour Organization (ILO) explains the following:

“given the precarious and atypical nature predominantly affecting women’s employment, women (and youth) are more likely to lose their jobs in times of crisis. Specific measures should be taken to ensure that those who have been working under precarious and part-time contracts are able to claim unemployment benefits, where unemployment insurance exists... In addition to ensuring that legally applicable severance payments are made promptly to the retrenched workers by employers, various income-support schemes, such as conditional cash transfers (CCTs, see box below) and publicly funded social pension systems can be introduced/further expanded, especially for poor women. In particular, poor single mothers or widowed-women household heads could be targeted, since they are likely to be more economically vulnerable than those in households with two workers or those with a male worker.”<sup>55</sup>

There is international recognition that labour market changes and public policy have a gendered impact.

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<sup>55</sup> Resource Guide on Gender Issues in Employment and Labour Market Policies. International Labour Organization, 2014

**USW summarizes some of the changes to the labour market since the enactment of the *Pay Equity Act*, which we contend are the result of concerted policy choices and ideological decisions:**

- Increase in precarious employment
- Reduction in public and social services (and shifting risk and responsibility onto individuals)
- Contracting out of public services
- Fragmentation of workplaces
- Offshoring of jobs, particularly in manufacturing
- Lower union density in the private sector

**Some causes of these changes:**

- Focus on deficit reduction and lowering inflation
- Trade agreements that bolster corporate rights and facilitate capital flight
- Austerity and rollback of the state (budget cuts and reductions to public services through cuts and privatization)

Policy choices that are allegedly aimed at making Ontario a more competitive environment for business, including tax cuts and reductions in public services aimed at reducing the deficit, have particularly negative effects on women. Cutting public budgets and austerity policy choices roll back the services of the state, such as health care and child care, make education and training more expensive, and raise costs of public transit. This does nothing more than shift the responsibility for care back to individuals, which, as we have already established, is borne disproportionately by women.

One area where this is apparent is in the area of health and home care. As stated numerous times, women are both over-represented as workers in care sectors and are disproportionately responsible for the unpaid care work in the domestic sector. Cutting funding to hospitals and nursing homes, and “moving care to the community” has uneven impact on women and men, which are further influenced by intersectional factors. A recent Ontario Health Coalition report states that 51 out of over 200 hospital sites are experiencing significant hospital funding cuts or risk of closure and that, as of 2015, Ontario “is in its eighth year of real-dollar cuts to hospital global budgets.”<sup>56</sup> The justification for this is often that funding is increased to the home care sector and that Ontario will focus on “moving care to the

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<sup>56</sup> Ontario Health Coalition. *CODE RED: One in Four Ontario Hospitals Facing Significant Cuts or Closure*. 2015

community.”<sup>57</sup> USW contends that, when understood from a gender and equity lens, this could have negative consequences for women, in particular new immigrants and racialized women:

- When care is moved to the community, more responsibility for individual families, which falls disproportionately on women
- Home care wages are significantly lower than hospital wages, where nursing, personal care, dietary and laundry work are highly feminized (and racialized)
- Contracting out in the health care sector, particularly of food services and laundry also has a negative effect (and is likely to be temporary, contract work subject to competitive bidding – this represents an expansion of precarious work typically performed by women who are racialized or immigrants)
- Cuts to health care services can also have an impact on the types of services available to women, such as those providing access for reproductive health. Equal access to such services are an essential component to obtaining and maintaining women’s equality

Wages for public sector workers are significantly more equal across gender, racial, geographical, ability and ethnic lines<sup>58</sup> – austerity and cuts to public services hurt all women who have disproportionate domestic responsibilities and negatively impacts the equality of wages achieved. Furthermore, labour market changes and cuts to funding for training and education in Ontario shift the burden of responsibility onto individual workers. This hurts workers, both men and women, who have been laid off or who find themselves in sectors negatively affected by free trade agreements, such as the steel industry. But, it also has a particular impact on already-marginalized groups, as the downloading of risk makes it difficult to obtain necessary training and education to qualify for employment in industries and sectors where women, especially racialized, Aboriginal, LGBTQ, disabled and new immigrants have all faced barriers to entry.

The use of a gender equity lens when making labour market assessments would help solve this problem. It would have the effect of enabling actors, including government, employers and unions to identify the gendered effects of labour market changes, and would enable the actors to identify where there are anticipated shortages of workers, as well as to identify where women and other groups are under-

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<sup>57</sup> Ibid

<sup>58</sup> Toby Sanger. *Battle of the Wages: Who gets paid more, public or private sector workers?* Canadian Union of Public Employees, 2011

represented in industries and to **develop concrete and binding strategies to identify and remove the barriers to entry.**

The fragmentation of workplaces, lack of clarity about a true employer, along with funding cuts to education<sup>59</sup> and training have meant that skill and training development have been passed on to individual workers and that workers must be fully “job ready” when they are hired—this only serves to perpetuate disadvantages. The labour market changes identified increase pressure for workers to be fully qualified and trained when they start working (pushing costs and risks onto the worker) – those who are already in disadvantaged situations may not be able to access necessary training and education

**A gender equity-centered labour market assessment would include the following:**

**At the Government level:**

- Assessment of anticipated areas of economic growth and contraction
  - Regularized analysis of labour market data and trends
    - Reviewing the gender composition of various industries and developing training and outreach plans to under-represented groups; working with community groups composed of people from traditionally under-represented communities to determine strategies
    - Requiring employers to develop reporting and assessment systems subject to formal review and enforcement
    - Training programs, developed in conjunction with the Ministry of Training, Colleges and Universities and the Ontario College of Trades to attract (such as increasing funding and through grants) traditionally excluded groups to male-dominated work with clear targets as to participants based on demographic group
    - Adequate funding to the post-secondary sector to increase accessibility for all groups
    - Training and re-training programs in industries where economic contraction is expected
- Improving the recognition of credentials obtained abroad

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<sup>59</sup> Kevin Mackay. “Neoliberalism and postsecondary education: A view from the colleges.” *Academic Matters*, October 2014

### **At the Employer level:**

Consistent with the rest of its recommendations, USW emphasizes the importance of extending bargaining rights to sectors with low union density. Using the collective power of unions by increasing density in precarious sectors will help pressure employers to address many of the issues raised. With increased density and methods such as sectoral bargaining, unions can play a strong role in working with employers to develop outreach strategies to marginalized groups and to help identify where skills gaps exist, and where training and education are or will be needed. However, there are additional initiatives and requirements for employers that should happen regardless of unionization:

- Transparency of hiring practices and of pay rates and scales (this is an essential first step to recognizing the existence of the pay gap and must be required)
- A demographic assessment of the workplace, compared to the demographics of the overall community
- Identification of underrepresented groups in the workplace as a whole and in each occupation and/or pay band
- Outreach plans:
  - Open hiring processes and outreach to marginalized groups
    - Translated postings advertised in community newspapers, on government and community websites (in addition to other forms of digital and in-person outreach)
    - Working with community groups to identify and develop outreach strategies
- Reporting:
  - Concrete goals and timeframes to diversify workplaces and reduce wage gaps, along with reporting requirements on these plans

Many of the recommendation made would have the effect of reducing **occupational segregation**. In addition to increasing the number of women who are recruited, hired and work in historically male-dominated fields, another goal of labour market policies and assessments could be to attract men to female-dominated sectors, such as health care work.

## Recommendation #7b- Raise the Minimum Wage

**USW supports the call for minimum wage to be increased to \$15.00 an hour effective immediately.**

As women account for two thirds of minimum wage earners, this would have an immediate effect on closing the gender wage gap. Data presented by the Wellesley institute further demonstrate that “women, racialized workers and recent immigrants are more likely to be working for minimum wage” in Ontario.<sup>60</sup> The report shows that “the share of racialized employees at minimum wage is 47 percent higher than for the total population – 13.2 as compared to 9 percent. Fully 19.1 percent of recent immigrants are working at minimum wage, more than twice that of all employees.”<sup>61</sup> Additionally, as of 2011, 16.3 per cent of all racialized women employees worked at minimum wage, higher than the 11.3 per cent for all women in 2011.<sup>62</sup> We note that percentage of total women working for minimum wage has since increased.

### **Who would be immediately affected by an increase in the minimum wage?**

As stated earlier, women are disproportionately represented at the low end of the income spectrum.

Data from the CCPA report “A Higher Standard” shows the following:

Table 1: percentage of minimum wage earners, by sex. 2014.

	Minimum Wage Earners	Workers Earning within \$4.00 of the Minimum Wage
Men	8.8%	34.3%
Women	14.9%	24.5%

While raising the legislated minimum wage would have an extremely important immediate impact on wages of all low-income earners, particularly women, racialized workers, and immigrant workers, **the Union also emphasizes the importance of workers collectively expressing their power through collective bargaining for wages, rather than solely relying on legislation to improve wages.** As such, the Union supports further collective bargaining and living wage initiatives that involve worker participation in determining wages. Additionally, raising the minimum wage does not address other issues such as opening job categories to women or remove discriminatory hiring practices.

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<sup>60</sup> Sheila Block. *Who is Working for Minimum Wage in Ontario?* Wellesley Institute, 2013

<sup>61</sup> Ibid

<sup>62</sup> Ibid

## Recommendation #7c- Public Works and Procurement

It is essential to apply a broad-based gender equity lens in policy, economic and budgetary decision-making, along with the development of targeted strategies to ensure the increased participation of women and other marginalized groups in areas where they have traditionally been excluded, and to ensure that decisions on public services and public investment do not have particularly adverse effects on increasing the gender wage gap. Following that, one area where specific requirements and rules can be applied surrounds public works and procurement. Currently, the government has rules regarding public procurement, outlined in the Broader Public Sector “Procurement Directive” which covers hospitals, school boards, colleges, universities, CCACs, children’s aid societies and organizations that receive more than \$10 million in funding from the government. The binding directive seeks to ensure that “publicly funded goods and services, including construction, consulting services, and information technology are acquired by BPS organizations that is open, fair and transparent.”<sup>63</sup>

Organizations are required, under current rules, to adopt the supply chain code of ethics:

Includes requirements that “respect must be demonstrated for each other and for the environment” and that supply chain activities must be open and accountable and that “in particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money . All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.”<sup>64</sup>

USW contends that the current guideline should be amended to first include a gender equity analysis, meaning that suppliers would have to conduct their own internal gender-equity analysis and to take steps to rectify problems with achieving equal pay for equal work, appropriate recruitment mechanism, and ensuring that suppliers will not simply create more precarious work. Employers must achieve specific targets regarding women’s participation and compensation through the following ways:

- Ensure transparency in the hiring process (ensuring that hiring is done openly and that employers reach out to equity groups; that employers work with community partners to recruit women who are racialized, Aboriginal and new immigrants and to train and support post-hiring, by taking steps to ensure that the workplace is a welcome site for workers of different genders, races, abilities, etc.)

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<sup>63</sup> *Broader Public Sector Procurement Directive*. Management Board of Cabinet, Government of Ontario. 2011

<sup>64</sup> Ibid

- Require equal pay for equal work (employers receiving public funds shall not be allowed to pay inferior wages to temporary or part-time workers, and successor rights shall be recognized.)

**Not only with procurement, but with major works project, applying a Gender-Based Assessment as projects are selected, would make visible whether public mega-projects** spending was going to support sectors/industries that are currently male-dominated and that, therefore, would have negligible impact on the gender wage gap or whether projects could be chosen which would, in addition to other economic benefits, erode barriers to women's economic equality. From this perspective, a comprehensive child care program can be considered a major public infrastructure project that would serve to reduce the wage gap, highlighting its economic importance (among other advantageous aspects).

## Recommendation #7d- Trades and STEM

There is a clear and well-established lack of women in both the trades and in STEM (science, technology, engineering and mathematics) fields:

“In many industries, women are not only hired at lower rates than men are, they are also promoted at lower rates. This phenomenon, which is especially prominent in the STEM (science, technology, engineering, and math) fields has been dubbed the “leaky pipeline.”<sup>65</sup>

Regarding the trades, According to Statistics Canada, as of 2013 women only make up about 14% of those registered in apprenticeship programs and those with the highest numbers of women were hairstylists and estheticians; user-support technicians; food service; early childhood educators and assistants.

USW contends that its comprehensive proposals on labour market assessments and gender equity in policy-making will help reduce this gap significantly. There are particular issues that we have identified in attracting women to skilled trades:

- There are ad hoc and potentially discriminatory hiring practices<sup>66</sup> often done through word of mouth and the following finding that “in many industries, women are not only hired at lower rates than men are, they are also promoted at lower rates.”<sup>67</sup>
- Lack of exposure and education from an early age<sup>68</sup> (working in trades is not presented as an option to girls and young women)
- Lack of training opportunities or training that is too risky
- Inflexible work and training schedules<sup>69</sup>
- Gender stereotyping and assumptions about women’s capabilities

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<sup>65</sup> Heather Sarsons. *Gender Differences in recognition for Group Work..* Working Paper. December 3, 2015

<sup>66</sup> Chelsey Maclachlan, Joel Lopata, Catharine Dishke Hondzel and Debra Mountenay *Barriers to Attracting Apprentices and Completing their Apprenticeships*. Elgin Middlesex Oxford Workforce Planning and Development Board. 2015

<sup>67</sup> Ibid

<sup>68</sup> Selina Chignall. “Women account for just 14 per cent of skilled-trades apprentices”

<sup>69</sup> *Barriers to Attracting Apprentices and Completing their Apprenticeships*. Employment Ontario

## Recommendations:

- While there are numerous ways to attract women to the trades, including through concerted efforts by the Ministry of Training, Colleges and Universities and the Ontario College of Trades
- Targeting hiring practices (**requiring open and transparent hiring, along with job postings in various languages and working with community groups to attract people to the trades**)
  - Reporting on hiring efforts and reporting of who has been hired
- Government assistance to find appropriate matches between employer/apprentice)
- Grants and funding for apprenticeships (currently, too much risk is placed on the individual, which is a particular barrier for groups where they do not believe they have an equal chance of being hired and promoted)
- Review of jobs to assess physicality (job evaluation): many trades are assumed to be inaccessible to women, particularly those who are disabled, because they are deemed to be “too physical”
  - In fact this is often a myth
  - Analysis of the jobs and who is actually qualified to do them
  - Sensitivity training and harassment training
- More flexible work arrangements in ways that help, rather than hurt employees (this is related to the previous recommendations on flexibility as it relates to the ESA)

## Union Role in Reducing and Eliminating the Gap

USW believes there is a strong role for unions in further reducing the wage gap and that actions in bargaining and through education can complement and push government initiatives aimed at reducing the gender wage gap. First and foremost, **USW believes it is necessary to organize precarious workers in feminized sectors and that the recommended LRA reforms would facilitate this. It is only through concerted collective action – rather than simply encouraging women to get more education or to act more confidently—that we can confront the systemic discrimination causing the wage gap.**

### Recommendation #8 – Promoting Pay Equity and Job Evaluation

The Union, through its collective power, must act as a particularly strong voice in pay equity processes at workplaces and to ensure that the Pay Equity Act is properly funded and enforced. It is necessary for unions to develop timelines in bargaining to ensure that pay equity is prioritized and not delayed.

It is also essential to ensure union participation throughout the pay equity process. We must not rely solely on the employer’s interpretation of an employee’s skills and responsibilities – unions must take on a strong role in ensuring that job descriptions do not reflect existing stereotypes about the value of so-called women’s work and properly account for work that is typically invisible. Furthermore, accurate job evaluations and assessments helps determine who may actually be qualified for a job, rather than basing qualifications on discriminatory assumptions about gender and disability and so on.

**Thus, unions must prioritize development of pay equity timelines in bargaining as well as ensure union involvement in the development of job evaluation and pay equity tools. Union involvement at all stages of the process should be promoted and protected by legislation.** As USW mentioned in its introduction, our women members in the university sector, for example, continue to experience pay gaps and problems with promotions into leadership positions or positions typically considered “male” in part due to the power of management discretion. This demonstrates that biases are entrenched and have real effects on women’s advancement in the workplace. The closed promotion processes with too much discretion from a single manager are problematic and must be addressed through job posting procedure; so too must manager or employer discretion over job descriptions. **If unions are not properly involved at all stages of the pay equity and job evaluation process, there is a risk that women’s work will not be properly evaluated.**

## Recommendation #9- Union Education on Pay Equity and Gender Discrimination

As stated in the previous recommendation, union involvement in pay equity processes is essential. However, it is necessary that unions understand the importance of pay equity and fully understand all obligations under the Act. USW refers to its recommendation on restoration of adequate funding to the Pay Equity Commission, as well as a concerted effort to educate all relevant parties as it concerns rights and responsibilities under the Act. Furthermore, there is a particularly strong role for unions to go beyond the Pay Equity Act to challenge other forms of gender and intersectional discrimination through education.

USW goes a step further and emphasizes the importance of **unions providing internal education:**

- **Education of leadership** as to the importance of closing the wage gap and of using union power to ensure adequate funding and enforcement of the Pay Equity Act and other relevant legislation
- **Education of members:** on rights under various acts and on what can be achieved in bargaining
  - It is also essential for unions to educate members to develop and provide the language and means to express oneself in pay equity and other job evaluations (to overcome internalization of sexist stereotype, to properly articulate and recognize invisible work, such as, but not limited to emotional labour

In addition to education about rights and responsibilities as it relates to legislation, USW and other unions can go further to confront gender and other types of discrimination head on.

- Discrimination and human rights training for members
- Using a gender and equity lens in all internal union education
- Women of Steel Program as an example:
  - Visibility of women in male-dominated sectors
  - Forum to discuss experiences and area to develop strategies for education, bargaining and policy to deal with the specific issues affecting women Steelworkers, whether they are working in male-dominated sectors, such as mining or primary manufacturing, or in feminized sectors, such as health care and universities

## Recommendation #10 – Bargaining with a Gender Lens

USW recommends that, much like its proposal to always use a gender lens in policy-making, unions must use a gender lens in bargaining;

- Improving on all statutory provisions
  - Unions should not rely on statutory provisions to close the gender pay gap and must look at all statutory provisions to see where they are insufficient and how fill legislative and policy gaps.

### **Using bargaining as a means of raising the bar for union and non-union and to push statutory changes:**

Unions can address (and in many cases already have addressed) the legislative and policy issues raised earlier in this submission. The following items can begin to be dealt with in bargaining – as unions increase their density and are able to **bargain improvements**, the more likely the government is to follow to ensure statutory protection for all workers. Unions must drive the elimination of the wage gap and the necessary legislative change. Listed are some recommendations for unions:

- Protected leaves: expanding on statutory leaves, negotiating additional leaves and developing language that protects employees who take leaves
- Equal pay for equal work
- Shorter wage grids in feminized sectors
- Domestic violence protection
- Anti-harassment language, committees, enforcement mechanisms
- Workplace child care (in larger workplaces, such as universities) and subsidies for employers to pay for child care
- Space for women in male-dominated industries:
  - Discussions with members: often no bathrooms or change rooms for women in mining and manufacturing; anti-harassment policies jointly developed and seriously enforced through regular workplace education
- Employment Insurance top-ups for both maternity **and** parental leave to improve wage replacement rates for those on **maternity and parental leave**
- Pensions for part-time employees

- In interest arbitration sectors: there is a trend of wage stagnation in female-dominated essential services (nursing homes and hospitals, for example)
  - Unions representing workers to work together in to push for better policy in workplaces and to resist co-ordinated employer initiatives to maintain low wages and attack sick leave and other benefit provisions

## Final Comments

In sum, USW emphasizes the need to recognize that the gender wage gap is a systemic problem directly linked to gender and other forms of discrimination. This structural and institutional discrimination is deeply entrenched in all areas of society, including the domestic, workplace, and political spheres. The first step to eliminating the gender wage gap is to recognize that it exists and that it is related to deeply entrenched misogyny, racism and ableism. This systemic view of the problem helps explain why a single—yet very important—piece of legislation, the Pay Equity Act, has not led to the full elimination of the wage gap. We do, however, re-state that improving funding and enforcement mechanisms to the Act will go a long way in reducing the wage gap. In order to further deal with the systemic aspect of gender and other forms of discrimination, it is imperative that gender equity analysis is used at all levels of government decisions making, including all proposed legislation and budgets. One of the most important measures that must be taken is to create a government –funded child care program that also pays its workers living wages.

The Steelworkers emphasize again that unions, government, and employers need to take concerted action to confront intersectional discrimination. All of the factors affecting the wage gap have particularly strong effects on racialized women, Aboriginal women, new immigrant women and disabled women. Long-held stereotypes about who is good at which types of work must be confronted head on by unions in organizing, collective bargaining, and in job evaluation; and government must ensure that hiring processes are opened up and made transparent and that there is recognition or a clear process for recognition for skills obtained abroad. Budgets and public policy must be assessed to ensure that they do not further the existing gap.

Due to the pervasive nature of gender discrimination and the forms that it takes in the workplace, USW emphasizes the importance of transparency of wages and all pay structures as a first step to recognize the existence of the gap. We further emphasize that unionization and collective bargaining forces transparency **and** provide workers with the collective means of reducing any apparent wage inequalities. There is also a clear link between gender and other forms of equality and unionization. Organizing and the extension and improvement of collective bargaining rights, particularly in sectors with a high proportion of precarious workers, are essential to the ultimate elimination of the gender wage gap. It is also important to ensure that hiring processes are made more transparent and that there is active outreach to and involvement by marginalized groups in the hiring process. Ultimately, unions

and organized workers play the most important role in reducing the wage gap by expressing their collective power to improve working conditions for the most vulnerable members of society. Relying on or waiting for government and employer action alone will not solve the problem.

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