

Federal Pay Equity

Legislation Fact Sheet

HIGHLIGHTS TO DISCUSS WITH YOUR MP

Pay equity is a fundamental human right that must be enforced.

NEW LEGISLATION MUST:

- 1/ Be proactive** (rather than complaints-based) with a clear and detailed preamble and purpose clause. The preamble must clearly articulate why there is a legal obligation to ensure that pay equity is achieved. A purpose clause will clarify the commitment to eradicate systemic sex discrimination in compensation.
- 2/ Include all employees** (unionized, non-unionized, full-time, part-time, seasonal, casual, temporary, dependent contractors and federal contractor employees).
- 3/ Ensure unions have an active role.** There must be an obligation in the workplace for employers and unions to work together to achieve and maintain equal pay for work of equal value. This should include the creation of a joint **Employer and Union Pay Equity Committee** tasked with developing a pay equity plan to redress systemic wage discrimination by evaluating jobs with a gender-neutral comparison system, identifying necessary wage inequities and ensuring that wage adjustments correct the inequities within a specified timeframe.
- 4/** Create a properly-resourced **Canadian Pay Equity Commission** and **Canadian Pay Equity Tribunal** to ensure compliance with the legislation through education, audits, compliance orders, enforcement and the authority to impose fines for non-compliance.
- 5/** Promote **pay transparency** in the form of mandatory disclosure of compensation information and posting of Pay Equity Plans and Maintenance Plans to facilitate rights enforcement and monitoring.

BACKGROUND

Women have a right to be paid wages that are free of discrimination based on sex. This goes farther than equal pay for equal work: it means that women have the right to *equal pay* for work of *equal value*, a principle first recognized by the International Labour Organization, an arm of the United Nations, in 1919.

Robust pay equity legislation is the only way to redress the significant gender-based wage discrimination that still exists. The *Canadian Human Rights Act* and *Equal Wages Guidelines, 1986* were intended to end this discrimination, but complaints-based methodologies have failed to provide a remedy.

The 2004 Pay Equity Task Force report, issued by the House of Commons, recognized internationally as the most comprehensive study of its kind, provided 113 recommendations. These included a need for stand-alone proactive legislation, an increase in union involvement, and the need to achieve and maintain pay equity.

In 2016, the House of Commons Special Committee on Pay Equity produced a report listing 23 recommendations and reaffirming the 2004 recommendations. This included a recommendation for proactive legislation and union involvement throughout the creation and maintenance process. A 2018 Supreme Court decision further supports a call for ongoing pay equity maintenance. It is time to enact robust and systemic federal pay equity legislation that will redress systemic discrimination.