



A Pay Equity toolkit for USW Staff Representatives and Pay Equity Committee members

Let's take action to enforce Pay Equity!

The toolkit is a general guide to the Pay Equity Act for educational purposes only. It does not constitute a legal analysis. If you require more assistance, please contact the USW Pay Equity and Job Evaluation Administrator.

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Let’s Take Action to enforce pay equity and help close the gender pay gap.

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In force as of August 21, 2021, the new federal Pay Equity Act and its Regulation requires employers in the federal jurisdiction with 10 or more employees to proactively negotiate and maintain a pay equity plan with bargaining agents and non-union employees. The new law is the result of the labour movement, including the United Steelworkers union (USW), advocating for decades.

Importantly, the new law enables proactive enforcement of the fundamental human right to pay equity: **the right to equal pay for work of equal value.**

Employers in the federal jurisdiction must post a **pay equity plan** in the workplace no later than **Sept. 3, 2024**. A draft of the pay equity plan must be posted in workplaces no later than **July 3, 2024**, for employees to review and provide comments.

The legislation requires specific steps to analyze the value of work, compare compensation and develop the pay equity plan.

This toolkit is specifically designed to assist USW staff representatives and members negotiate the pay equity plan and enforce the Pay Equity Act in USW bargaining units in the federal jurisdiction.

The aim of this toolkit is to provide staff representatives and members sitting on Pay Equity Committees with the necessary background information to effectively participate in pay equity committees. It clarifies key aspects of the federal Pay Equity Act and will answer your basic questions.

This binder is your key resource, filled with technical details, as you negotiate the pay equity plan. First published in September 2023, the toolkit will be expanded and updated in the coming months with additional tools and backgrounders. Further information and tools will be provided by the USW Pay Equity and Job Evaluation Administrator.

As a staff representative and/or a Pay Equity Committee member you are not expected to know everything about negotiating a pay equity plan. As described in greater detail below, your job is to negotiate a pay equity plan and to ensure that the interests of USW members are looked out for. **Let's get started.**

I need HELP.....



How does the Pay Equity Act work?

- This toolkit provides the step-by-step guide to negotiating a pay equity plan.
- Specific sections of the federal Pay Equity Act are highlighted at each stage.
- Lots of questions? Speak to your staff representative.
- Need clarification and strategic advice? Contact the USW's Pay Equity and Job Evaluation Administrator at United Steelworkers, Canadian National Office.

1. What is pay equity?

Pay equity is a fundamental human right. Pay equity is the term for the employer's legal obligation to ensure workers' compensation is based on "equal pay for work of equal value."

Women have the right to be paid compensation free from sex discrimination.

Pay equity requires that if two *different* jobs are of equal value to the employer's operations, then those jobs receive equal compensation. The new federal Pay Equity law spells out how to compare jobs of equal value and ensure equal compensation.

In current USW collective agreements, if a man and a woman perform the same work, they are paid the same. This is called equal pay and is a basic employment standard. For example, at a national courier company, a male delivery person and a female delivery person, who are doing the same job, are paid the same. A USW collective agreement guarantees the important right to the same wage for the same classification.

But rights don't stop there. The basic employment right to equal pay does not go far enough because women are systemically segregated into a narrow group of jobs which typically pay lower wages.

Pay Equity requires further analysis. For example, a stereotypical job dominated by women is a clerical worker. For this example, let's say she has a job rate of \$22 per hour. Pay Equity requires a comparison of the female-dominated clerical work to male-dominated work, such as a maintenance worker, who has a job rate of \$24 per hour. If the value of these two jobs, the clerical worker and the maintenance worker, is the same, then the job rates may be compared. The clerical worker's job rate is lower than the male-dominated maintenance worker. To achieve pay equity, the women's job rate would be increased to the male maintenance worker's job rate of \$24.

Pay equity laws are designed to fix and prevent the historic, persistent and systemic discrimination in wages and compensation experienced by women as they have been funneled into different and undervalued jobs.

Pay equity laws aim at ensuring gender equality.

Check out the Pay Equity Commission's video which explains the difference between pay equity and equal pay at the commission's website: payequitychrc.ca/en/about-act/what-pay-equity

From the Supreme Court of Canada:



The object of pay equity is to identify and ameliorate wage discrimination:

"the mischief at which pay equity is principally aimed is the existence of a wage gap that disadvantages women, as a result of gendered segregation in employment and the systemic undervaluation of the work typically performed by women" ...

"Pay equity laws are designed to rectify and prevent the persistent and systemic compensation discrimination in wages and compensation practices experienced by women."

See: Canada (Human Rights Commission) [CUPE] v. Canadian Airlines International Ltd. 2006 SCC 1

Pay equity is one tool to help close the gender wage gap. The gender wage gap unfairly keeps money out of women's paycheques, threatening their ability to support a family and have a dignified retirement.

Pay equity benefits all USW members. Pay equity helps bring everyone up to the same level. Pay equity means that no one group of workers is left behind where their work is undervalued and underpaid. Pay equity helps hold employers to account who have underpaid those women members who have historically lost out over and over again.

The USW has a proud history of taking action to advance women's economic, political and social rights. Enforcing the new pay equity legislation is one of the new tools to advance equality for all.

2. Why a pay equity law?

The Pay Equity Act is the one tool to proactively require employers to increase women's wages because of the undervaluing of women's work.

Pay equity remedies wage discrimination by fully valuing women's work and adjusting the job rate of jobs dominated by women to the job rate of jobs dominated by men where the jobs are of equal value.

The new federal Pay Equity Act recognizes that systemic discrimination exists and must be remedied. The Act's new purpose clause, Section 2, states:

The purpose of this Act is to achieve pay equity through proactive means by redressing the systemic gender-based discrimination in the compensation practices and systems of employers that is experienced by employees who occupy positions in predominantly female job classes so that they receive equal compensation for work of equal value, while taking into account the diverse needs of employers, and then to maintain pay equity through proactive means.

There are three main reasons for the new federal law: to close the gender pay gap; to address occupational segregation; and to increase women's wages

2.1 Closing the gender pay gap

In the federal jurisdiction, many women continue to be underpaid relative to men. The gender wage gap is the difference between wages earned by men and wages earned by women. The Pay Equity Act is one of the tools to help close the gender pay gap.

The right to pay equity, equal pay for work of equal value, was guaranteed under section 11 of the Canadian Human Rights Act (CHRA) since 1976. However, unions and individuals were required to file complaints to ensure this right. History showed that employers fought this basic human right for years. The new Pay Equity Act is proactive and requires employers to post plans to close the gender pay gap.

The gender pay gap exists no matter how you calculate it. The gap can be measured in different ways and using different data such as average annual earnings or average full-time full year earnings or average hourly wage. The averages do not demonstrate the depths of the gender pay gap for women.

One indicator of the gender pay gap is based on the 2016 Census data and annual earnings:

- Women with disabilities: **56%** gender pay gap.
- Immigrant women: **55%** gender pay gap.
- Indigenous women: **45%** gender pay gap.
- Racialized women: **40%** gender pay gap.
- On average, women across Canada face a **32%** gender pay gap.

According to the Federal Pay Equity Commissioner, the gender wage gap is a persistent problem: in 2020, a woman in Canada earned 89 cents for every dollar a man earned. That is equivalent to a \$3.52 hourly wage rate gap (or 11%) between men and women.

The Supreme Court of Canada stated that,

“Leaving wage inequities in place makes women ‘the economy’s ordained shock absorbers.’”

See: Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux, 2018 SCC 17 (CanLII), [2018] 1 SCR 464 at para. 8



2.2 Occupational segregation continues

Occupational segregation means that a substantial proportion of women are employed in a limited range of occupations. Those jobs that are considered historically and stereotypically as women’s work.

According to Statistics Canada, men and women work in different industries and in different kinds of jobs. This occupational segregation of female and male employees plays a key role in explaining the gender wage gap.

The labour market data shows that men typically work in stereotypically male jobs such as transport, construction trades, equipment operator occupations and related occupations in natural resources, manufacturing and utilities. Men tend to be over-represented in the more highly paid industries of construction, manufacturing, mining, quarrying and oil and gas extraction.

By comparison, women work in sectors and occupations stereotypically viewed as women’s work such as sales, services such as administration, health, education, law, social, community and government. These types of occupations account for half of all women in the labour force but for only 30% of the men.

According to Statistics Canada, the occupational segregation has changed little since 1998.

The broad labour market data is a mirror of what happens in many USW bargaining units. In many workplaces in the federal jurisdiction, women are funneled into a narrow range of jobs such as administrative, clerical, sales or service jobs. Those jobs may be lower-paid.

The *Pay Equity Act* recognizes that the occupational segregation of women into traditional jobs is a form of systemic discrimination.

“Women are paid less because they are in women’s jobs, and women’s jobs are paid less because they are done by women.....

The reason is that women’s work – in fact, virtually anything done by women – is characterized as less valuable.

The characteristics attributed to women are those our society values less.

In the workplace, the reward (wage) is based on the characteristics the worker is perceived as bringing to the task ...

The lower the value of those characteristics, the lower the associated wage.”

Ontario Nurses’ Association v. Women’s College Hospital (1992), 3 P.E.R. 61 at para. 16-18.

2.3 Women clustered in lower wage jobs

The third reason for the creation of the Pay Equity Act is that occupational segregation of women and low wages usually go hand in hand.

As the 2004 Federal Task Force on Pay Equity stated, “there is a clear link between women’s occupational segregation and their relative lower wages... The greater the proportion of women in an occupation, the lower the relative pay.” (p22)

The task force found that of the lowest-paying occupations the majority were occupied by women (76.5%). In these lowest-paid occupations, such as kitchen aids or cashiers, women’s earnings were less than men.

According to Statistics Canada, in 2022, \$32.94 is the average hourly wage for both sexes. Almost 60% of women worked in occupations earning less than the average hourly wage while 53% men earned less than the average hourly wage rate.

The Gender Pension Gap is the difference between retirement income received by men and retirement income received by women. Men receive larger pensions than women. Each country in the Organisation for Economic Co-operation and Development (OECD) is required to report on the gender pension gap (GPG). The OECD measured the GPG in Canada at 21.8% in 2021.

According to the Canadian Centre for Policy Alternatives (CCPA), women are paid less than men in almost every occupational category measured by Statistics Canada: in 469 of 500 occupations.

The Pay Equity Act is the one tool to proactively require employers to increase women's wages as a result of the undervaluing of women's work.

3. The pay equity plan – a new agreement to be negotiated

The new federal Pay Equity Act is **proactive with the aim of helping close the gender pay gap**. What that means is that employers are required to sit down with the bargaining agent to negotiate **a pay equity plan**. The development of the pay equity plan is the work of the Pay Equity Committee.

The objective of the pay equity plan is to set down new wages and terms of compensation to ensure women's work is fully valued and fully compensated.

It is not left up to individual employees and/or their unions to lodge a complaint against an employer where wage discrimination may exist. The employer must take action.

The pay equity plan is, in effect, a new human rights agreement. The pay equity plan is separate from the collective agreement. The pay equity plan is not negotiated at the same time as the collective agreement. The pay equity plan has a separate dispute resolution mechanism through the Pay Equity Commissioner.

The pay equity plan will summarize the results of the pay equity analysis conducted with the employer. The steps and analysis required to develop the pay equity plan are outlined in the Pay Equity Act.

3.1 One pay equity plan per employer

The Pay Equity Act requires that one pay equity plan is negotiated per employer. (Section 12)

What this means is that the pay equity plan is broader and not specific to the USW bargaining unit. The pay equity plan covers all employees of the employer. As described further below, all unions and non-union employees in a workplace sit together on the Pay Equity Committee to negotiate the pay equity plan. In this regard, the federal Act follows the proactive Pay Equity Act in Quebec.

An employer may approach you to request "multiple pay equity plans" to replicate the bargaining unit structure of the employer. **If an employer has made such a request, please contact the Pay Equity Administrator immediately.** An employer is required to seek an exemption from Section 12 of the Act for multiple plans through an application to the Pay Equity Commissioner. The USW and other bargaining agents have a right to make submissions on the number of pay equity plans at the employer.

To date, the Pay Equity Commissioner has ruled on four employer requests for multiple plans. The commissioner has denied all requests (specifically, at CN Rail, Treasury Board, the Toronto Port Authority (now PortsToronto) and Bruce Power). The commissioner applies two main tests to assess whether to allow multiple plans:

- (i) Whether there would be enough male comparators in each separate plan for the female job class to be compared to; and,
- (ii) To demonstrate that the proposed multiple plans are more appropriate in the circumstances to proactively redress systemic pay-based gender discrimination and establish pay equity in its workplace.

In the denials of all of the employer requests, the Pay Equity Commissioner relied on the 2004 Pay Equity Task Force findings. The task force concluded that, in the federal jurisdiction, the configuration of bargaining units replicated the pattern of occupational segregation. Federal bargaining unit design “could not be relied on to provide a sound basis for conducting the unbiased examination of compensation patterns which is necessary for the elimination of wage discrimination.”

The Pay Equity Commissioner has noted in these four decisions that the Pay Equity Act is aimed at the conscious disruption of collective bargaining results where discrimination exists.

3.2 The Act clearly sets out the contents of the pay equity plan

The Pay Equity Act details what information goes into the pay equity plan. As you work on the Pay Equity Committee, keep in mind that the pay equity plan is to be posted in the workplace on Sept. 3, 2024, and must include the following information:

- The number of employees in the plan;
- Confirmation that a Pay Equity Committee was established;
- List of job classes
- The gender of the job classes;
- Describe the method for determining the value of the job classes. In other words, what gender-neutral job evaluation tool was used by the committee to assess the value of jobs. The value of jobs is expressed in total points.
- Set out the results and the value of each of the job classes;
- Indicate any differences in compensation and the detail the comparison method used to compare jobs of comparable value;
- Identify female job classes which received pay equity adjustments and the date of the increases;
- Provide information on the dispute resolution procedures that are available to employees.

3.3 Key principles under the federal Pay Equity Act

The pay equity process will be based on key principles. Keeping these foundational principles in mind will help guide you through the process.

In general terms, there are two main steps to establish and maintain pay equity.

The first step requires the evaluation of the work performed in jobs dominated by women and in jobs performed predominantly by men. This evaluation enables the comparison of the value of women's work to the value of men's work based on points.

The second step requires the comparison of the total compensation of women's work to the total compensation of men's work where the work is of equal value.

Pay equity provides an opportunity for a very detailed dissection of pay structures, jobs, organization of work, job descriptions or the creation of more accurate job fact sheets. The purpose of the dissection is to shine a spotlight on wage discrimination.

The key principles that help to get you to a pay equity plan are:

- Pay equity deals with the redressing and fixing gendered systemic organization of jobs, occupations and job rates.
- The pay equity plan is a separate human rights agreement distinct from the collective agreement and may have an impact on the collective agreement.
- Pay equity is limited to righting how employers undervalue work and underpay jobs. Pay equity is not about the individual's performance of the job or denying an individual person's identity in the workplace.
- Compensation cannot be reduced to establish or maintain pay equity. In other words, a male job class job rate may not be reduced to establish and maintain pay equity.
- The Act contains protections from reprisals for enforcing pay equity rights in all pay equity legislation.
- A Pay Equity Committee is formed to negotiate the pay equity plan with the unions in the workplace. The union is integral to the negotiation of the plan.
- The basic principle of good faith must be used by all parties on the committee to negotiate the pay equity plan.
- Penalties may be levied by the Pay Equity Commissioner against both employers and unions. The Act enables administrative monetary penalties to be laid against a bargaining agent. Depending on the size of the employer, penalties range from \$30,000 to \$50,000. (Section 126). If a violation continues, a bargaining agent may be fined each day.
- Pay equity uses the top "job rate" for closing one aspect of the gender pay gap. Collective bargaining or human rights complaints are the tools to redress other inequalities in wage structures, length of wage grids, increasing wages above the union's minimum rate, increasing pensions and benefits entitlements and additional leave entitlements. See USW's Bargaining for Equality and Closing the Gender Wage Gap guides for further information.

4. Pay equity: a key tool to end wage discrimination

There are seven main statutes in the federal sector which make the gender wage gap discriminatory.

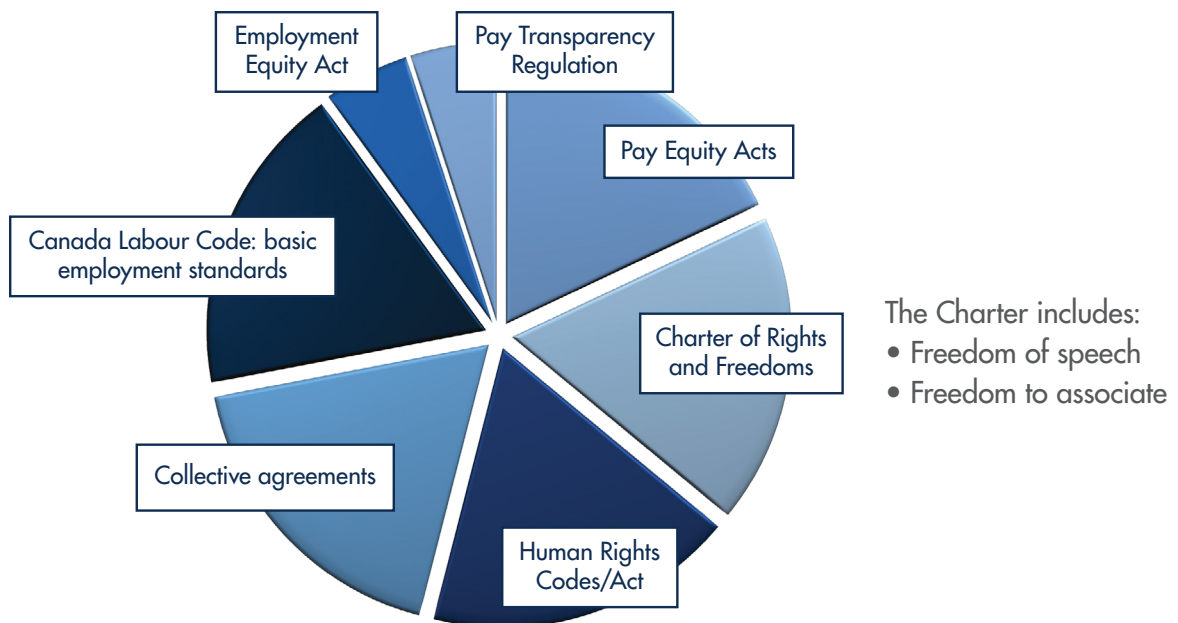
The right to unionize and to bargain a collective agreement are key fundamental rights. Having a collective agreement in hand is a significant tool to close the gender wage gap. Workers with a union have access to higher wages, a collective voice and greater access to benefits and pensions.

Along with your collective agreement, the Pay Equity Act is one of the key tools to redress gender-based wage legislative framework. But it is the combined force of a union with the tools of the Pay Equity Act which moves the dial on closing the gender pay gap. In fact, the Act recognizes that if a bargaining agent is in the workplace, the bargaining agent gets a seat at the Pay Equity Committee.

The Pay Equity Act provides you with the opportunity to negotiate a specific pay equity plan to ensure women’s work is fully valued and fully paid.

Will the Pay Equity Act close the entire gender pay gap? The answer is no. The Act will close the part that is caused by the undervaluing of women’s work. Other key legislative tools, such as the Canadian Human Rights Act, the Employment Equity Act and the federal Pay Transparency regulation further assist that women have a full right to equality. Equally important are public services, such as accessible child care.

Legal landscape to redress wage discrimination



5. What is the difference between “pay equity” and “equal pay”?

Sometimes members may be confused about the difference between the right to “equal pay” and the right to “pay equity”. Some people think that an employer has established full “equity” because women and men are paid the same working in the same job.

Equal pay refers to the human right and employment standard that requires employers to ensure women are paid the same as men in the same job. Most often, “equal pay” rights are found in employment standards legislation. Unions rely on this basic right when negotiating wages in a collective agreement. Equal pay is just one part of the equality guarantees in employment.

As noted above, the basic right to equal pay does not go far enough. Systemic discrimination separates and segregates jobs and work along gender lines. Jobs that are disproportionately done by women are often both valued less and paid less.

Pay equity refers to equal pay for work of equal value. Pay equity is a fundamental human right to correct the deeply held discriminatory notion that “women’s work” is of less value than “men’s work”. Pay equity ensures “women’s work” cannot be undervalued and cannot be paid less.

Pay equity is about assessing the negative impact of systemic discrimination in the compensation of jobs predominantly done by women. It is not about individuals, their individual characteristics or the individual performance of a job.



Part I – Prepare your pay equity table

In this section of the toolkit, you will find a summary of the key steps you need to take to organize internally with your USW bargaining unit in the federal jurisdiction to be prepared to meet in the Pay Equity Committee. There is a lot of information required to negotiate a pay equity plan.

However, it is important to be prepared as much as possible before you contact and meet the employer in a Pay Equity Committee.

This section provides an overview of the basic steps to create a pay equity plan, the legislative requirements of the Pay Equity Committee, the internal steps for USW staff and members to take to help prepare before you meet the employer.

1. Overview of the steps to establish and maintain a pay equity plan

At the outset, it is important to understand the main steps to creating a pay equity plan and what comes after the plan is posted. Knowing this “big picture” will help you to better prepare for each step along the way.

This toolkit will describe each of the required steps in greater detail below as well as the specifics required by the Pay Equity Act.

In general, the Pay Equity Act requires that the following steps are taken to develop and maintain a pay equity plan:

- A. Identify job classes.
- B. Determine gender incumbency (female or male or gender-neutral).
- C. Determine the value of the work using a gender-neutral comparison system. Examine the skill, effort, responsibility and working conditions of the jobs.
- D. Calculate total compensation of job classes in dollars per hour.
- E. Compare compensation between female job classes and male job classes. To do this you apply one of the Act’s comparison methods.
- F. Identify any pay equity adjustments owed to female job classes.
- G. Prepare a draft pay equity plan with all the information required as outlined in the Introduction above (Section 51).

“The resolution of pay equity claims involves a mix of art, science, human rights, and labour relations.”



Evans, J. in *Public Service Alliance of Canada v. Canada Post Corporation*, 2010 FCA 56 (CanLII) at para 165.

- H. Post the draft pay equity plan no later than July 3, 2024. Employees have 60 days to comment on the draft plan and request reconsideration.
- I. Make any revisions to the pay equity plan as agreed to by the committee.
- J. Post the pay equity plan no later than Sept. 3, 2024. Extensions are only granted by request to the Pay Equity Commissioner.
- K. Pay equity adjustments and increases to compensation must begin as of Sept. 4, 2024. Increases in compensation are payable in full as soon as the pay equity plan is posted. For private sector employers, if the pay equity adjustments are more than 1% of the employer’s payroll, the adjustments may be phased in depending upon the size of the employer. Employers with more than 100 employees must make all pay equity adjustments no later than Sept. 4, 2027. The pay equity adjustments must be at least 1% of payroll each year. All adjustments must be completed by 2029 for smaller employers.
- L. Maintain the pay equity plan. As of June 30, 2025, employers are required to file annual statements with the Pay Equity Commissioner to demonstrate they are maintaining pay equity and the record of pay equity adjustments. As of 2029, employers are required to re-establish the Pay Equity Committees to conduct a pay equity maintenance review. The maintenance review ensures that the pay equity gap does not re-emerge through changes in the workplace.

2. Who is the employer?

The Pay Equity Act does not define what is meant by an “employer”. For example, the Act does not detail what is a subsidiary versus a parent company. However, the Act does enable two or more employers to apply to the Pay Equity Commissioner to be recognized as a “single employer.” The Pay Equity Commissioner has not issued a decision on “who is the true employer” for the purposes of the formation of a Pay Equity Committee and a pay equity plan.

The determination of the question of who the true employer is will be fact specific and require a review of the corporate reports, the annual reports, and the collective agreements and other documents.

The Pay Equity Commissioner will be required to determine who the employer is for pay equity purposes and consider, as a starting point:

- (i) the purpose of the Pay Equity Act is to redress systemic discrimination in compensation and will the identification of the “true employer” ensure a fulsome analysis to redress discrimination. What is most consistent with achieving the purposes of the Pay Equity Act?
- (ii) the existing CIRB tests for who is the true employer including going beyond the public face of the company and who has the actual control. To determine fundamental control, consideration is given to who has control over working conditions such as selection, hiring, assignment of duties, remuneration of wages and benefits, supervision,

evaluation and discipline. Simply put, who does the paying, who ultimately bears the cost and the impact this has on the employment relationship? The premise is that employees should negotiate with the party that exercises the greatest control over all aspects of their work – and not only over the supervision of their day-to-day work.

- (iii) who has overall financial responsibility;
- (iv) who has responsibility for compensation practices including who attaches the “value” of a job and sets the wages;
- (v) what is the core activity of the business, service or enterprise? Is the work in dispute integral to the organization or is it severable or dispensable? How is the work regulated? And
- (vi) what were the recommendations of the 2004 Pay Equity Task Force which will assist with the contextual interpretation of the issue.

If an employer is not clear about whether it has the authority to set up a Pay Equity Committee or you have questions about whether the USW bargaining unit is situated in an entity which is not the true employer, **contact the USW Pay Equity Administrator for further advice and analysis.**

3. The Pay Equity Committee

The Pay Equity Committee is the main engine of the pay equity process under the new Pay Equity Act. The Act prescribes that a Pay Equity Committee must be used in unionized workplaces (Section 16).

The job of the Pay Equity Committee is to develop and to negotiate the new pay equity plan as well as ensure that the pay equity plan is maintained in the years following the plan being posted.

The committee’s task is to analyze the employer’s job and pay structures. The committee jointly analyzes the total compensation of female and male job classes and ensures that women’s work is fully valued and free of discrimination.

The USW, as the bargaining agent, has a unique role. The Act requires that the bargaining agent select at least one person to be a member on the Pay Equity Committee. The employer is required to advise individual employees that the bargaining agent will select the committee members. The Act also requires the bargaining agent provide support and “sufficient direction” to permit the member(s) to perform their work as committee members.

According to the federal Pay Equity Commissioner, the bargaining agent’s role is to contribute to the development of pay equity plans as part of the Pay Equity Committee work; monitor the activities of the committee during the entire pay equity process; and, provide input and direction to their representative on the issues brought up at the committee.

The Act requires that committee members are afforded “time away from their work to participate in training sessions and meetings of the committee and to perform their work as a member of the committee.” This means that Pay Equity Committee work is deemed work time and paid accordingly. The Act also requires that the employer is to make its premises available to employee Pay Equity Committee members so they can carry out their work (office space, computers, software, secure storage). (See Section 22 of the Act).

The underlying premise of the Pay Equity Committee is that trade unions should function as partners in the pay equity process. Collective bargaining legislation places unions in a legal position from which they can confidently speak on behalf of employees and press their interests. Pay equity legislation places unions in a similar position.

However, trade unions do not have the exact same kind of responsibility for pay equity as employers, but trade unions play a key role. For example, employers are liable to pay any owing pay equity adjustments and monies to female-dominated jobs, not to trade unions.

The Joint Health and Safety Committee served as a model of a joint process for the idea behind the Pay Equity Committee.

As with collective bargaining and the work of Joint Health and Safety Committees, the Pay Equity Act imposes a responsibility on employers, employees and employee representatives to deal in good faith and without discrimination developing the pay equity plan, including all deliberations of the pay equity committee.

The Pay Equity Act spells out specific rules regarding the composition, decision-making processes, selection of committee members and measures to support the work of the committee (Section 19).

Keep in mind that there is one pay equity plan for one employer. All bargaining agents have a place on the Pay Equity Committee as do non-union employees.

3.1 What is the Pay Equity Committee’s composition?

- Two-thirds of the members of the committee must be employees to whom the pay equity plan relates.
- At least 50% of the committee members must be women.
- At least one member on the committee represents non-union employees.
- One representative is selected by the employer to represent the employer.
- In sum, the committee requires at least three people from the employer (one management; one non-union and a representative(s) of each bargaining agent(s)).
- All bargaining agents are represented with *at least* one person. If you have multiple bargaining units at an employer, the USW takes the position that it makes most sense to

have at least one representative from each bargaining unit. The Act says, “at least one” (Section 19 (d)).

- **The bargaining agent selects the committee member who will represent the USW members. The employer does not select or appoint union representatives.**

Selecting the USW members to sit on the Pay Equity Committee is an important consideration. Bargaining unit leaders, local leaders and staff representatives will want to discuss who should be on the committee and the make-up of the committee. Staff representatives, if not the USW bargaining agent representative to the committee, should be available as an *ex-officio*, non-voting member of the committee.

All efforts should be made to select a woman as a USW committee member.

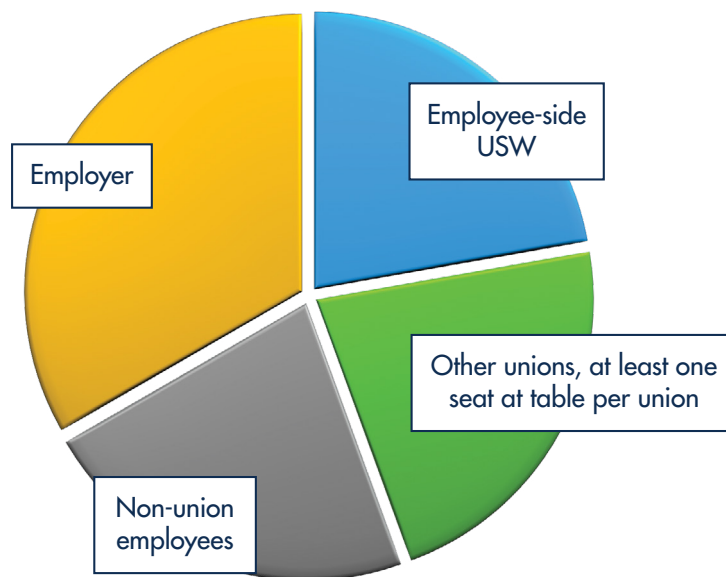
The union is responsible for the actions of their committee representative(s) and should give sufficient direction to perform their work. Union representative(s) on the committee should ensure their staff representative is aware of the activities of the committee.

One final note about the function of the committee: although not contained in the Act, it appears that several employers are hiring consultants to handle the pay equity plan process and be involved with the Pay Equity Committee. If that is the case with your employer, **please contact the USW Pay Equity Administrator to discuss the role of such a consultant.**

The Pay Equity Committee

The Pay Equity Committee representation

- “two-thirds must be employees to whom the plan relates”
- at a minimum, same number as bargaining agents
- 50% of committee members are women



3.2 The committee’s decision-making process

Section 20(1) of the Act adds an unusual requirement to the decision-making functioning of the committee. It is important to be aware of this requirement.

The committee has two votes: one for the employee-side and one for the employer-side.

A decision of the employee-side of the committee must be unanimous to count as a vote. The members of the committee who represent employees (both union and non-union) only have one vote. If members of the committee who are there to represent employees cannot, as a group, reach a unanimous decision, **their one vote is forfeited. The employer’s vote prevails.**

Although not prescribed by the Act, consensus decision-making should be considered as an approach. Building consensus is more than just reaching a unanimous decision, it is a process that includes:

- A goal of reaching outcomes that have benefits for all participants.
- Giving each participant an opportunity to voice their preference.
- Requires all committee members to be prepared to cooperate and participate.
- A commitment to fairness, openness and trust.
- Members should be encouraged to share their knowledge and experience freely to redress systemic discrimination.

However, there are dangers to placing too great an emphasis on consensus in Pay Equity Committees. There is a well-recognized power imbalance between employees and employers. Pressure to reach consensus will be felt most acutely by the worker representatives in the room, potentially influenced by fear of reprisal or disadvantage for acceding to an employer’s wishes. However, the goal of addressing systemic gender discrimination in compensation should not be subsumed to the goal of reaching agreement on the employer’s terms. If the USW committee members do not agree with an employer’s position and think systemic discrimination will not be redressed, a complaint may be filed. Complaints are discussed below in the Dispute Resolution section.

A word about confidentiality: The Act requires that all members on the committee are required to keep information exchanged confidential when the person sharing it specifies that it is confidential. The information may only be shared for the purpose for which it is provided. (See Section 24(1)).

According to the Pay Equity Commission’s interpretation guideline on confidentiality, as part of developing or updating the pay equity plan, a committee member may be required to share confidential information with the bargaining agent or the employer (see Section 24 (2)). When the bargaining agent or an employer receives such information from a committee member, they must then keep it confidential.

Valid reasons to share information as part of the pay equity process include, but are not limited to:

- Seeking authorizations;
- Researching data relevant to the pay equity process, such as minutes, letters of agreement, questionnaires, payroll records, etc.;
- Requesting instructions, directions or approval; or,
- Verifying the accuracy of information.

4. Gather relevant documents regarding the USW bargaining unit and the employer which you have in your possession

Through collective bargaining and the disclosure the USW received for bargaining, you will have a fair amount of information about the employer. It is useful to pull together what information and documents you have in your possession prior to getting into the pay equity negotiations. This way you can doublecheck the information the employer is providing through the pay equity process. The relevant documents include:

- a. The collective agreement(s). Gather the USW collective agreements and the collective agreements for other bargaining agents with the employer in your possession.
- b. Your list of members in the bargaining unit. Use the seniority list to assist with gathering this information.
 - i. their gender and other social demographic information.
 - ii. status (i.e., full-time, part-time, temp).
 - iii. their job title.
 - iv. the employer's occupational code (if such a system is used).
 - v. their classification.
 - vi. their work unit location.
 - vii. their current pay rate/step on the grid.
 - viii. their seniority date.
- c. the employer's Employment Equity Act annual report (if you don't have a copy, include that in the disclosure request below).
- d. key documents received from the employer to help you and the committee members review the types of jobs. For example,
 - i. position descriptions, where they exist.

- ii. job postings.
- iii. physical demand analysis of a job.
- e. Has the employer relied upon a job evaluation system in the past? Do you have a copy of that system? If not, ask for one. When was the last time it was used?
- f. Other disclosure received in bargaining relevant to a total compensation calculation, such as allowances, benefits or pension costs.

5. Map your membership, map the employer

Map the USW bargaining unit/local through a pay equity lens. With your USW’s bargaining unit leadership, consider who works where. The mapping process is NOT an exact science and it’s not a formal process. However, it is a very effective tool for better understanding what jobs are done for this employer and who works where.

In addition, this information will help prepare for the determination of job classes and identify who the USW selects to sit on the Pay Equity Committee. Spending a moment to think about the USW classifications will assist in better understanding which jobs may be affected and how.

What is the social composition of the workplace?

- For pay equity, what is gender make-up of the USW bargaining unit?
- What jobs are predominantly women compared to men?
- What does your bargaining unit’s seniority list show?

The Employment Equity Act requires large employers to report to the federal government on the workplace makeup based on gender, race, Indigenous and disability. Does this report assist in better understanding the social make-up of the workers for this employer?

Map the employer’s workplace through a pay equity lens.

Review with your bargaining unit leadership what other unions are in the workplace or across the country with this employer. What types of work and jobs are in other bargaining units?

Identify those workers that are non-union. What jobs do they do? What is the gender composition of those jobs? What trends do you see?

The key workplace-mapping questions for pay equity purposes include:

- What are the work locations for this employer? Some may be beyond the location of your bargaining unit.
- What are the work units?
- Does a particular unit or work location have different sub-units?
- What is the approximate number of permanent and temporary employees who work in each area?

- What job classifications do the employees in each area hold?
- Which classifications are held by women? Which classifications are held by men? What trends do you notice?
- Which classifications are non-union? Why are these classifications non-union? Is there an opportunity to organize these non-union employees?
- How many workers in each unit self-identify as male, female, non-binary or transgender? The important word is “self-identify”. You do not need to guess. This information will be useful for determining the current incumbency of job classes.
- Identify where local executive members and Women’s Committee members work. Where are their gaps, if any?

Map the employer

A chart helps to track the information using the following categories. Just take a quick look to help prepare for the Pay Equity Committee process.

What does your initial scan tell you about the employer’s organization of work?

Classification (list)	Location at employer?	USW bargaining unit? yes or no	Number of men in the classification	Number of women in the classification	Highest wage rate for classification	Estimated number of casual, temporary or seasonal positions in classification

If you do not have the answers, that is OK. The employer is required to disclose the information to the pay equity committee.

6. Identify the USW committee members

With the information regarding the Pay Equity Committee above and the mapping of the employer’s workplace(s), it is important to identify the USW committee members early in the preparation stage. A few key points to consider:

- The employer does not have a say in selecting the USW committee members.
- Based upon the size of the employer, discuss with your USW bargaining unit(s) leader(s) at the workplace, how many representatives are needed?
- Recruit women to participate on the committee. Encourage women from the women’s committee to sit on the Pay Equity Committee.

- Consider involving members who are not overburdened with bargaining unit tasks to date.
- The pay equity process is an excellent way to involve bargaining unit members with a special project which is aimed at making real economic gains for undervalued women’s work.
- Consider selecting members who are strong advocates, good facilitators to build consensus, mediators if problems arise on the worker side of the table, strategists, researchers who don’t mind details and good communicators with the membership.

7. USW training of your Pay Equity Committee members

To assist in building the capacity of the Pay Equity Committee members, you may want to set up a special USW-only training session. Such a training session offers the committee members with an opportunity to ask any and all questions about the process. **Contact the Pay Equity Administrator for assistance with training your Pay Equity Committee member and local representatives.**

8. Contact your other union counterparts to discuss their intentions and the name of their committee representatives

As a final step in this initial preparation, contact the other union counterparts with this employer.

With the other bargaining unit representatives, start the discussion about the shape and membership of the Pay Equity Committee early. The committee’s shape and size are important issues for bargaining agents to come to consensus on to advise the employer in advance.

With the preparatory steps completed above, USW bargaining units will be in good shape to move to the next step of initiating the pay equity process with the employer.



Part II – Set the pay equity table

Once the initial preparation work is done internally, the USW will want to ensure the pay equity process is initiated with the employer. There are five main parts to setting the pay equity table, before the pay equity process fully starts:

- Ensuring the USW has a copy of the Pay Equity Notice;
- Advising the employer of the appointed USW Pay Equity Committee members;
- Requesting disclosure of relevant documents;
- Negotiating Terms of Reference for the Pay Equity Committee activities; and
- Training for the entire Pay Equity Committee.

1. Request the Pay Equity Notice

The Pay Equity Act came into full force and effect in August 2021. Shortly following that date, employers were required to post a legal notice of their obligations to develop a pay equity plan to ensure pay equity was established in their workplace. The deadline for the notice was Nov. 1, 2021.

USW staff reps, local and bargaining unit leaders should have a copy of the employer's notice and review the notice for completeness. If you do not have a copy of the notice, request one.

The purpose of the notice was to highlight the employer's obligation to establish a pay equity plan and to form a Pay Equity Committee. The Pay Equity Commission recommended employers also explain in a few sentences what pay equity is and the purpose of the pay equity plan.

The notice was required, under sections 14 and 15 of the Pay Equity Act, to be printed or in electronic form and in such a way as to be readily available to all employees. If an employee has a disability, the employer is required to post the notice in a form that is accessible to that employee.

The employer's notice was required to include:

- the date of the posting;
- the legal obligation to create a pay equity plan;
- the obligation to make all reasonable efforts to set up a Pay Equity Committee to develop the pay equity plan;
- the specific requirements for the Pay Equity Committee's membership;
- if there are any non-unionized employees, their right to choose the committee members who will represent them; and,
- if there are any unionized employees, the right of their bargaining agent to select committee members who will represent them.

A template letter, modified as you need, to request the notice is included below. Following the letter, you have the opportunity to discuss with the employer their intent regarding the implementation of the federal Pay Equity Act and their deadlines.

Ensure you advise the employer of the names of the USW members who will sit on the Pay Equity Committee.

****Find the “Request for Notice and PEA Committee setup” letter template at the end of this section. Templates are also available at usw.ca/payequity/templates.***

2. Request for disclosure of relevant documents

The employer must provide the committee with “any information in the employer’s possession” that the committee considers necessary (Section 23 of the Act). The trade union is also obligated to provide any relevant information that is necessary (Section 23 (2)).

Send the initial request for the disclosure of relevant documents in advance of the first committee meeting. This ensures that the employer is aware of the USW’s view of relevant documents and sets the agenda for discussions.

Documents to request include, but are not limited to:

- The Act’s notice, if you did not receive this earlier.
- Complete list of positions in the unit including the employer’s coding (if such exists).
- Complete list of employees in the unit.
- Collective agreements from all trade unions at the workplace, if you do not have those in your possession.
- Any and all information regarding the gender of the incumbents in the positions.
Note: it is important to gather this information as soon as possible to help identify the potential job classes.
- The employer’s current compensation policy which applies to all employees.
- All compensation terms for non-union employees.
- Organizational charts of all departments.
- Training manuals for positions.
- Policy and procedures related to specific positions (skills, efforts, responsibilities and working conditions).
- Reports to regulatory agencies which may detail specific job duties and responsibilities.
- Position descriptions (where they exist).
- Job vacancy data.


- Job postings where no position description exists. Note: postings often help describe the role and responsibilities of a position.
- Physical demand analyses for positions.
- The 2022 Employment Equity Act and pay transparency reports to Labour Canada.
- Prior job evaluation systems or programs.
- Any and all consultants’ reports (historic and current) that analyze the employers’ compensation practices or prior job evaluation plans.
- Any and all documents that the employer views as relevant to the pay equity process.

Disclosure of relevant documents is an ongoing obligation throughout the entire pay equity plan development.

Employers may dispute the full disclosure of documents at the initial stages of the pay equity process. However, this list of documents is relevant to the identification of job classes, the first step in the pay equity process.

****Find the “Pay Equity Disclosure” letter template at the end of this section.***

Templates are also available at usw.ca/payequity/templates.

Pay equity caselaw supports the disclosure of relevant documents. 

Parties are jointly responsible for the process and the content of the pay equity negotiations. In order to meet these obligations, information relevant to pay equity issues must be disclosed so that rational and informed discussions may occur.

3. Terms of Reference for the committee’s work

Although not prescribed by the Act, a Terms of Reference tool is extremely useful to guide the Pay Equity Committee’s process. The Terms of Reference may include the following:

- The parties’ mutual commitment to redressing systemic discrimination;
- A commitment to decision-making processes by consensus;
- Whether a steering committee is required to meet to guide the overall process;
- The committee’s regular meeting schedules and timelines;
- Confirm that employees who are members of the committee must be provided “time away from their work, as required, to participate in training sessions and meetings of the committee and to perform their work as a member of the committee.” An employee who takes time away from their work to complete work related to the committee is deemed to be at work.
- The employer’s commitment to advice line-managers and supervisors that time away from work is paid time and the employees should be covered;
- A training plan for *all* committee members;

- The role of the “specialists,” both employee-side and employer-side and the role of USW staff representatives as members of the committee;
- The committee’s confidentiality parameters;
- A process to identify job classes and develop the gender-neutral comparison system (GNCS);
- A broad agreement on who will do the rating of the jobs and deal with reconsiderations;
- An alternative dispute resolution, such as mediation, prior to invoking the Act’s s. 20 approach where the employer’s view prevails.
- A process for developing the communications strategy with the employees so that they are regularly advised of the pay equity process. Will that communication strategy include joint notices from the committee? Or will bargaining agents send their own bulletins? Or some combination of both?

Provide a copy of the draft Terms of Reference to the employer and the other union representatives prior to the first committee meeting. However, negotiation and finalizing the terms should not delay the pay equity process considering the timeline to complete the entire pay equity process.

****Find the “Terms of Reference” template at the end of this section. Templates are also available at usw.ca/payequity/templates.***

4. Worker-side caucus

It is very important to develop and build communications with the other unions involved with the Pay Equity Committee early in the pay equity process to co-ordinate strategies. Co-ordination and consensus-building amongst the workers’ side is crucial to the success of the pay equity process given the Act’s requirement for a unanimous decision from the worker-side to count as a vote. Keep in mind that if the workers’ side cannot reach a unanimous decision, the employer’s vote prevails. Unions working together will be critical to negotiate the pay equity plan.

Prior to each committee meeting, the unions should discuss concerns and gaps in the pay equity analysis. If the union-side does not have consensus initially on an issue, work that out in advance.

5. Training the Pay Equity Committee members

The *Pay Equity Act* specifically mentions “training” as one of the times in which an employer is required to pay committee members for time away from work.

Template letter requesting the pay equity notice and to set up the Pay Equity Committee

Via email:

Employer: Your Human Resources counterpart

Address

Dear :

RE: Federal Pay Equity Act Compliance and requirement to negotiate a pay equity plan

As you are no doubt aware, the federal Pay Equity Act applies to all employers with 10 or more employees in the federal jurisdiction as defined by section 2 of the Canada Labour Code. The Act came into force in August 2021 and applies to your company.

We write to request a copy of the *Pay Equity Act* notice which the company was required to post in the workplace on Nov. 3, 2021. The Act required that the notice set out the company's obligations to establish a pay equity plan and establish a Pay Equity Committee to develop the pay equity plan.

Section 12 of the *Act* requires every employer to establish a pay equity plan. The Act establishes a very clear deadline of **Sept. 3, 2024**, for posting the pay equity plan in the workplace. The draft plan must be posted 60 days in advance to allow employees to comment or raise challenges to the plan.

A Pay Equity Committee must be established by an employer where a bargaining agent represents employees pursuant to sections 16 and 19 of the *Act*. Given that there are several steps to undertake to develop the pay equity plan, we request that you begin those steps immediately with the creation of the committee.

As a bargaining agent, we recognize that we are required to provide you with the name of our committee representative. We are also aware that the Act prescribes certain requirements for the committee including that 2/3rd of the committee's membership are employees to whom the plan relates and that at least 50% of the committee members must be women.

We look forward to this joint process and working with the company to fulfill the goals of the legislation. Please provide me with a copy of the pay equity notice no later than **[four working days from sending the letter]**.

Please contact me at your earliest convenience regarding setting up of the Pay Equity Committee and the other next steps.

Sincerely,

Template letter for the USW initial pay equity disclosure request

To: HR counterpart

Date: Dear _____;

Re: Steps to implement the Pay Equity Act and USW Initial Disclosure request

As you are aware, the new federal Pay Equity Act requires that every employer establish and maintain a pay equity plan and the plan must be posted no later than Sept. 3, 2024. The Act requires that a draft of that pay equity plan is posted in the workplace no later than July 3, 2024, for employees' comment.

To ensure the work of the Act is completed in a timely way, I write to request that you agree to meet with the USW and other unions no later than **Sept. xx, 2023** at the first Pay Equity Committee meeting.

Section 16 of the Act requires that the company establish a joint Pay Equity Committee with the USW to develop the new pay equity plan. We can advise that the USW is in the process of selecting its members for the Pay Equity Committee consistent with s. 19 of the Act and will provide you with those names shortly. As the USW assigned staff representative, I will assist the USW committee members as required and in a non-voting capacity.

At the same time, to assist the committee's work, we feel that it is prudent to set out a Terms of Reference to guide the committee with the various tasks ahead. In light of s. 22 (2) of the Act, it is important to confirm the various measures to support the work of the committee. I attach a copy of the USW's proposed terms and we would appreciate a discussion with you regarding the terms as soon as possible.

The USW is fully aware that the Act's deadline is fast approaching, and the committee will have a great deal of work to do to ensure that the purpose of the Act is fulfilled and systemic discrimination in compensation practices are redressed.

Pursuant to section 23 (1) of the Act, we write to request disclosure of the initial group of documents relevant to the pay equity exercise. We make this request at this stage to begin our preparation work for the committee and to ensure the most efficient and expeditious negotiation of the pay equity plan. We appreciate that the Pay Equity Committee will require further documents through the negotiation of the pay equity plan.

We request the following relevant documents to the initial discussions in the pay equity process as required by the Act:

- i. Up-to-date organizational charts for all departments and units at the company that will fall within the scope of the pay equity plan.
- ii. Complete and up-to-date list of employees in the USW bargaining unit inclusive of name, identification number, status, seniority date, home address, classification, location and confirmed rate of pay.

- iii. Collective agreements for all trade unions with bargaining units at the company.
- iv. An up-to-date and current list of:
 - a. Job titles for all positions that fall within the scope of the pay equity plan.
 - b. the number of incumbents in each of those positions.
 - c. The initial identification of the current gender of the incumbents working in each of the above positions. The committee will need to review the gender incumbency of the positions. Gather this important information as soon as possible.
- v. Current Job/Position descriptions for all positions for the above positions listed in iv. Where such a position description does not exist, the most recent job posting describing the duties and responsibilities of the job.
- vi. Up-to-date and current Occupation Codes for the above titles/positions listed in iv.
- vii. Policies and procedures related to specific positions above listed in iv. (skills, efforts, responsibilities and working conditions).
- viii. Any training manuals for the above positions listed in iv.
- ix. Physical demand analysis for the above positions listed in iv.
- x. Any and all current compensation policies which apply to employees, both union and non-union, who fall within the scope of the pay equity plan. This request includes copies of the benefits and pension policies.
- xi. All compensation terms for non-union employees who will fall within the scope of the pay equity plan.
- xii. Job vacancy data regarding positions that will fall within the scope of the pay equity plan.
- xiii. The 2022 Employment Equity Act and pay transparency reports to Labour Canada.
- xiv. Prior job evaluation systems or programs relied upon by the company to set the wage schedules for any and all positions which will fall within the scope of the pay equity plan.
- xv. Any and all consultants' reports (historic, current and/or market-based) which analyze the employers' compensation practices and/or prior job evaluation plans for the positions that fall with the scope of the pay equity plan.

We request that you please provide these documents no later than **Sept. XX, 2023**.

In the event you have any questions or concerns, please do not hesitate to contact me directly.

Yours sincerely,

USW TEMPLATE
Pay Equity Committee
Terms of Reference

These terms are an example
Please revise according to your units' specific needs

I. Purpose

1. The federal Pay Equity Act requires employers in the federal jurisdiction with 10 or more employees to establish and maintain equal pay for work of equal value (hereinafter “pay equity”).
2. The purpose of the Act and the [Pay Equity Regulations](#) (the “Act” and “Regulations” respectively) is to redress systemic gender-based discrimination in the compensation practices that is experienced by employees who occupy positions in predominantly female job classes in federally regulated sectors through proactive rather than complaint-based means.
3. [Name of employer] is a federally regulated employer and is required to develop a pay equity plan in accordance with the Act to be posted in the workplace no later than Sept. 3, 2024.
4. These Terms of Reference outline the procedures for the development of the pay equity plan between [the "employer"] and the [bargaining agents] and the non-union employee representative [name] in accordance with the Pay Equity Act ("Act").
5. The parties agree to jointly implement a gender-neutral pay equity plan which will take into account the skill, effort, responsibilities and working conditions of the job classes of the employer.

II. The Joint Pay Equity Committee

6. The purpose of the Joint Pay Equity Committee (PEC) is to work collaboratively to decide the methods and perform the work necessary to develop and post the final pay equity plan.
7. The PEC shall have representatives as selected by each bargaining agent, a non-union representation and representatives of the employer. The USW staff representative (or their designate) is an ex-officio member of the PEC. **[Note: determine the size of the committee based upon the size of the employer and the number of USW bargaining units]**. In accordance with the Act, the PEC shall be composed of at least three members and meet the following minimal requirements:

- a. At least two-thirds of the members must represent the employees who are covered by the pay equity plan
 - b. At least 50% of the members are women
 - c. At least one member is selected by the employer
 - d. At least one member is selected by each of the bargaining agents
 - e. At least one member is selected by the non-unionized employees
8. The employer and the employee-side shall designate one of their representatives to act as co-chairpersons. The co-chairpersons are responsible for:
 - a. chairing the PEC meetings on a rotational basis
 - b. setting the agenda for each PEC meeting and providing the agenda to the PEC members no later than five days in advance of the meeting
 - c. scheduling the regular committee meetings no less than every two weeks until the posting of the pay equity plan
 - d. notify the appropriate supervisors and line managers of the PEC members' attendance and requirement for paid time off
 - e. attending each meeting, and if unable to attend, designating another member who shall assume their co-chair duties for that meeting
 - f. if not chairing a meeting, to take minutes of the PEC meetings inclusive of completed tasks, key decisions reached and tasks to be completed by the PEC
9. The PEC may designate sub-committees to work on specific tasks and a steering committee to undertake the following tasks:
 - Establish timelines for the completion of work
 - Delegate work to sub-committees
 - Seek resolution to issues arising during the evaluation work
 - Deliberate on high-level policy issues and make recommendations to the PEC
10. Quorum is defined as having at least one member or their proxy to represent each of the employer, the non-unionized employees, and each of the bargaining agents who selected members.
11. The bargaining agents, employer, or non-unionized employees are responsible to change, add, or remove their representative members at any time provided that the membership parameters set out above are maintained. A representative member or proxy must be assigned via notification to the PEC co-chairs, via email, prior to the meeting.
12. Additional persons such as subject specialists, observers, technical advisors or guests may be invited to participate. Co-chairs will be advised in advance and wherever possible requests will not be unreasonably denied.

13. The PEC shall meet every two weeks starting on **[insert date]** to carry out the following significant components as required by the Act to complete and post the pay equity plan:
 1. Define job classes
 2. Determine gender predominance
 3. Determine value of work
 4. Calculate compensation
 5. Compare compensation
 6. Post draft pay equity plan
 7. Obtain employee comments
 8. Post final pay equity plan

III. Decision-making processes

14. The members of the PEC will work collaboratively and rely upon a consensus approach in their decision making.
15. The employer, and employee (bargaining agent and/or non-represented) representatives can caucus at any point if required for voting purposes.
16. Should the parties be unable to reach consensus on the significant components as required by the Act and outlined in paragraph 13 above, the parties agree to engage the services of a mediator with pay equity expertise.
17. Following mediation, if so required, the bargaining agents and non-unionized members who represent employees have, as a collective group, one vote and the members who represent the employer have, as a group, one vote. A decision of each group (or, party) shall be communicated by that group's co-chair, after consultation with the other members of the group.
18. Putting matters to a vote will only be used as a last resort if efforts to reach consensus have failed and following mediation. If the members who represent employees cannot, as a group, reach a unanimous decision on a matter, that group forfeits its right to the vote and instead the vote of the group of members who represent the employer prevails as per section 20(1) of the Act.
19. The parties will act in good faith in all PEC deliberations. However in the event of a dispute, where mediation has not resulted in a consensus, the parties agree that either party can refer the matter to the commission.

IV. Obligations to the PEC

20. The employer agrees to provide all relevant information in its possession that the PEC considers necessary for the establishment of the pay equity plan. The PEC will be responsible for identifying the required information and preparing a request to the employer. The employer will provide a timely response.

21. When requested, bargaining agents and employees must also provide relevant information within their knowledge and control to the PEC.
22. The parties agree that a one-day training session will be provided to the PEC at the expense of the employer. Each party may designate a trainer to develop and provide the training jointly with the parties' trainers.
23. The employer agrees to provide the PEC members with the necessary facilities, and technological support required to complete their tasks.
24. The parties agree that all members and former members of the PEC (and any other person in attendance at PEC meetings regardless of their role) will keep in strict confidence all information, data and discussions related to the development of the pay equity plan which are specified to be personal and/or confidential by the employer, employee or bargaining agent, as the case may be, and any such information may only be used for the purpose for which it is provided. A breach of confidentiality according to the Act may lead to a complaint to the Pay Equity Commissioner brought by: an employee, a bargaining agent or the employer.
25. The confidentiality obligations imposed by the Act do not derogate from the ability of a trade union or a committee member representing non-unionized employees to provide periodic updates to their constituents on the progress of the PEC's work on the plan.
26. Signature of these Terms of Reference will serve to confirm that members or former members of the PEC representing unionized employees, the non-unionized employee representatives and employer representatives understand and will abide by the confidentiality requirements as set out in the Act.

V. Gender-neutral comparison system

27. Following the agreement on job classes, the PEC shall develop and implement a gender-neutral comparison system (GNCS) which shall include, but not be limited to, a job description (JD) template/job fact sheets (if available); job information questionnaire (JIQ); a gender-neutral point factor job evaluation tool including factor and sub-factor definitions; factor weighting and a point scoring system.
28. The PEC shall identify the factors (skill, effort, responsibility and working conditions) and sub-factors to fully identify the features of work of the female and male job classes. The PEC may pilot the GNCS to assess whether the factors and sub-factors capture the work of the employees.
29. The parties agree that the job evaluation process will be done expeditiously. The PEC may rate the jobs, or by agreement, the parties may retain additional specialists to assist with the rating process.

30. The PEC, or specialist designate, shall prepare the Job Information Questionnaire (JIQ) for the female job classes and identified male job classes to complete. The PEC will determine the number of JIQs to be completed amongst the employees. The incumbent(s) and the immediate non-union supervisor shall complete a JIQ. The completed questionnaire shall be submitted to the JPEC. along with a copy of the current job description (if one exists).
31. The PEC agrees to hold a half-day joint information and/or training session during regular working hours for the employees/incumbents who will be required to complete the JIQ. The other half of the day will be allocated to completion of the JIQ. Ideally, training and completion of the JIQ occurs on the same day. Any additional time required to complete the JIQ will be outside regular work hours. No overtime or time-in-lieu shall be paid for the time spent outside regular work hours to complete the JIQ.
32. In rating the jobs and application of the GNCS, the parties agree that:
 - a. It is the content of the job, and not the performance of the incumbent(s) that is being rated.
 - b. Job classes are evaluated without regard for the existing wage rates.
 - c. Job classes are placed at the appropriate degree level within each sub-factor by comparing the specific requirements of the job to the sub-factor definition and the description of each degree level.
 - d. Rating decisions may include a “sore-thumbing” process to ensure consistency in the committee decisions. (Sore-thumbing is the process of taking a step back and a second look to ensure bias did not emerge and making adjustments to correct objective errors.)
33. The final weightings of the factors and sub-factors shall not be completed until after the job classes are rated and assigned levels. Job rating decisions shall require the consensus decision of the full committee or quorum present and shall be final and binding on the parties, subject to the dispute resolution procedure set out above.
34. Incumbents or the union or employer may request a reconsideration of a job evaluation result to the PEC in the period of no less than 60 days between the posting of the draft plan and Sept. 3, 2024. Any such reconsideration shall be completed within a 14-day period. The PEC shall consider the reconsideration request and make a decision that shall be final and binding on the parties.
35. The job evaluation process shall be considered complete when the job classes are assigned points and the parties have signed off on the points.

VI. Compensation comparisons

36. Following the calculation of the total compensation for each job class, the parties shall agree on a compensation comparison method consistent with the Act's purpose.

VII. Completion of the pay equity plan

37. The plan shall be completed when the parties have accepted the ratings, the factor/degree weights and banding, if so required, and the pay equity plan is posted in the workplace.

38. The parties agree that the pay equity plan, pursuant to s. 51 of the Act shall include:

- The number of employees in the plan;
- Confirmation that a Pay Equity Committee was established;
- A list of job classes;
- The gender of the job classes;
- A description of the method for determining the value of the job classes. In other words, what gender-neutral job evaluation tool was used by the committee to assess the value of jobs. The value of jobs is expressed in total points;
- The results and the value of each of the job classes;
- An indication of any differences in compensation and detail the comparison method used to compare jobs of comparable value;
- A list of female job classes which received pay equity adjustments and the date of the increases;
- Provision of information on the dispute resolution procedures that are available to employees.

Dated this _____ day of _____, 2023, at _____

For the employer

For the bargaining agents

For the non-union employees

Part III – At the table

This section outlines the nitty-gritty of negotiating the component parts and the steps of a pay equity plan. With the preparation work done and the documents reviewed, the USW committee members should have a good sense of the organization of work in the workplace. An initial picture likely emerged of the “women’s jobs” and the “men’s jobs”.

Keep in mind that the goal of the pay equity process is to compare the pay of female-dominated jobs to male-dominated jobs of equal value.

The Pay Equity Act prescribes specific steps to enable that comparison and develop the pay equity plan. It is important to ensure that the Pay Equity Committee is not jumping over any of the steps. In this section, in addition, we identify the key parts of the Act for your quick reference.

This section is organized in the order in which you will negotiate the pay equity plan at the Pay Equity Committee as follows:

- Step 1: Identify and create the job classes for analysis.
- Step 2: Determine the gender predominance of the job classes.
- Step 3: Determine the value of the job classes.
 - 3.1 Design the gender-neutral comparison system: factors, sub-factors, levels.
 - 3.2 Apply the gender-neutral comparison system: gathering information about work.
 - a. The pilot test run
 - b. Information sessions for workers about the pay equity process
 - c. The structured questionnaire
 - 3.3 Rate the jobs: by level and then finalize weightings of the factors to get to the value.
 - 3.4 Overlooked features of women’s work.
- Step 4: Total compensation to determine wages.
- Step 5: Apply the Pay Equity Act’s comparison system.
 - 5.1 Equal average method.
 - 5.2 Equal line method.

STEP 1.

Identify and create the job classes.

The identification and creation of “job classes” is the first step in the pay equity plan process.

This first step involves the selection and categorization of the jobs to be evaluated by the Pay Equity Committee.

The Pay Equity Committee is required to carefully examine the jobs at an employer’s workplace(s).

Job titles don’t tell the whole story. The classifications in a collective agreement don’t necessarily tell the whole story either. An employer’s existing classifications may be too broad or grouped together based on vague criteria.

The Pay Equity Act establishes specific criteria for grouping together jobs. The Act calls these “job classes”. The jobs are grouped together for comparison purposes.

The Pay Equity Act, Section 32, requires that positions are part of the same job class if:

- a) the jobs have similar duties and responsibilities,
- b) the jobs have similar qualifications,
- c) the jobs are part of the same compensation plan, and within the same range of salary rate.

A “job class” may be several positions grouped together. A job class includes all full-time, part-time and temporary positions. A job class can also be made up of one position with a single incumbent.

For example, an employer may have a broad classification called “designer”. In fact, the workers within this category have very different duties and responsibilities. Such a broad classification may mask that women have different duties and responsibilities under this general title. Under the Pay Equity Act, a job class is a group with similar duties and responsibilities. In this example, the classification of “designer” would need to be divided into separate job classes based on the actual duties and responsibilities of work.

The focus is on the requirements, the duties and the responsibilities of the position and not the individual incumbents.

Equally important to the definition of job class is the salary rate. The pay rate needs to be within the same range otherwise problems will arise when comparing job rates during the comparison phase.

The purpose behind the specific criteria to define the job class is to ensure consistency and a homogenous approach in the development of the pay equity plan. A consistent approach will assist with the evaluation of the jobs and reduce an unintended discriminatory approach.

A pay equity plan is to remedy systemic pay discrimination.



Systemic pay discrimination is a “culmination of individual practice, institutional wage practices and a history of employment and compensation... which has historically not recognized the value of women’s labour in the workforce.”

Haldimand-Norfolk (No. 3) (1990), 1 P.E.R. 17 para. 44; aff’d (1990), 1 P.E.R. 188 (Div. Ct.).

STEP 2.

Determine the gender predominance of the job classes.

This next step involves determining which job classes are female-dominated and which job classes are male-dominated. A job class can also be gender-neutral.

The Pay Equity Act, sections 35-37 require the Pay Equity Committee to use three criteria to determine the gender predominance:

- i. **Current** gender incumbency of who is in the job class now.
- ii. The **historic** gender incumbency
- iii. The **gender stereotyping** of the job, for example, whether it is a “women’s job” or a “man’s job”.

All three criteria must be applied to the assessment. The employer is required to provide the Pay Equity Committee with the necessary data and information to apply these three criteria.

While the Act does not set out how many years of historic data an employer is required to produce, the purpose of this criteria is to assess whether, historically, a job was aligned with men’s work or women’s work. The relevant issue is when was the job rate for the job class created or set down? In some cases, it may be decades ago and solidified a higher male wage and is more appropriately a potential male comparator job class.

In addition, the Pay Equity Committee may want to consult other statistical data or sociological research to determine the gender stereotyping of a job class. Certain jobs have a predetermined image of a “woman’s job,” for example, a secretary, a nurse, a clerical assistant. Other jobs have a stereotypical image of a “man’s job,” for example, a mechanic, a firefighter or an IT analyst.

Pay equity is about rectifying the historic and stereotypical undervaluing of women’s work. Both criteria are very important when determining the gender of a job class.

A job class will be determined to be a female job class if at least **60%** of the current incumbents are women and historically if, at least **60%** of the positions were occupied by women.

A job class will be determined to be a male job class if, at least **60%** of the current incumbents are men and historically if, at least **60%** of the positions were occupied by men.

If a job class does not reach this 60% threshold, it is determined to be gender-neutral and not used for comparison purposes.

The Pay Equity Committee will make the final determination of the gender incumbency of a job.

Respect gender diversity. The Pay Equity Committee should ensure that a fully inclusive approach which respects gender diversity is used when reviewing or asking individuals about

the current incumbency of a job class. First, the term “woman” and “man” should be applied in a manner which allows all individuals to identify as a woman or man if they so choose. Second, the assessment of the current gender incumbency should not require a non-binary individual from selecting one of the binary categories. A Pay Equity Committee should apply an approach to allow individuals to select their own identity.

Also, keep in mind that the pay equity process is about rectifying the deep, historic and systemic discrimination in the value and pay of “women’s jobs”. This systemic discrimination is based upon the funneling of women into specific jobs. The pay equity process is about properly valuing jobs and not individual identities.

STEP 3.

Determine the value of the job classes.

The gender-neutral comparison system, also called the job evaluation tool, lies at the heart of the identification of the value of the job classes and redressing the discrimination recognized by the Pay Equity Act.

The end result of the valuing of the job class process is that female job classes are found to be of equal value to male job classes.

Here is an example of jobs of equal value following a pay equity evaluation process:

Female-dominated jobs	Male-dominated jobs
Account Clerk	Mail Handler
Cleaner	Driver
Caterer	Groundskeeper
Library Technician	AV Technician
Student Services Officer	Carpenter
Housekeeper	Janitor – Lead Hand

Historically and stereotypically women’s jobs were found to be of equal value.

3.1 Components of a gender-neutral comparison system: designing the factors and sub-factors.

The Act does not set out a specific kind of job evaluation tool to be used by the Pay Equity Committee.

However, the Act requires four general factors are used to determine the value of work considering:

- i. The skill required to perform the work;
- ii. The effort required to perform the work;

- iii. Responsibility required in the performance of the work; and
- iv. The working conditions of the job. (Section 42 of the Act).

The Pay Equity Committee is required to create a system for valuing work based upon these four factors.

What the Pay Equity Act requires is that in order to determine the value of the work, the job evaluation tool must:

- (i) Not discriminate on the basis of gender; and
- (ii) Make it possible to determine the value of both female and male job classes. (see Section 43).

The gender-neutral comparison system involves the following:

- The analysis of the content of the job class, not the individual characteristics of a worker;
- Deciding on the tool to determine how the value will attach to the job information;
- The accurate collection of job information;
- Applying the tool to determine the value of the work performed.

The gender-neutral comparison system used for pay equity purposes is most commonly a **point-factor** system. A point-factor system has the following components:

- **Factors:** skill, effort, responsibility and working conditions.
- **Sub-factors:** the four basic factors are broken down into sub-factors. The sub-factors make it possible to take into account the more detailed and varied characteristics of the different types of jobs in the workplace(s).
- **Levels** or degrees assigned to each sub-factor. The levels or degrees assigned allow for a differentiation between different jobs. For example, some jobs require a high degree of financial responsibility and other jobs involve none. The more levels, the greater the differentiation between the jobs.
- **Weights** assigned to each sub-factor. The weightings determine the relative importance of each sub-factor. The weights assign a numerical value to the sub-factor levels. The weights are completed after the job interviews or job information questionnaires are collected and the work is identified.

While the sub-factors chosen must come under one of the four basic factors, the sub-factors selected and their interpretation may vary greatly from workplace to workplace.

The selected sub-factors must:

- Reflect the work as closely as possible with the jobs in the enterprise;
- Include the sub-factors associated with women's jobs which are often overlooked;
- Be assessed on multiple dimensions, such as frequency combined with intensity.

An example from the IndustriALL Pay Equity Toolkit, 2023

industrialunion.org/5-steps-for-trade-unions-to-close-the-gender-pay-gap

Factor	Sub-factors: what this covers	Features overlooked in women’s work
Skill	<ul style="list-style-type: none"> • Qualifications, experience, training, knowledge required for the job. • Mental, social and physical skills and abilities. • Problem-solving skills, independent judgement and decision-making. 	Interpersonal and communication skills <ul style="list-style-type: none"> • Operating/maintaining equipment • Co-ordination • Manual dexterity • Visual attention • Customer service • Managing records • Keyboard skills
Effort	Physical, intellectual or mental demands of the job. Frequency, duration, exertion, strain, stress.	Lifting heavy items of machinery or products <ul style="list-style-type: none"> • Lifting or moving people who are frail • Multi-tasking • Physical effort from regular, restricted or light repetitive movements
Responsibility	Responsibility required in the job, e.g., for human, technical, financial resources. <ul style="list-style-type: none"> • Supervisory roles for people, equipment or clients. 	Confidentiality, handling sensitive information <ul style="list-style-type: none"> • Managing and organising meetings • Caring for people, emotional support • Knowledge of safety and emergency procedures • Training and orientating new staff
Working Conditions	Psychosocial factors in the working environment, e.g., safety risks from working alone. <ul style="list-style-type: none"> • Danger and hazards of the job. • Unpredictability 	Physically or emotionally stressful situations, e.g., dealing with challenging clients <ul style="list-style-type: none"> • Exposure to chemicals and corrosive substances • Repetitive movements • Sitting or standing for long periods of time while operating machinery



The USW 2019 SES job evaluation tool uses 17 factors to assess work:

SK1	Previous education
SK2	Previous experience
SK3	Interaction skills
SK4	Movement skills
SK5	Decision-making – independence of judgment
RE1	Responsibility for information
RE2	Responsibility for materials, equipment and outcomes
RE3	Responsibility for safety of others
RE4	Financial responsibility
RE5	Manage or direct others
EF1	Mental effort – cumulative duration – includes sensory demands
EF2	Physical effort
WO1	Temperature, noise and other environmental conditions
WO2	Hazards
WO3	Stress
WO4	Work interruptions and distractions
WO5	Social disruption required by work scheduling

The SES sub-factors may be useful to review and assess whether they will illuminate the work in your workplace in a gender-neutral way.

The Canadian Pay Equity Commissioner has issued a generic template evaluation tool with the following factors for consideration by Pay Equity Committees. The employer may propose this tool or another tool developed by a consultant hired by the employer.

Canadian Pay Equity Commission February 2022 10 Factors

Skill	Knowledge: required to meet the position demands obtained through formal education, training, work and life experience
Skill	Communication and interpersonal skills: to provide information and influence actions of others
Skill	Problem-solving: degree of problem-solving, analysis, judgement in making decisions, solving issues, achieving results and outcomes
Responsibility	Impact of action: responsibility to take action or make decisions and impact of those decisions; cost or complexity to fix errors

Responsibility	Co-ordination of others: to plan, organize, monitor, direct or lead to achieve outcomes
Responsibility	Risk management: responsibility for monitoring, safeguarding and controlling organization assets (equipment, information, financial assets)
Effort	Motor effort: include fine motor (dexterity, large muscle effort and physical strain; exerting force)
Effort	Intellectual/cognitive effort as well as duration of effort includes concentration and attentiveness
Working conditions	Physical environment: assess the unpleasantness of the physical surroundings: smoke, odour, exposure, noise, vibrations, temperature, weather, etc.
Working conditions	Psychological environment: difficult people interactions, tight deadlines, lack of control over hours, frequent travel, shift work

There are many examples of gender-neutral comparison systems available. Each will have different sub-factors. It is very important to examine the sub-factors to ensure they put a spotlight on the work done in the workplace, particularly overlooked features of women’s work.

For example, the CHRC system does not include emotional effort. Emotional effort may be very much part of the work of female-dominated jobs. Such a sub-factor may or may not assist with identifying overlooked features of women’s work in your workplace. If the workplace is a call-centre where customer service is a crucial skill and workers must deal with angry customers, the gender-neutral comparison system would need to be adjusted to capture and value this kind of effort.

Four key points in the creation of the gender-neutral comparison system or the job evaluation tool for Pay Equity Committees are:

- i. It must be applied with a consistent and rigorous method;
- ii. The sub-factors and levels of analysis must be as unambiguous as possible and not overlap;
- iii. Illuminate the skills, effort, responsibilities and working conditions of work in the specific workplace; and
- iv. Gender-neutrality and free from gender bias.

Over the coming weeks, the USW Pay Equity Administrator will provide further information regarding the USW gender-neutral comparison systems and job evaluation tools to use with your Pay Equity Committee.

A word of caution: “Value that has already been determined.”

Section 41 (2) of the Pay Equity Act enables a Pay Equity Committee to use a job evaluation tool where the means of the method comply with the requirements of the Act.

An employer may suggest the committee use a job evaluation system from decades ago. However, such a system should be reviewed in detail by the Pay Equity Committee. Be very skeptical of such tools and their results, unless the USW was directly involved in the tool’s development. Such tools may contain gender-bias and the Pay Equity Committee must conduct a detailed assessment before agreeing to use such tools.

3.2 Applying the gender-neutral comparison system: gathering information about work

Once the Pay Equity Committee has developed the tool, the next step is gather information about the work from the workers in the workplace.

How does the Pay Equity Committee gather information about the work actually done by the workers?

The Pay Equity Committee develops and implements a pay equity questionnaire to the workers.

The questionnaire enables the workers to provide detailed answers about their skills, efforts, responsibilities and working conditions.

The questionnaire is designed to collect information regarding each of the gender-neutral comparison system’s sub-factors.

For further detailed background on gender-neutral job evaluation, check out the International Labour Organization’s guide:

Promoting Equity: Gender-neutral job evaluation for equal pay. A step-by-step guide.

By Marie-Thérèse Chicha, Professor, Industrial Relations, Université de Montréal.

[ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_122372.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_122372.pdf)

Some employers may want to rate and value the jobs using a position description only. However, job descriptions and other job information is rarely kept up-to-date by employers. Attempting to value jobs solely from position descriptions does not gather the full information required to value a job.

a. The pilot test

Often a Pay Equity Committee will want to run a pilot or pre-test of the questionnaire to see if the sub-factors are capable of capturing the work. This is done with a detailed questionnaire that mirrors the gender-neutral comparison system factors. An interviewer may interview a test group of worker using the questionnaire. Alternatively, a small test group of workers may be asked to answer a test questionnaire. After this information is collected, the Pay Equity Committee will review the results and discuss the gaps in information gathering, if any.

Once the test run is completed, the Pay Equity Committee will then turn to gathering information from all workers.

b. Information and training for workers about the pay equity process

The Pay Equity Committee should provide information or training sessions to workers before completing the pay equity questionnaire.

The purpose of the information sessions or training is to ensure the workers understand the purpose of the pay equity exercise. The information sessions will assist workers in thinking about their work in order to provide as complete information as possible.

USW Pay Equity Committee members should be prepared to provide their own “union-side” training to their members to ensure all understand the importance of the pay equity process.

c. Workers’ questionnaire

A structured questionnaire is made up of questions based upon the factors and sub-factors of the gender-neutral comparison system.

- The questionnaire should contain an overview and explanation of the purpose of the questionnaire.
- The questionnaire should use both closed and open-ended questions to allow workers to fully describe their work.
- Ensure that the questionnaire allows workers to explain and identify all features of their work and job which the questionnaire may have missed.
- Ensure that the questionnaire closely follows the sub-factors chosen by the committee to value the work.
- Gather objective facts, not perceptions of the work.
- Questions relate to the job requirements, not the individual job holder.

During the questionnaire phase, set a strict deadline for gathering the information. Be prepared to follow up with your members to ensure that they respond to the questionnaire.

“One reason the job content of women’s work is not recognized is that many of the skills, effort, responsibilities and working conditions in women’s work have been associated for so long with women, and so often done without pay in places like the home, that they have been rendered invisible, and have become identified with being a woman, rather than with the work.”

Ontario Nurses’ Association v. Women’s College Hospital,
1992 CanLII 4706.



3.3 Overlooked features of women’s work

One of the key requirements of the gender-neutral evaluation of work for pay equity is to make women’s work visible.

One way of making women’s and men’s work more visible is to include features of work that are often forgotten or overlooked. Many of these features of work are associated with work traditionally done by women.

If a gender-neutral comparison system does not make the invisible visible, the under-evaluation of women’s work will continue.

For example, here is an initial list of the commonly overlooked features of women’s work that the job evaluation tool must be able to identify and evaluate to ensure a gender-neutral system:

Skill

- Analytical reasoning
- Operating and maintaining several different types of office and manufacturing equipment
- Manual dexterity required for giving injections, typing, graphic arts
- Writing correspondence for others, proofreading and editing others’ work
- Establishing and maintaining manual and automated filing systems, records management and disposal
- Training and orienting new staff
- Dispensing medication to patients
- Special body co-ordination or expert use of fingers and hands
- Reading forms
- Providing personal services such as arranging vacations, handling household accounts
- Using a variety of computer software and database formats
- Creating documents
- Communicating with upset, irate or irrational people
- Handling complaints
- Innovating – developing new procedures, solutions or products
- Co-ordinating a variety of responsibilities other than ‘other staff or people’
- Developing or co-ordinating work schedules for others
- Deciding the content and format of reports and presentations

Sources: Ontario Pay Equity Commission, *Overlooked features of work*; ILO, *Gender-neutral job evaluation for pay equity*.

Effort – mental, physical and emotional

- Adjusting to rapid changes in office or plant technology
- Concentrating for prolonged periods at computer terminals, lab benches and manufacturing equipment
- Performing complex sequences of hand-eye co-ordination
- Providing service to several people or departments, working under many simultaneous deadlines
- Frequent lifting (e.g. office supplies, retail goods, lifting or turning sick or injured adults or children)
- Heavy lifting (e.g. packing goods for shipment)
- Frequent lifting and bending (e.g. child-care work)
- Long periods of travel and/or isolation
- Sitting for long periods of time at workstation, (e.g. while keyboarding)
- Irregular and/or multiple work demands

Responsibility

- Planning, problem solving, setting objectives and goals
- Caring for patients, children, institutionalized people
- Protecting confidentiality
- Acting on behalf of absent supervisors
- Representing the workplace through communications with clients and the public
- Supervising staff
- Shouldering responsibility for consequences of error in the workplace
- Preventing possible damage to equipment or people
- Managing petty cash
- Training and orienting new employees
- Keeping public areas such as waiting rooms and offices organized
- Handling new or unexpected situations
- Contacts with others – internally, externally

Working Conditions

- Stress from open office noise, crowded conditions
- Exposure to disease and stress from caring for ill people;
- Physical or verbal abuse from irrational clients or patients
- Cleaning offices, stores, machinery, hospital wards
- Exposure to and disposal of body fluids
- Exposure to communicable diseases
- Exposure to dirt from office machines and supplies
- Exposure to eye strain from computer terminals
- Adjusting to a variety of working environments continuously

Sources: Ontario Pay Equity Commission, *Overlooked features of work*; ILO, *Gender-neutral job evaluation for pay equity*.

3.4 Analyzing the data from the questionnaires: rating the jobs

Once the questionnaires are completed, the jobs must be rated using the levels attached to each of the sub-factors.

For example, for a sub-factor of previous education required for the job, the levels could identify: grade 10 education or less; completed high school; completed college diploma; some university; additional college certificate; university degree; post-graduate degree; PhD. A job is then rated based on the previous education required to do the job.

Job raters will rate and assign levels to all of the jobs by one sub-factor at a time before rating the next sub-factor. The rating is sub-factor by sub-factor rather than total job. This is one way to guard against bias.

During this process, it is important to guard against gender bias. For example, the Pay Equity Committee must guard against rating jobs which just mirror the existing hierarchy in the workplace. Be attuned to rating the hidden aspects of a job.

One important step during the rating of a sub-factor is to see whether the levels are equally distributed among female and male-dominated jobs. If the female-dominated jobs are clustered in the lower levels and male-dominated jobs in the higher levels, then gender discrimination may have crept into the rating process. Take a second look. Is this result truly justified?

3.5 Weighting the sub-factors

After the rating of the jobs by the level within the sub-factor, the next step is to weight the levels and the sub-factors. Some sub-factors may be worth more than others. Using a weighting and number system with a total of 1,000 points is most recommended and easiest to use.

The weighting of the sub-factors involves determining their relative importance and determining a numerical value for each sub-factor and its levels. This is an important step. It must be approached with great care. Bias may be introduced which undervalues women's work.

The Pay Equity Committee should ask the following questions:

1. What is the ranking of the factors: skill, effort, responsibilities and working conditions? Given all of the different types of work at the employer and its priority goals, what is the most critical factor to be applied in a gender-neutral way?
2. What is the percentage out of 100 to assign to each factor?
3. Ranking the sub-factors within each factor: what is most critical applied in a gender-neutral way? For example, start with ranking the sub-factors within one factor.
4. What is the percentage out of 100 to assign to each sub-factor? Once this ranking is complete, the levels add up to the total of each sub-factor.

Review the weighting for discriminatory bias. The existing hierarchy of jobs at the workplace should not influence the weighting factors.

This establishes a weighting grid to which you may assign points from each level to each job. Finalize the rating of all of the jobs by assigning the points from the weighting scale.

Further information will be provided by the USW Pay Equity Administrator as your Pay Equity Committee reaches this stage.

After each job class is assigned points, the value of the job classes has been awarded.

Review the overall picture of the value of the job classes. Where a job class seems to have too many points or too few points, take a second look. Did bias emerge in the weighting of the job? This process is called “sore-thumbing” where adjustments may be made to correct objective errors.

The Pay Equity Committee has now completed the first side of the pay equity equation: the rating of jobs to create their value.

The next step in the pay equity process looks at the pay side of the pay equity equation.

STEP 4.

Calculate total compensation for each job class.

The first part of the pay equity equation is to determine the value of the job classes. The second part of the pay equity equation is to determine the compensation rate of the job classes.

The pay equity equation requires the use of the highest rate of compensation for a job class. If a job class is on a wage grid, the job rate used is the highest on the wage grid.

The job rate for each job class must be expressed in dollars per hour.

The Act requires a “total compensation” approach. The Act defines compensation as any form of remuneration payable for work performed by an employee and includes:

- a. Salaries, commissions, vacation pay, severance pay and bonuses;
- b. Payments in kind;
- c. Employer contributions to pension funds or plans, long-term disability plans and all forms of health insurance plans; and
- d. Any other advantage received directly or indirectly from the employer.

At this stage in the pay equity process, the Pay Equity Committee will have some idea of the compensation for job classes. To be defined as a job class, the jobs were required to be “within the same range of salary rates.” The Pay Equity Committee needs to know the total compensation job rate for the female job classes and the male job classes.

However, it is very important to calculate all forms of compensation which includes payments, for example, not only hourly rates but clothing allowances, piece rates and incentive payments, paid sick leaves and other leaves, payments for professional memberships or gym memberships, health benefits (are they equally applied to all job classes?) and pensions and the list goes on.

During collective bargaining, the USW bargaining team will have examined the total costs of wage proposals for the USW bargaining unit. This is a good starting point to assist with the analysis.

There are exemptions from the calculation of total compensation. The exemptions are:

1. Seniority systems or length of service. For example, a job rate on the second step of the seniority grid is not compared to the end step on a grid. The highest rate on the wage grid is used.
2. Red-circling where a worker's job rate is temporarily not increased after a job is reclassified below or demoted below its current rate.
3. Temporary rate to attract skilled workers. Clear evidence must be provided to the committee of the shortage and the new rate must be applied in a gender-neutral way.
4. Geographic rates of pay.
5. A trainee's rate.
6. Merit-based compensation on a formal system of performance rating which has been brought to the attention of workers and is not gender-biased.
7. Additional compensation for extra-duty service: overtime, shift work, being on call, back-to-work premiums, additional travel time pay. However, examine these types of payments closely and ensure these are applied in a gender-neutral manner.

The Act prescribed a specific and unfortunate exemption regarding benefits and temporary, casual and seasonal workers. The fact that many of these precariously employed workers do not have benefits is exempt from the Act's calculation of total compensation. In other words, the financial deficit for temporary, casual and seasonal workers not receiving benefits is not part of the pay equity calculation.

Step 5.

Apply the comparison systems.

The Pay Equity Act sets out that the value of the job classes and the compensation of the job classes must be compared. This is where the mathematical formulas come in.

The Act sets out three systems. The Act requires the use of the "equal average method" or the "equal line method." (ss. 47-50).

If there are no predominantly male job classes in the workplace, the Pay Equity Committee is required to apply the “proxy” method of comparison by identifying three male job classes from another employer with similar characteristics or the job classes set out in the Pay Equity Regulation. (s. 60 and ss. 18-30 of the Regulation)

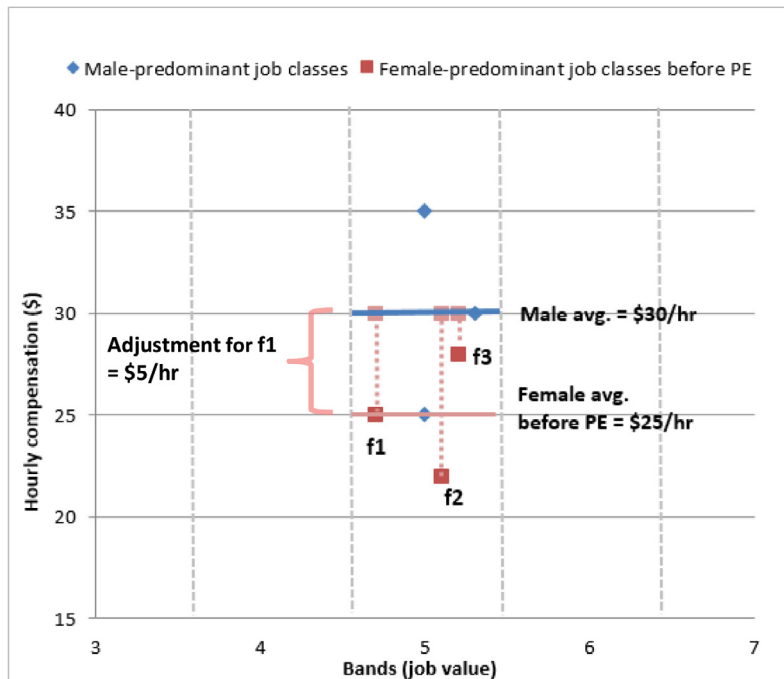
If a Pay Equity Committee wants to use a different system, the committee may apply to the Commissioner to do so.

The regulation also stipulates additional rules and formulas regarding the application of the equal average method and the equal line method. These formulas are complicated and require care when applying.

a. The Equal Average method

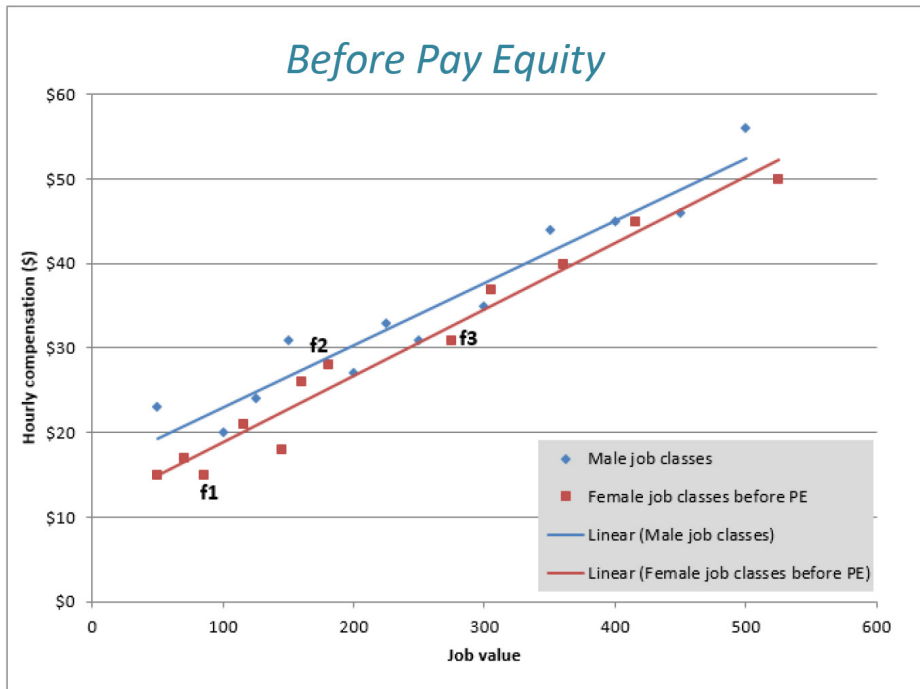
The Equal Average method requires the creation of “bands” based upon the point ranges identified through the gender-neutral comparison system. The average job rate for all male job classes and all female job classes within each band needs to be determined. The job rate of the female jobs in the bands are compared with the average male rate. Where there is a gap, the female job rates are adjusted to the average male rate. If some of the female job classes’ job rate is above the male average in the band, the regulation requires that a formula is applied. From the mathematical calculation, identify any required pay equity adjustments.

The Act defines the term “banding.” A band means “a range” which the Pay Equity Committee “considers comparable.” The definition is not very precise. Care will need to be taken in the definition and identification of the bands. Is the band truly reflective of comparable work, particularly the work of female-dominated job classes in comparison to the male-dominated job classes?



b. The Equal Line method

The equal line method applies a regression line analysis. A wage line may be drawn plotting the relationship of the job value to the total compensation. Here is an example,



Using the equal line method, the female job class job rates are adjusted up to the male wage line to establish pay equity job rates.

The Pay Equity Regulation deals with situations where the wage lines cross.

A pay equity review requires a detailed review of the pay structures. All jobs of the same and comparable value should be paid the same.

The pay equity process results in pay adjustments for some female-dominated job classes. However, the pay equity process may reveal other internal inequities. Some male-dominated job classes are underpaid to other male job classes in the same band. Some male job classes may be overpaid in relation to their value.

This process provides an opportunity to harmonize the entire compensation system in accordance with the gender-neutral value of the work. This harmonization ensures internal equity has been achieved for all jobs. Further analysis of internal equity is an important part of the pay equity process which the Pay Equity Committee may review.

Note: Further information regarding the two comparison methods and the special proxy comparison method will be available to assist Pay Equity Committee members in the near future from the USW Pay Equity Administrator.

This section covers the federal Pay Equity Act’s requirements and timelines regarding posting the pay equity plan and making pay equity adjustments.

1. Posting the Pay Equity Plan: deadlines no later than July 3, 2024 and Sept. 3, 2024

The Pay Equity Committee has completed the compensation analysis by applying one of the three methods set out in the Act. The analysis demonstrates that some of the female-job classes are owed compensation increases.

However, before the compensation adjustments can be made, two important steps need to take place to inform workers of the results of the pay equity analysis.

First, the draft pay equity plan must be posted in the workplace for all employees to review and comment on for at least 60 days. The deadline for posting the draft pay equity plan is July 3, 2024, to allow for posting of the final plan by Sept. 3, 2024.

Of course, a Pay Equity Committee make post the draft plan in advance of July 3, 2024, to ensure that workers have time to comment, and the committee may meet to resolve any of the outstanding issues raised by the workers’ comments.

The draft plan must be accompanied by a notice explaining to employees that they have the right “to provide the Pay Equity Committee with comments on the draft plan.” (Section 52 of the Act.) The notice is to provide a time limit on when the comments may be received. Typically, the comments are requests for reconsideration of the valuing of a job class or questions regarding the wage comparison analysis.

This notice period is an important opportunity for USW members and for USW committee members to review and discuss the results of the pay equity process.

The draft plan requires the same detailed information as the final plan. This ensures that workers have the opportunity to review the entire results. Section 51 of the Act requires that the plan contain:

- i. The number of pay equity plans at this employer.
- ii. The number of employees.
- iii. Whether a Pay Equity Committee has been established.
- iv. The list of the job classes that have been identified to be job classes of positions occupied. The list of predominantly female job classes and the list of predominantly male job classes.
- v. The determination of the value of work performed in certain job classes including the results (points).

- vi. A description of the gender-neutral method of valuation that was used.
- vii. A list of any exemptions from the calculation of compensation and give the reasons why.
- viii. The method used to compare compensation.
- ix. The results of the comparison.
- x. Identification of each predominantly female job class that requires an increase in compensation under this Act and describe how the employer will increase the compensation in that job class and the amount, in dollars per hour, of the increase.
- xi. The date on which the increase in compensation is payable under this Act.
- xii. Information on the dispute resolution procedures that are available to workers.

Second, and following the posting of the draft plan and receiving comments, **the final pay equity plan must be posted by Sept. 3, 2024.**

These deadlines may vary with employers which become subject to the Act after 2021.

2. Increases in compensation: due Sept. 4, 2024

Compensation increases as a result of the pay equity analysis (either the equal average method or the equal line method or the proxy method) are, in effect, human rights remedies for enduring years of undervalued and underpaid work.

Under the federal Pay Equity Act, female-dominated job classes will be increased where the current job rate is less than the male average rate or less than the male wage line.

However, not all female-job classes will be entitled to a pay equity adjustment. Female job classes with rates about the male average rate or above the male wage line are not eligible for compensation.

As human rights remedies for systemic discrimination, pay equity increases prevail over the job rates in the collective agreement. Any of the pay equity adjustments are incorporated into and form part of the collective agreement (Section 95 of the Act).

All increases in compensation under the pay equity plan must be implemented by Sept. 4, 2024. The day after the final pay equity plan is posted. **The new pay equity adjusted rate is in effect and is considered the employees' new compensation as of that day. The employer has 90 days to make the payment.**

However, if an employer owes more than 1% of total payroll in outstanding pay equity adjustments to female-dominated job classes, the Act provides a phase-in period of three years. Compensation increases must be at least 1% of payroll. The phase-in period varies based upon the size of the employer. Medium-to-large employers have until September 2027 and small employers have until September 2029 to finalize all increases. The final payment is required to pay employees with all previously unpaid adjustments.

If an employer has been granted an extension to post its plan, the Pay Equity Committee will need to be advised of this application. The employer has an obligation to pay lump sums with interest the day after the employer posts the plan.

3. Administrative requirements and pay equity maintenance

In order to avoid systemic discrimination from re-emerging, employers are required to file annual statements, starting in 2025, with the Pay Equity Commissioner. The statements essentially require the employer to keep track of how many employees are covered by the plan and how many female-dominated job classes exist in the workplace. The USW should receive a copy of this statement.

Employers are required to keep copies of the pay equity plans and all documents relevant to its creation.

Pay equity must be maintained. It requires active vigilance and monitoring to ensure a pay equity gap does not re-emerge. The Act requires employers to maintain pay equity. No more than five years after Sept. 4, 2024, the employer and the workplace parties are required to re-examine the plan to ensure that it is up to date. If there are changes, such as mergers, the creation of new jobs, additional duties and responsibilities added to jobs, a new pay equity analysis must be conducted, and the plan updated.



In this section, we review the dispute resolution mechanism under the federal Pay Equity Act.

If you have a complaint or a dispute, the starting point is with the new Pay Equity Commissioner.

1. New enforcement mechanism

Pay equity is enforced through a new mechanism created under the umbrella of the Canadian Human Rights Commission.

The Canadian Human Rights Act was amended to authorize the creation of the Pay Equity unit to support the creation of a new role: the federal Pay Equity Commissioner.

The Pay Equity Unit describes its function as providing guidance to employers, bargaining agents and employees in a variety of ways as they implement pay equity in their workplaces.

To enforce pay equity, you do not file a grievance under the collective agreement. Rather, you file a notice of dispute with the Pay Equity Commissioner. While there may be some circumstances where you may want to file a grievance, **it is advisable to speak to the Pay Equity Administrator before doing so where the grievance overlaps with pay equity and compensation issues.**

The starting point of a dispute is with a complaint to the commissioner and the timelines for filing complaints and appeals are quite tight as we outline below.

The Pay Equity Commissioner's mandate is, amongst other duties, is to:

- (a) Ensure the administration and enforcement of the Act; and
- (b) Facilitate the solution of disputes relating to pay equity.

The commissioner may conduct an audit or an investigation for non-compliance with the Act.

The commissioner may issue penalties against employers and trade unions.

2. Protections for employees: no reprisals and no reduction in male job class pay

The Act provides two very important protections for USW members.

- i. **Anti-reprisal protection.** The employer must not take reprisals against an employee for participation in the pay equity process. USW members may be concerned about speaking out to their employer during the Pay Equity Committee deliberations.

However, the anti-reprisals protections are an important safeguard for an individual member. The Act also provides that a trade union must not take reprisals against an employee either (see sections 102-103).

- ii. **No reduction in pay to establish pay equity.** The Act includes the crucial prohibition against an employer reducing the pay and compensation to any of its employees in order to achieve pay equity. In other words, a male job class job rate may not be reduced to establish and maintain pay equity (see Section 98).

3. Filing a complaint depends on stage of the pay equity plan development

The dispute resolution mechanisms are outlined in sections 147 to 150 of the Act. There are three different types of methods to resolve a dispute.

- i. **During the development and negotiation of the plan: notice of matter in dispute.**

If the employer and employee-side members of a committee do not agree “in respect of a matter at any step leading to the establishing of a pay equity plan or the updating of a pay equity plan,” a trade union may file a Notice of Matters in Dispute with the Pay Equity Commissioner (s. 147).

For example, if a vote at the Pay Equity Committee is tied, the employer, bargaining agent or a member who represents non-unionized employees may notify the Pay Equity Commissioner that there is a “matter in dispute.”

The trade union is required to provide the commissioner with a detailed description of the issue and notify other members of the Pay Equity Committee as soon as possible that they have contacted the commissioner. When filing a notice of matters in dispute, it is very important to file all documents and a detailed outline of the facts, issue, and the USW’s proposed remedy. This type of complaint will need to detail how the committee’s actions are contrary to the purpose of the Act and the specific section of the Act in question.

The Pay Equity commissioner must then attempt to assist the parties in reaching consensus. The commissioner’s role is to attempt to assist the parties to settle any part or all of the matter and all parties are given an opportunity to make submissions.

The commissioner may investigate the dispute. Through the investigation, the parties have an opportunity to present evidence and make representations.

The commissioner may make **an order** settling the dispute and the contents of the order form part of the pay equity plan.

- ii. **Notice of Objection.** At the point of posting a pay equity plan, if the employer (not a committee) proceeded with the plan development, a bargaining agent may file a Notice of Objection (s. 148) where it objects to the pay equity plan. Particulars of the objection are to be filed with the Pay Equity Commissioner.
- iii. **Complaints.** A trade union may file a complaint with the commissioner regarding any other contravention of the Act other than issues dealing with the specific development and negotiation of the plan.

For example, such complaints could apply to where an employer failed to make the pay equity compensation increases. In addition, a trade union may file a complaint “where it has reasonable grounds to believe that the employer attempted to influence non-union employees on the committee,” or where “it believes another trade union acted in bad faith, in an arbitrary or discriminatory manner while exercising its functions” under the Act.

The Act sets out a 60-day limit for filing a complaint from the time the incident or circumstances giving rise to the complaint was known or ought to have been known (s. 152 (2)). The commissioner is required to make an order to settle the dispute or dismiss the complaint in whole or in part. Any order forms part of the pay equity plan (s. 157(3)).

Following the commissioner’s decision, a party may request a review within 30 days. Following such a decision, a trade union may appeal to the Canadian Human Rights Tribunal within 30 days after the day they have received the decision or order.

iv. **Other claims of wage discrimination.**

The Pay Equity Commissioner also has broad powers to consider discriminatory wage practices beyond s. 11, equal pay for work of equal value. Such claims often involve s. 7 (reprisals) and s. 10 (no discrimination in employment) of the Canadian Human Rights Act. The Pay Equity Commission may investigate such complaints or sever some or all of the allegations involving the broader claims to the Human Rights Commission rather than the Pay Equity division (s. 40 (4.2) of the Canadian Human Rights Act. One example of a broader claim may involve a wage grid dispute where female-dominated jobs are placed on a longer wage grid.

4. Penalties against the bargaining agent

The Act enables administrative monetary penalties to be laid against a bargaining agent. The penalties are for a violation of the Act. A new regulation is anticipated to determine the specifics of the power.

What the Act does say is that depending on the size of the employer, penalties range from \$30,000 to \$50,000 (s. 126). If a violation continues, a bargaining agent may be fined each day.

Due diligence and “reasonably and honestly believed in the existence of facts” are not defenses to a violation (s. 133).

Pay Equity = equal pay for work of equal value

Pay equity is equal pay for work of equal value. Pay equity requires that jobs usually done by women (female job classes) must be valued and compared to jobs usually done by men (male job classes). If the jobs are found to be of similar value, the job classes must be paid the same. Pay equity is a fundamental human right.

The Pay Equity Act is remedial legislation designed to intervene, to recognize, to measure and to redress systemic gender-based discrimination. Pay Equity requires identifying the value of the job usually using a point factor job evaluation system. After the value of the job is determined, the compensation of the female jobs is compared to the male jobs.

Comparator

A comparator is the male job class to which a female job class is compared and found to be of equal or comparable value. The female job class must be paid the same job rate as that of the comparator.

Compensation

Compensation means total and is defined as means any form of remuneration payable for work performed by an employee and includes:

- a. Salaries, commissions, vacation pay, severance pay and bonuses;
- b. Payments in kind;
- c. Employer contributions to pension funds or plans, long-term disability plans and all forms of health insurance plans; and
- d. Any other advantage received directly or indirectly from the employer.

The calculation of compensation includes every advantage received directly or indirectly from the employer. Compensation must be expressed in dollars per hour.

The Act sets out exclusions from the total compensation, if provided without discrimination based on gender. The exclusions are a) the seniority or length of service; (b) red-circling; (c) a shortage of skilled workers that causes a temporarily increase in compensation; (d) the geographic pay rates; (e) development or training program rates; (f) the non-receipt of compensation — in the form of benefits that have a monetary value — due to the temporary, casual or seasonal nature of a position; (g) the existence of a merit-based compensation plan; (h) compensation for extra-duty services, overtime, shift work, being on call, being called back to work and working or travelling on a day that is not a working day (s. 45 and 46).

Equal pay for equal work (equal pay)

Equal pay for equal work requires an employer to pay the same wage to a man or a woman doing the same or similar work in the same company.

Gender bias

Gender bias is the favouring of one gender (usually men) over another (usually women). In compensation, gender bias means that the gender of the person in the job has influenced how that job is paid.

Job class

This is a distinct and very important key concept used in a pay equity analysis. It is a category used as the basis for comparing women's and men's jobs and the associated compensation. A "job class" means those positions which have similar duties and responsibilities; they require similar qualifications; and they are part of the same compensation plan and are within the same range of salary rates (s. 32 of Act).

A job class is a predominantly female job class if (a) at least 60% of the positions in the job class are occupied by women; (b) historically, at least 60% of the positions in the job class were occupied by women; or (c) the job class is one that is commonly associated with women due to gender-based occupational stereotyping (s. 36 of the Act).

The terms "women" and "men" are to be used in a gender-inclusive way. An inclusive approach enables people who do not identify as either a "woman" or a "man" an option of identifying as neither.

Job evaluation and "gender-neutral comparison system"

A job evaluation system is part of a job comparison system that determines the value of job classes within an organization. The job evaluation system must be gender neutral. A job evaluation system or gender-neutral comparison system use skills, effort, responsibilities and working conditions as the four basic factors. Additional sub-factors are used to ensure all elements of work can be identified.

The Pay Equity Act mandatorily requires that to determine the value of the work, the method (a) does not discriminate based on gender; and (b) makes it possible to determine the relative value of the work performed in all the predominantly female and predominantly male job classes.

Job rate

The salary at the highest rate in the range of positions in the job class. The highest rate will need to be converted and expressed as an hourly rate.

Occupational segregation

Women in Canada remain concentrated in industries and jobs that parallel their traditional gender roles at more than double the rate of men. Women continue to work in occupations such as care work, education, and services. Women typically are paid at lower levels than men. The proportion of women working in the 20-most-female-dominated occupations in Canada has barely shifted in more than a generation, from 59.2% in 1987 to 56.1% in 2015.

Pay Equity Committee

The Act prescribes that a Pay Equity Committee be established in unionized workplaces (s.16). The committee's task is to analyze the workplace and develop a pay equity plan. The Act prescribes the composition, decision-making processes, selection of committee members and measures to support the work of the committee.

Pay equity plan

The Act requires that "every employer must establish a pay equity plan in accordance with this Act in respect of its employees." The plan must include the number of employees; describe whether a Pay Equity Committee was established; list of job classes and gender; describe the method for determining the value of the job classes; set out the results and the value of the job classes; indicate any differences in compensation and the comparison method used; identify female job classes which received pay equity adjustments and the date of the increases and provide information on the dispute resolution procedures that are available. The final plan must be posted in the workplace no later than **Sept. 3, 2024**.

Proxy method comparison

The proxy comparison method allows defined organizations which have mostly or all-female job classes to find comparators from another organization.

Systemic gender discrimination

"Systemic discrimination in an employment context is discrimination that results from the simple operation of established procedures ... none of which is necessarily designed to promote discrimination." It is the unintended by-product of seemingly neutral policies and practices.¹

Value

The term "value" is not defined in the Pay Equity Act. However, there are two key points. First, at a systemic level, women are paid less because they are in women's jobs, and women's jobs are paid less because they are done by women. The reason is that women's work — in fact, virtually anything done by women, is characterized as less valuable. Second, the Act requires the determination of "the value of the work performed" is the composite of four main factors: skill, effort, responsibilities and working conditions (s. 41-42).

¹ Action Travail des Femmes v. Canadian National Railway Co. 1987 CanLII 109 (SCC), [1987] 1 S.C.R. 1114, at pp. 1138-1139.

Here is a list of additional resources to assist the Pay Equity Committee.

The federal Pay Equity Commission

<https://www.payequitchrc.ca/en>

The federal Pay Equity Commission has issued several educational materials which may be helpful to you and the USW Pay Equity Committee members.

The commission's "Interpretation, policy and guidelines" documents which are meant to provide employers, bargaining agents and non-union employees with the commission's views on the Act. Such documents help make the commission's views more predictable.

<https://www.payequitchrc.ca/en/publications>

What is pay equity: a short video that explains pay equity.

<https://www.payequitchrc.ca/en/about-act/what-pay-equity>.

The International Labour Organization (ILO)

Equal pay for work of equal value: How do we get there?

https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/@multi/documents/meetingdocument/wcms_156288.pdf

Gender-Neutral Job Evaluation for equal pay: a step-by-step guide

www.ilo.org/wcmsp5/groups/public/--ed_norm/--declaration/documents/publication/wcms_122372.pdf

Equal Pay: an introductory guide. The ILO explains Convention 100, equal pay for work of equal value. The guide reviews how the principle of equal remuneration for men and women for work of equal value needs to be implemented if equality is to be promoted and pay discrimination is to be addressed effectively, particularly since women and men often do different jobs.

www.ilo.org/wcmsp5/groups/public/--dgreports/--dcomm/--publ/documents/publication/wcms_216695.pdf

The federal Pay Equity Act

<https://canlii.ca/t/555nb>

The federal Pay Equity Regulations

<https://canlii.ca/t/555nh>

Ontario Pay Equity Commission

<https://payequity.gov.on.ca/home-2022/>

Quebec Pay Equity: La Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)

<https://www.cnesst.gouv.qc.ca/en/pay-equity-your-right>

SUMMARY

In summary: Let's Take Action to enforce pay equity and help close the gender pay gap.

The USW's efforts to take action and enforce the federal Pay Equity Act are important and valuable contributions to end wage discrimination. Pay equity helps bring everyone up to the same level.

You are not alone in the pay equity process. A problem you may believe is unique to your committee simply is not. It may be the same issue faced at other Pay Equity Committees. Support is available. **If staff or members have questions or concerns, please contact the Pay Equity Administrator at the USW Canadian National Office.**





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