



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Special Committee on Pay Equity

ESPE • NUMBER 009 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Wednesday, May 4, 2016

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Chair

Ms. Anita Vandenbeld

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• (1730)

[English]

The Chair (Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.)): I call this meeting to order.

As most of us know, unfortunately, it is very likely we will be interrupted by votes, likely around 5:45. I thank the witnesses for being flexible in keeping their presentations to eight minutes each, which means that if we are interrupted, at least we won't be interrupting you midway through your remarks.

[Translation]

Welcome, everyone. My thanks to the witnesses for the presentations they will be giving before us today.

[English]

We have today, in the first panel, from the the National Association of Women and the Law, Julie Shugarman, who is the executive director, and Anne Levesque, the co-chair of the national steering committee. We also have from the New Brunswick Coalition for Pay Equity, Johanne Perron, the executive director.

We will start with the National Association of Women and the Law.

Julie, go ahead.

Ms. Julie Shugarman (Consulting Director, National Association of Women and the Law): Thank you, Madam Chair, honourable members.

My colleague Anne Levesque and I are pleased to be appearing before you on behalf of the National Association of Women and the Law.

NAWL is a national non-profit feminist organization that has worked since 1974 to promote the substantive equality rights of Canadian women through legal education, research, and law reform advocacy.

NAWL developed significant expertise in pay equity, and has worked collaboratively with federal unions and other women's equality rights organizations to provide evidence to the Standing Committee on the Status of Women multiple times, as well as to the Bilson task force on pay equity. We have, on numerous occasions over the last 30 years, presented on the problems with the complaint-based model under the Canadian Human Rights Act, and the importance of proactive legislation at the federal level.

For ease of reference, NAWL will file its submissions to the pay equity task force from 2002 that, unfortunately, remain perfectly, if

not more, relevant today. That report was endorsed by the National Action Committee on the Status of Women, La Fédération nationale des femmes canadiennes-françaises, the Canadian Research Institute for the Advancement of Women, and the DisAbled Women's Network of Canada.

At the outset, it's important to note that in 2006 NAWL was defunded when the previous federal government removed advocacy research and lobbying from Status of Women Canada's mandate, thereby preventing the agency from funding the critical work of equality rights organizations like ours.

Since 2007, NAWL's national steering committee and a group of feminist consultants have kept the organization alive on a volunteer basis. It is in this significantly diminished capacity that we appear before you today, which is really a loss for law and policy-makers, and for Canadian women broadly, given the very active role an organization like ours could and should be playing in helping government develop human rights and charter-compliant legislation.

Because we will be filing our report to the task force, which outlines NAWL's recommendations regarding the nature of proactive legislation, I will confine my comments today to two critical pillars in the way forward.

First, the government must implement the 2004 pay equity task force recommendations and establish a proactive regime. In keeping with this, it must establish and make public a time frame to get draft legislation on the table for feedback and comment from relevant stakeholders.

Second, as part of this committee's mandate, government must ensure funding is available for women's equality rights law organizations to participate meaningfully at federal law-making tables to ensure any proposed proactive regime is compliant with domestic and international human rights obligations as well as with the Canadian Charter of Rights and Freedoms.

With respect to our first recommendation, we hope that at this point there is consensus among committee members that gender-based wage discrimination is a serious and costly human rights problem in Canada, and that Professor Bilson did excellent work to chart the way forward. We know that pay inequity is particularly acute for racialized women, immigrant women, aboriginal women, and women with disabilities. We know that Canada is attracting sanction by international bodies and domestic courts because of its ineffective action on pay equity to date.

It is NAWL's position that in light of both domestic and international commitments and obligations, the Canadian government has a positive obligation to act immediately to table proactive legislation. The adoption of such legislation that applies to the entire federally regulated sector—public, private, large, small, unionized, and non-unionized players—and that recognizes equal pay for work of equal value as a human right is an essential step toward ensuring the respect of women as per section 15, equality rights.

This is not a radical claim. This recommendation is consistent with your committee's mandate, with six reports of the Standing Committee on the Status of Women issued between June 2005 and June 2009, and with the commitments of the previous Liberal government, and in particular of the ministers of justice and labour, who in fact had mapped a fairly clear path forward in their evidence to the Standing Committee on the Status of Women on November 21, 2005.

It's also consistent with the decisions of our highest courts. Indeed in 2004, in its NAPE decision, the Supreme Court of Canada recognized pay equity as constitutionally protected by the charter's section 15, equality rights.

In 2011, after nearly 30 years of litigation, the Supreme Court of Canada unanimously adopted the decision of Justice Evans from the Federal Court of Appeal in the Canada Post pay equity case. In his decision, Justice Evans candidly recognized:

However, with the benefit of hindsight, it now seems to have been a mistake for Parliament to have entrusted pay equity to the complaint-driven, adversarial, human rights process of the Canadian Human Rights Act.

• (1735)

The Chair: Ms. Shugarman, the translators are asking if you could slow down just a bit. I will be a little lenient on the time.

Ms. Julie Shugarman: Okay, sorry to the translators.

Justice Evans also stated in paragraph 167 of his reasons:

There is now much to learn from the experience of provincial pay equity regimes, which seem not to have been plagued with the same problems of protracted litigation as the federal scheme. In the interests of all, a new design is urgently needed to implement the principle of pay equity in the federal sphere. For criticisms of the present arrangements, and recommendations for reform, see the Final Report of the Pay Equity Task Force....

Finally, with respect to our first recommendation, it bears mentioning that in order to implement the task force's recommendations and institute an effective and constitutional proactive regime, it is necessary to repeal the Public Sector Equitable Compensation Act. Among other things, PSECA violates the constitutional right to equality by failing to provide an adequate mechanism to address the wage discrimination experienced by women employed in the federal public service and by denying them any substantive remedy. I can speak in more detail about the unconstitutionality of PSECA during question period if you would like.

Our second recommendation is that it be part of this committee's mandate to propose a plan for adopting a proactive regime. The government must ensure funding is available for national equality law organizations to participate meaningfully at federal law-making tables.

Without such funding support, the government will not have the women's equality rights law expertise nor the stakeholder participa-

tion it needs to guarantee that it enacts constitutional legislation. The Minister of Status of Women's mandate letter from Prime Minister Trudeau includes, among the minister's top priorities, that she work "with the Privy Council Office to ensure that a gender-based analysis is applied to proposals before they arrive at Cabinet for decision-making."

This mandate is consistent with earlier obligations adopted by the federal government, mandating that legislators engage in gender-based policy analysis at every stage of the legislative process. Indeed, the Department of Justice has highlighted the importance of gender-based analysis in legislative drafting. The drafting of new pay equity provisions is no exception. This requires ensuring sufficient funding for women's equality rights experts and organizations to participate meaningfully in the process. It does not require that you reinvent the wheel and attempt to redo what the task force already accomplished to great international acclaim.

To sum up, get proactive draft legislation on the table within an established time frame, and then ensure the funding is in place to properly engage the necessary experts so that you are sure to introduce a pay equity bill that meets Canada's domestic and international human rights obligations.

Thank you. We would be happy to answer any questions you have.

The Chair: Thank you.

That was eight minutes to the second.

I would now call on Ms. Perron, who also has eight minutes.

[*Translation*]

Ms. Johanne Perron (Executive Director, New Brunswick Coalition for Pay Equity): Thank you very much, Madam Chair. My thanks to the committee for inviting the New Brunswick Coalition for Pay Equity to appear today. My presentation will be in both official languages. I will start in French.

The New Brunswick Coalition for Pay Equity is a group of almost 800 people and 91 organizations that educates and advocates for the adoption of adequate legislation in order to achieve pay equity for all workers in both the public and private sectors.

Our organization was founded in 2001, but it is based on a process of reflection and advocacy that started in the 1980s.

In New Brunswick, the movement for pay equity has gathered momentum after wage parity, equal pay for equal work, was achieved. It soon became clear that equal pay was not enough. Most women held different jobs than most men, and those were often lower-paying jobs.

One example was the movement around the wages of registered female nurses in the 1980s. They had been campaigning aggressively since 1969, demonstrating that they were underpaid.

In 1980, a study by the New Brunswick Advisory Council on the Status of Women showed that registered female nurses earned less for the value of their work than Liquor Commission clerks, who were predominantly male.

Thanks to the initiatives of the nurses and public support, in 1981, registered female nurses received an increase of 41% over two years. That still did not amount to pay equity, but it was a fine victory.

Still today, it is estimated that most women in New Brunswick hold female-dominated jobs. In 2009, New Brunswick passed pay equity legislation covering the entire public sector, but no legislation ensures pay equity in the private sector.

Although the New Brunswick Coalition for Pay Equity is a provincial organization and the majority of our interventions are at the provincial level, we have also been involved at the federal level from the outset, because we recognize that access to the right to pay equity for part of the New Brunswick population falls under federal jurisdiction.

We urge the government to take a leadership role and finally pass a proactive piece of legislation, reflecting the recommendations made in 2004 by the independent pay equity task force. Those recommendations continue to be a reference point both for us and the rest of Canada.

I assume that you have looked at all of them, but I would like to highlight a few: that the legislation be proactive and include clear standards and criteria to achieve pay equity; that independent specialized oversight agencies be established to ensure its application with sufficient financial and human resources; that the legislation provide for reporting mechanisms, the participation of unionized and non-unionized employees in the process, as well as measures to ensure pay equity is maintained.

• (1740)

[English]

Pay equity is a human right recognized internationally. We expect the federal government to respect this human right for all women and to adopt strong legislation to ensure it is respected by all employers. The current complaint-based legislative framework equates more or less to voluntary measures since few employees have the capacity to lodge a complaint. Even those who are unionized have faced a lot of hardship to get their rights respected, as many others before me have testified. This is unacceptable in 2016.

Now I would like to tell you a little bit about New Brunswick's experience with voluntary measures for pay equity. In 2005 the provincial government adopted a five-year action plan to reduce the wage gap, based on recommendations by a round table at which the majority of participants were from the most important employer associations. The 2005-2010 action plan promoted voluntary measures to ensure pay equity. However, no measurable results came out of the five-year action plan. Employers did not change their human resource practices, they did not implement job evaluations,

and they did not compare the value of jobs that are done predominantly by females with those done predominantly by males.

All we know is that in 2008 a little fewer than 25% of employees had job evaluation systems, but we had no information about the number of employers that had implemented a pay equity system and whether that number changed over the course of the action plan. During that period the government also introduced pilot pay-equity projects for workers in four caregiving services provided in the private sector and receiving government funding to a certain extent. In the end the so-called fair pay the government came up with was \$12 to \$14 an hour.

We asked economist Ruth Rose to analyze the government's reports, and she found that fair wages would lie around \$20 an hour. She came to the conclusion that the pay equity exercises in the four caregiving sectors were deliberately distorted to reduce the cost to the government.

The New Brunswick experience shows the need for clear parameters so that employers are not permitted to avoid doing pay equity exercises or to adjust the methodology to fit their interests. That's why we support proactive pay equity legislation both at the federal and the provincial levels. That is also why we support the 2004 pay equity task force report, "Pay Equity: A New Approach to a Fundamental Right". There is no need for further studies.

We urge the committee to recommend a strong proactive pay equity act based on the 2004 pay equity task force report.

Now is the time to respect the fundamental right to pay equity and to take immediate action.

Thank you.

• (1745)

[Translation]

The Chair: Thank you very much, Ms. Perron.

[English]

Since the bells are not ringing yet, we will attempt to start questioning.

We have Ms. Dzerowicz for the first question, for seven minutes.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you very much.

Thank you, so much. I appreciate why you would have had to speak so quickly and why there is anxiousness.

We've heard fairly consistently—I think there have only been a couple of exceptions—to implement a proactive model; stop the reports, we have enough; and move forward.

With that in mind I would love.... You started going into this a little, Ms. Perron, so I wouldn't mind a little more detail on implementation. There is lots of complexity. My colleague last night did a wonderful job in saying that the concept of pay equity is quite simple and no one is going to disagree with it, but there is a lot of complexity in the implementation, particularly at the federal level.

From the examples we've seen, whether it's Ontario, Quebec, some of the things that have been done in other provinces like New Brunswick, and I'm sure other provinces have had it, and from anything you know of that's been done internationally, what advice would you have around some of the implementation aspects? There are a lot of different types of job classifications. How do we start working through some of that? What would be your advice around that?

Some federal bodies are big, and some small. Do we move a little more slowly on the small? What are the timelines we should be looking at or considering or thinking about as we're trying to put together that framework? What would be some of your advice around that?

I'm going to start with that and then I have a second part.

The Chair: We will have to answer that question afterwards because the bells are ringing.

Ms. Julie Dzerowicz: That's okay. Could you take it with you?

The Chair: We have a bus waiting so we should be able to get there on time.

I apologize to our witnesses. Unfortunately this is one of the realities of being on the Hill. I would ask, if it is your pleasure, if you would remain while we're voting. It could be up to an hour, including the timing of the bells, but since we had planned to have this meeting extended an extra hour just in case, if that's the will of the committee, then we would just recommence where we left off and then do everything a little later.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Until 9:30...?

The Chair: Until 9:30, because we built in the extra hour when we did our work plan just in case something like this were to happen.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): I don't mean to cut anyone off, so we might want to talk with the clerk and with the witnesses and come back here with the next set of witnesses and then have questions for all of them at the same time. I have some constraints; however, it's the committee's decision.

The Chair: We'll come back and we can finish with this panel for 45 minutes, which would have been the norm. Assuming it's 7:30, we could ask all four to be on the same panel. I know one of the witnesses can only be here for an hour. If it goes longer, because we have more questions for those witnesses, the committee can gauge it at that point.

We don't want to miss the votes, so I will be suspending the committee until after the votes.

• (1745) _____ (Pause) _____

• (1850)

The Chair: We are resuming.

I want to thank our witnesses very much for their patience. It was a very important vote and we appreciate that you were willing to stay.

We will continue with that first question.

I believe Ms. Dzerowicz had posed the question. If you wish to begin your answer, go ahead.

Ms. Julie Shugarman: As far as I understand, you were asking about implementation and advice around implementation, and in particular how to deal with some of the complexities that arose out of the Bilson report.

We would say that the Bilson report was as explicit as it was because of how complex pay equity is, so we would not advise to start parsing; in fact, it is important to take the recommendations as a whole.

It might be helpful to look back at the commitments of previous ministers of justice and labour from the previous Liberal government. When they met in 2005 with the Status of Women standing committee, what they proposed was, within a set time frame, to get legislation—even potentially a few different versions of legislation—on the table and then hire a facilitator to take that legislation back to key stakeholders for input. This sounds like a fairly reasonable model and something we would advocate in terms of a good way forward.

The last thing you asked about was the time frame. Of course, we want to say, do it now. Understanding and appreciating, however, that this is complex and that you want to get good draft legislation tabled, I think that six months from when you issue your report you should be in a position to have organizations reviewing draft legislation and providing feedback.

• (1855)

Ms. Julie Dzerowicz: Thank you for that response. It is very helpful.

I don't know whether there are any lessons we could learn from the implementation in Ontario and Quebec, or from any other international examples you might be aware of. In particular, there are smaller and larger companies or organizations that are federally regulated groups. I'll ask whether you have any advice around that.

Then I'll ask a second question, for whatever time you have left to respond to it. My understanding is that pay equity legislation is only one part of the solution to close the gap on wage inequity. What are some of the other elements that you think we should be focused on as well?

Those are my questions.

[*Translation*]

Ms. Johanne Perron: In terms of lessons learned elsewhere, I think the Quebec model is relevant. At first we consulted the people of Ontario. We then made changes to the Ontario model to develop better legislation. I think we can draw on that model.

As for smaller firms, we find it is important to conduct follow-up, to provide training and mechanisms to ensure that employers are reporting, be they large or smaller employers.

I would also like to talk about how long it takes to pass legislation. Our coalition has been around since 2001. Various political parties have told us on a number of occasions that action would be taken to achieve pay equity and bring about changes. Perhaps it is really time to act, and I hope the process will not start from scratch with more research and more studies to end up saying that something will be done, that legislation will be passed, but some other time. I have been working for the coalition for a long time, and I must say that I'm starting to be a little cynical. I would be really sad to see that hope is being given to women again without a result.

In terms of other issues related to the pay gap, once again we should not be muddying the waters. This is not about doing one thing or other. I think it is important to work on the issue of the pay gap as a whole, but this should not be a reason for not taking action. Earlier, I gave the example of New Brunswick. Instead of working very seriously on achieving pay equity, they talked about reducing the pay gap and opting for voluntary measures, but, in the end, we did not see any changes. I really would like to caution you that half-measures are not a solution. Other factors may promote pay equity, including access to childcare and employment equity. I know those have often been mentioned.

• (1900)

[English]

The Chair: Thank you very much.

We'll now move to the next question, from Ms. Gladu, for seven minutes.

Ms. Marilyn Gladu: Excellent.

My first question is for Ms. Shugarman. We heard before from the Canadian Labour Congress, and when I asked them if they were willing to work with the justice minister on the legislation they said, well, it's a provincial jurisdiction. Based on that, I was confused as to whether that was really true or not. I know that we want to do legislation, but perhaps you could speak to this. Is the legislation just about the federal employees, or can we legislate federally for provinces that don't have legislation?

Ms. Julie Shugarman: I think what we're looking at here is legislation for all federally regulated employers who may have employees working in the provinces, but at the federal level you can't legislate for the provinces.

I hope that answers your question.

Ms. Marilyn Gladu: That was perfect.

In terms of the time frame, we did hear that it took two years from the time they started with the Quebec legislation until it was implemented, and I heard you say it took about six months to draft it. Is there any way to make that go faster?

For example, if we took the Quebec legislation the way it is, it's already been implemented. It's been proven to be one of the best in Canada, so do we really need to do stakeholder engagement to implement it? That could cut the time frame down. What do you think about that?

Ms. Julie Shugarman: I think that no matter what you do, once you have good legislation on paper you're going to have to go back to your key stakeholders. I think that is critical.

I guess the other thing I would say is that while there are a number of witnesses who have pointed to positive lessons that can be learned from other jurisdictions, and in particular Quebec, the federal jurisdiction is unique. I think it would be peculiar to draft something identical.

Ms. Marilyn Gladu: Okay. Very good.

Ms. Perron, New Brunswick has legislation. How is it different from Quebec's legislation?

Ms. Johanne Perron: It's less detailed and that's a problem. It should be more detailed. The issue is complex, so the more detailed the legislation is about the process the employers have to follow, the better it is. In our case, it's not that clear in some cases.

The timelines are also a bit too flexible. There's always a possibility to ask for extensions.

As well, it only applies to the public sector, whereas we would like to have public and private sectors that are federally regulated for this piece that you're working on.

Ms. Marilyn Gladu: Okay.

I heard you talk about this one example where nurses had an inequity, and they got this 41% increase. We've been hearing from witnesses that even where legislation exists and people have done what they can, the wage gap is still 9%. It's not closed and people don't understand what all the causes are for that.

Do you study the causes or do you just pay the 9% increase and address it like that? I'd be interested to hear your opinion on that.

Ms. Johanne Perron: It would be nice to have the 9% increase for everybody.

No, I don't think it's the way we look at it. It's really dangerous to equate the wage gap with pay inequity, because really the wage gap is influenced by so many factors. The fact that women are much more educated now influences the wage gap. However, in New Brunswick we know that women are more educated than men, and still there is a wage gap. It's much more complex than just looking at one thing.

In all honesty, you could have a situation where you have no wage gap and still have pay inequity. For instance, if you go in a school and you have the same wages for the janitor and the schoolteacher, then you don't have a gap, but you do have a really serious pay inequity problem.

• (1905)

Ms. Marilyn Gladu: Yes.

Those are my questions.

Dan, do you have a question?

Mr. Dan Albas: Sure.

Actually, I was just speaking with my colleague here. I believe last night we were discussing Nova Scotia, and it seemed that Nova Scotia had a slightly better track record over the past 10 or so years, for the most improved, yet I think it has a much different legislative framework.

You mentioned that the rules you operate under in New Brunswick are less detailed than in Quebec, but how would you afford that Nova Scotia seems to have tackled the issue much differently?

Ms. Johanne Perron: I just want to know what you're talking about. Is it the track record on the wage gap?

Mr. Dan Albas: I'm sorry. We've put in a lot of hours here in the committee.

It's with regard to the most improvement since their initial implementation, as far as the gap is concerned. I'm wondering what you might owe that to. Is it demographics? Is it immigration? Is it legislation?

Ms. Johanne Perron: To explain their success, if you like?

Mr. Dan Albas: Yes, their comparative success.

Ms. Johanne Perron: I don't have the knowledge to answer that question.

Mr. Dan Albas: Fair enough. We talked to StatsCan, and in some cases they don't either.

I appreciate that. Thank you.

The Chair: You still have one minute.

Mr. Dan Albas: Oh.

Well, you can go.

An hon. member: No, you go for it.

Mr. Dan Albas: I was not even on this rotation.

One thing we have discussed a little bit, and I'll just quickly put it out to the panel, is that in the United Kingdom they are moving forward with what's called pay transparency in the private sector. For firms of over 250 employees, they simply put out an average for all the employees, for both men and women, and that's displayed publicly. Many of them then form committees, and then independently start working as to the reasons. Every company is slightly different, and some have different dominant genders in their workforce.

What does this panel think of that?

The Chair: You have 10 seconds.

Ms. Julie Shugarman: Transparency is good, but does it have teeth? What comes with transparency?

The Chair: Thank you very much for being succinct.

We'll go to the next question now.

Ms. Benson, you have seven minutes.

Ms. Sheri Benson (Saskatoon West, NDP): Thank you very much, Madam Chair.

Thank you very much for the presentations. I have a couple of comments and then maybe we can get your reflections back on them.

I want to thank you for bringing up one thing we have stumbled with a little bit on this committee. That is thinking we are solving the wage gap with pay equity, which gets us off the conversation around a human right and the fact that we're trying to implement—or at least

I want to implement—pay equity legislation so that we have a process in place for all federally regulated employers so that they can implement pay equity and we can know whether they are getting there and how far they have to go and that kind of thing.

I'm not saying that because I don't think the other issues that make the wage gap are much more complicated. I think pay equity legislation is complicated but the wage gap is very complex. Sending a rocket to the moon is complicated, but you just have to follow the steps, I think, like rocket scientists or whatever. That's what I feel we have here with the Bilson report.

I'm not really sure what I'm saying except that I would like to have you reiterate some of those key pieces about the difference. I certainly am not someone who thinks we're going to implement pay equity legislation and then we're going to be able to tackle sexism and discrimination and all those variables that impact women's lives and vulnerable women's lives. Maybe you could talk about why this piece of work is so important to women and human rights.

Ms. Johanne Perron: Well, it's because it's unfair to be paid less than you should be paid for the value of your work. That's really what it is. It's unfair that you're not paid as much just because you happen to have chosen a job that is done mainly by women. It's not fair that you're not paid enough when you're taking care of everybody around you and you are paid less for your work than you would be if you were a janitor or a technician. You are always there to take care of kids in child care, people in their old age, or vulnerable people, and you earn \$12, \$13, or \$14 an hour. That's wrong and it has to be fixed. That's really what it is.

• (1910)

Ms. Julie Shugarman: I would add that pay equity is a recognized human right and that at a really basic level, legislation is necessary, not just in order to comply with domestic and international obligations and commitments but because it's important to recognize that what we're talking about is the situation in which work that has traditionally been done by women and even more acutely by racialized, aboriginal, or disabled women is undervalued because it is considered women's work. I think the Minister for Status of Women was here last night, and I believe she said this is because of patriarchy. There's a lot to bite off here, but I think you have a template and a blueprint for where to start.

Ms. Sheri Benson: If you could, reflect on this piece. We haven't had a lot of private employer groups come here. We've had the public sector, obviously, the minister as the employer of the public sector. We heard from the two largest groups in that private sector, that federally regulated group, some hesitation to be mandated or legislated to do pay equity. At the same time, although they shared with us that they felt they were doing things, and I sincerely believe that they were, they were not able to tell us how close they were or how far they've gone. There were no outcomes. There was no accountability.

I think that will be one of the challenges when we talk about that push-back from employers, because regardless of how often we have said there is a business case, it's not enough to get employers there. Why are some employers so hesitant? You can sort of assume there is the obvious reason, but is it just money or not knowing how big it will be?

Ms. Julie Shugarman: I guess there are a couple of things. One is that pay equity is the law. It might be challenging, it might be unpleasant, and it might be costly, but it's the law and it's human rights law, so it's not the kind of thing that we can dilly-dally on. I'll leave it at that.

[Translation]

Ms. Johanne Perron: It is difficult for us to speak on behalf of employers.

In New Brunswick, as I have explained, they participated in a roundtable where the pay gap issue was discussed. Employer associations have all recognized that there were problems with pay inequity and work needed to be done. They said that they would make changes voluntarily, but we have seen that this has not been the case.

I think we need legislation, because this is a human right and also because it will be fairer. Everyone will be in the same game and follow the same rules. I think this is also important. In my view, it may be easier for employers to solve the problem if they know that all employers will be in the same situation.

The Chair: I'm sorry, but your time is up.

[English]

Thank you very much. We will now go to Mr. DeCourcey for seven minutes.

[Translation]

Mr. Matt DeCourcey (Fredericton, Lib.): Thank you very much, Madam Chair.

My thanks to the witnesses before us today.

We have often heard witnesses say that it is time to put forward a proactive system. I think we tend to agree with the folks who presented their evidence before us.

•(1915)

[English]

I'm wondering, if we were to recommend to government a proactive system with legislation, what sorts of recommendations should we deliver to the government about how to work with unions in the implementation of that proactive system. Maybe you could use examples from the provinces or other experiences that you might have.

Ms. Julie Shugarman: Just so I understand your question, do you mean in the implementation process of the legislation?

Mr. Matt DeCourcey: Yes.

Ms. Julie Shugarman: So you don't mean in the legislation itself? Or did you mean both?

Mr. Matt DeCourcey: Actually I'd be happy to hear if you had any insight into that at either stage.

Ms. Julie Shugarman: In the implementation, I think that NAWL would stand by what was recommended in 2005, which was that you find a gifted facilitator to take your draft legislation back to stakeholder groups—and that certainly includes and must include the unions—for input. I think on the front end that's necessary.

In terms of what the role is of unions in the actual legislation itself, I think the Bilson report provides a lot of specificity on that, which you can use. It's very specific and helpful and I think it's in there for you.

[Translation]

Ms. Johanne Perron: That's also what I remember about the report. It contains a lot of details about the steps to reach not only unions, but also the representatives of non-unionized workers. The participation of employees in the process is really important. In essence, that is part of recognizing the value of the work of women and female-dominated jobs. By participating in a committee like this, people can better explain their own work. That's also important and it should not be limited to unions.

Mr. Matt DeCourcey: Furthermore, if a proactive system could be put forward, how could we ensure that pay equity is maintained?

What steps are needed to maintain a proactive system?

Ms. Johanne Perron: I think the legislation needs to contain guidelines that explain what needs to be done to maintain pay equity. There also need to be times when the work done is reviewed. Once again, the report mentions that, and provides recommendations. Various sections of the committee's report address various issues. There are recommendations for each of the problems that might be addressed, such as how to maintain a system of that kind.

[English]

Ms. Julie Shugarman: In chapter 13 of the recommendations, I think you get really specific steps on maintenance regimes. The specificity even gets down to at what stages you need to be reporting out on what you're doing, so I would direct you to chapter 13.

Mr. Matt DeCourcey: Sure. Maybe as my last question I'll dig a bit further into my colleague's question about implementation using a phased-in or a staged approach.

I think it was the Association of Labour Lawyers that talked about maybe making the 2004 recommendations on implementation more palatable by starting with the civil service, then moving to regulated employers, and then contractors. In your mind, would that be a palatable approach?

Ms. Julie Shugarman: I think we stand by our earlier comment that it's important to take the recommendations as a whole. In terms of a staged response, I don't think we have the expertise to comment on that.

Mr. Matt DeCourcey: Okay.

•(1920)

Ms. Johanne Perron: We have the experience, though, in New Brunswick.

At some point, there was an election where all political parties promised to have pay equity legislation for all of the public sector, and I believe, even for the private sector, but when the Liberal government of the time, which was that of Mr. McKenna, came in, he adopted legislation for only one part of the civil service. Those workers in those departments were part I workers. That didn't include education, hospitals or health, or crown corporations. They were supposed to add other groups afterwards and didn't. It stayed like that from 1989 to 2009.

Phased-in approaches are sometimes another way to delay pay equity, so I would be very worried about that.

Ms. Anne Levesque (Co-chair, National Steering Committee, National Association of Women and the Law): I would just add that the phased-in approach is incremental equality. We know that action is needed now to eradicate the discrimination. It's unlawful conduct not to take those measures right away. When we know that someone is in non-compliance in terms of the law, we need to act immediately.

The incremental approach, which focuses firstly on the public sector, leaves behind the most vulnerable women and leaves them to continue to experience discrimination. It's not acceptable. It's not in compliance with the law. It's not in accordance with our international obligations or the charter.

[Translation]

Mr. Matt DeCoursey: Thank you very much.

Do I still have time, Madam Chair?

[English]

The Chair: You have five seconds. Sorry.

[Translation]

Mr. Matt DeCoursey: Ladies, thank you very much for all your answers. I very much appreciate it.

[English]

The Chair: That ends this round.

[Translation]

Thank you very much for your patience.

[English]

with the votes that happened.

We will be suspending for a couple of minutes while we change panels, but don't anybody go very far, because we're going to start very shortly. Thank you.

•(1920)

_____ (Pause) _____

•(1925)

The Chair: I call the meeting to order. Thank you very much.

I particularly want to thank our witnesses who have been waiting. Thank you for being here.

I will propose what we'll do, given that we lost time because of the vote. We have this room and the video conference until 9:30 p.m. However, it was expected that we would end at 8:30 p.m. What we could do is have each of the four remaining witnesses do their 10-minute presentations in a row, which would be 40 minutes, then we'll do our first round of questions, which would be approximately half an hour, which would take us to about 8:30 p.m. Then if there are remaining questions, we won't go in order, we'll just allow anyone who has a question three to five minutes to ask, and once there are no more questions, we will adjourn.

Does that sound reasonable to the committee?

Some hon. members: Agreed.

The Chair: Thank you very much.

We have with us, from the Ontario Pay Equity Commission, here in person, Emanuela Heyninck, commissioner. We also have, on video conference from London, Ontario, from the Business and Professional Women's Clubs of Ontario, Linda Davis, who is past-president. We have as an individual Mr. Paul Durber, consultant with Opus Mundi Canada. On video conference from Montreal, as an individual, we have Madam Chicha.

Welcome back, Madam Chicha. I know that you've tried this once before. It was the other day when we had votes, and we appreciate your patience.

Madam Chicha is a former member of the pay equity task force and a professor in the school of industrial relations, Université de Montréal.

[Translation]

Welcome, Ms. Chicha.

•(1930)

Prof. Marie-Thérèse Chicha (Former Member, Pay Equity Task Force and, Professor, School of Industrial Relations, University of Montreal, As an Individual): Thank you.

[English]

The Chair: We will start with 10-minute presentations and we will start with Ms. Heyninck.

Ms. Emanuela Heyninck (Commissioner, Ontario Pay Equity Commission): Thank you.

I've been listening very carefully to all of your questions. I think I would like to tell you about the Ontario Pay Equity Commission, though, and our work in the last, say, 10 years. We are the oldest of the jurisdictions that have implemented pay equity, and we have a lot of learning because we were first out of the block for a long time.

Just very quickly, the commission is an independent agency of the government established by the Pay Equity Act. It's accountable to the legislature through the Ministry of Labour. We have two separate parts that operate independently, the pay equity office and the pay hearings tribunal.

The office is responsible for enforcement. Our review officers are required to investigate, attempt to settle, and resolve complaints and objections to plans, as well as to monitor the implementation and maintenance of pay equity in workplaces. They have the authority to resolve all pay equity issues by order or decision. The office provides a number of tools and interactive material for employers and employees and unions to understand how to do pay equity. Finally, the office has legislative authority to conduct research and disseminate information about any aspect of pay equity and related subjects. That's the office.

The tribunal is responsible for adjudicating disputes that arise under the act on a *de novo* basis, but parties must bring their disputes first to our office for investigation before accessing the tribunal process. The tribunal has exclusive jurisdiction to determine all questions of fact or law, and their decisions are final for our purposes, certainly, as the enforcement body.

All Ontario private sector employers with 10 or more employees and all public sector employers must undertake a pay equity analysis, and that analysis process is very well defined in the act, and I think it is the basis for the task force report actually in 2004. There is a process to trigger investigations for non-compliance, but the requirement for employers to have pay equity in their workplaces and to ensure that it is maintained is not complaint-based, as you probably know.

The majority of our work now and for quite some time has really been monitoring employers for compliance with the act. We call it monitoring. Some people might call it auditing, but for our purposes it's monitoring. We run a number of programs that have had different focuses and different ways of engaging employers in this process. We ran a service industry monitoring program between 2007 and 2010, covering, for instance, hotel, motel, retail, and food and beverage industries. Over that time we contacted over 4,000 employers and actually monitored about 1,000 of them to assist them in coming into compliance.

We ran a very unique program in 2011, which we called the wage gap pilot project. That was an exercise in outreach and awareness and an opportunity to broaden the dialogue, not just focusing on pay equity but actually introducing the concept of a gender wage gap. In that program we had a return rate of 81% for the employers that we contacted on a voluntary basis. We asked them for some basic compensation data, we ran some tests, and we did an analysis to see if they showed patterns of compensation that likely would lead us to think that they might not have compliance. We found in that pilot that about 54% of responders did have what we called an apparent wage gap. We then used that to focus our monitoring activities. They were advised if they participated that it could be a likely possibility, and we then started monitoring them.

• (1935)

Also, in 2014 we monitored the classified government agencies for compliance. The 2015 program was an outreach in pay equity awareness program where we sent letters to 14,000 new businesses basically to make them aware of their obligations and to make them aware of all of the tools that we had available for them to assist themselves in coming into compliance and also alerting them to the

possibility of being monitored. We're now in the process of starting to monitor those employers as well.

We've gotten a little better at measuring our outcomes as well. We're starting to report on adjustments that we have found to be owing in these monitoring activities. Over the course of the last about four years we have, through our direct intervention, found about \$20 million in adjustments owing, over a variety of businesses, as you know.

Those are only the results of our direct involvement. We regularly see announcements in the newspaper that report on pay equity achievements through negotiations between unions and employers. A lot of those negotiations do not trigger our office's involvement, so we have no way of collecting that kind of data unfortunately.

Anecdotally we know that because of our extensive outreach programs now and these letters that are going out reminding employers about their obligations, we have seen and heard that there has been a lot of pay equity activity that has been going on where employers are realizing that, oops, I may have let this slide, and they've come into compliance.

Among our other activities we have consolidated all of our learning material and we now have a guide to interpreting the act, which is on the website and has been widely circulated. As I said, we have a number of web-based interactive tools that allow employers of pretty much any size to go in and put their own data through an interactive process and come up with what they should be doing in terms of pay equity.

We've also partnered with other organizations to provide training material. The most recent one has been a partnership with the Human Resources Professionals Association and York University. The HRP is now offering a certificate program for pay equity. I was told yesterday that it's their second most popular program, so I think there's a lot of uptake on that.

We also try to disseminate information about pay equity through the various ministries if we have the ability to do so.

Lastly, we've established a gender wage gap grant program. We encourage research around pay equity and related topics.

Those are the activities that we have engaged in knowing that our act is at a very different stage from everyone else's, except for Quebec. We're both now heavily into the maintenance stage. I heard some of your questions so I'm sure you're going to address some of those questions to me. I would say that our act has not been amended since 1993 and if I were to give you some advice I would say that thinking about some kind of reporting system would be a very valuable thing to do.

I did have the opportunity to revisit the 2004 task force report in preparation for coming here. It is probably the most comprehensive piece of work on pay equity that exists anywhere, probably in the world I think. As you've heard tonight, it has covered most of the difficult pieces in terms of maintenance, involvement with the unions, some kind of reporting structure. It is a really great starting point.

• (1940)

The Chair: Thank you very much.

We will go to the next presentation, which is from Ms. Davis.

Go ahead, Ms. Davis.

Ms. Linda Davis (Past-President, Business and Professional Women's Clubs of Ontario): Thank you.

Good evening, esteemed members of the special committee. It's an honour to be invited to participate in this important work.

As you noted, I am the immediate past-president of the Business and Professional Women's Clubs of Ontario [*Technical difficulty—Editor*]

The Chair: You might want to start again, because we lost you for a moment. Sorry.

Ms. Linda Davis: Okay, I was explaining that BPW stands for business and professional women, and it's a non-sectarian, non-profit, non-partisan, feminist organization that promotes the interests of working women. It operates within Canada and internationally, and has consultative status with the United Nations [*Technical difficulty—Editor*]

The Chair: We seem to have lost you again. Can you hear us?

You know what we'll do. While we're working on the technical part, we do have another individual present here. If it's okay, then perhaps we could go to you, Mr. Durber, have you do your 10 minutes, and then we will hopefully have everything resolved with the technical difficulties.

Thank you, Mr. Durber.

Mr. Paul Durber (Consultant, Opus Mundi Canada, As an Individual): Thank you, Madam Chair.

It's certainly an honour and a pleasure to be here, and thank you very much for the invitation.

I've worked in pay equity in one way or another for about 30 years, and among other things, I've also worked directly for employers, for joint parties, unions, and management. I've also done third party adjudication. Some people don't think I'm terribly independent, but that's their problem.

I've worked particularly with four frameworks that have been at issue here: two proactive ones, namely Quebec and Ontario; the complaint-driven process that existed in Quebec; as well as the federal complaint-driven recommendations of section 11. I must say I'm a great fan of the Bilson report and recommendations. I think it's very comprehensive.

This probably fits with your interests. I'd like to focus on my experience with Ontario and Quebec, and the leadership that has been offered, to talk somewhat about the implementation of

proactive pay equity in the federal jurisdiction, about which I have some thoughts. Then I'll talk about replacing the Public Sector Equitable Compensation Act, and why, and then I have some concluding brief thoughts on issues going forward.

In terms of my views on the Ontario and Quebec legislation, I come away with two things from the Ontario legislation. The initial go at it was not as fair as it could have been, because the lowest paid male comparators ended up being the primary target for making comparisons. Whereas, in the federal jurisdiction in Quebec, it's average. Later on, the Ontario legislation was amended to include proportional value and that also is a good deal fairer.

I think one of the difficulties is that sometimes once you start, you end up having to continue. Many pay equity agreements and plans are stuck on the lowest paid male comparator. I'd urge you not to take that route and I would hope that the Ontario experience will definitely come into play there.

I mentioned that Quebec focuses on average comparisons as well as under section 11 and the reason for that, by the way, is that if you have three male jobs being paid differently, it makes more sense to be able to tell both the employer and the employee that you're being fair by taking the average, neither the maximum nor the minimum. That's a very simple concept. I don't think we need to go to the moon to figure that one out.

Ontario has exerted a great deal of leadership, particularly on the basic issue of gender neutrality. One could pause on that issue of bias and gender neutrality, because it goes to the issue of fairness in how you figure out the value of work. Unless you approach that question knowing your biases, testing all the systems, which by the way truly need testing and I'll come to that, you will not end up having the proper, supported regime for pay equity.

• (1945)

In this regard, I would say that the leading jurisprudence on gender neutrality comes from the pay equity hearings tribunal. I would certainly recommend, if you're doing any research in addition to Bilson, there are certain cases, such as Haldimand-Norfolk, No. 6—there is a whole bunch of them, as some employers are pretty litigious, as were nurses' associations—and Women's College Hospital, that I would recommend on that issue of gender neutrality. It's really fairly important. Also, of course, there are a number of Supreme Court of Canada decisions, going right back to 1989, and in questions we could maybe cover that, if it's of interest. I'm sure they're all referenced appropriately.

Job evaluation—you've heard the term classification—is an exceptionally difficult discipline to get hold of. It takes a great deal of detailed analysis, and consequently, because of the basis of compensation it's extremely difficult to change.

One reason for having proactive pay equity legislation is to force, and I hate to use that word, a re-examination of the very practices of how you value work. That's a technical term that follows the issues you're dealing with here, which is the stereotyping and undervaluing of women's work. Job evaluation is a key tool for doing that. Unless it's reformed, unless there are rules such as they have in Ontario and Quebec, I would venture to say that your reform won't work.

Maintenance is clearly exceptionally important. I'm so glad that you've heard from the Ontario commission. I've noted a lot of difficulty in Ontario, with some of the unions that are trying to push for maintenance, in having employers respond. I totally agree with the Ontario Pay Equity Commission that reporting is very important in the legislation.

Someone used the word transparency earlier. Having transparency on what's happening on an ongoing, continuing basis is very important. That won't happen unless there's a legislative mandate.

I know that when I was looking at the Ontario experience early on, they had to do a sample. They couldn't report on particular cases. I felt that the commission was somewhat hamstrung in what they were doing. It lowers the incentives to employers in particular—who have to pay a cost, by the way—to carry out pay equity. I would certainly support very strong measures, in whatever legislation you come up with, for gender neutrality and maintenance and real incentives.

I've covered reporting. There are reporting requirements in the Quebec legislation, which I think are very helpful.

I'd like to speak briefly about the body that you recommend to implement pay equity. I would not recommend the Canadian Human Rights Commission, even though I worked for them. As a complaint-driven organization, I think that they have the wrong culture. I would certainly support a proactive, new commission.

By the way, the Human Rights Commission has been unable to maintain its expertise, and the Public Service Equitable Compensation Act has not helped. I've mentioned that I think it ought to be abrogated. I don't think it's pay equity legislation, and I can speak more about that.

•(1950)

I would also like to mention issues going forward, which include proxy. We can perhaps speak a little about that. How to treat past pay equity efforts.... There would be applications for exemptions, and I think that needs to be provided for in legislation. Quebec has experience in that.

Finally, I think you need to do research on extending the grounds.

The Chair: Thank you very much for your intervention.

It looks like we do have Ms. Davis back. It is possible we may lose the video, but we will have the audio. I would invite Ms. Davis to proceed. You have my apologies for earlier.

Ms. Linda Davis: Thank you. I don't have the video myself, but it sounds like the audio is here, so I'll jump right in. In the interest of time, I will go right to my points, if that's all right.

The gender wage gap, I believe, is a symptom of a systemic undervaluing of women that exists worldwide. I am not saying undervaluing of women's work; I am saying undervaluing of women.

Because this issue arises before employment even begins, I think we must focus on this systemic issue. Establishing equitable pay and compensation scales is part of the solution, but it won't work all by itself. If we don't address the underlying reasons for the pay inequities, we will not solve the problem, and these inequities will continue to reoccur.

Lack of awareness about gender economic inequalities in the workplace is one of the biggest reasons they still exist. The second issue is normalization of the problem. I can elaborate on these afterward in questions, if people want to, but I will just leave it at that for now. Other factors that I believe are affecting women's choices and the gender wage gap are the care penalty and the caregiver penalty. I will assume that you all know what that is. If not, we can explore that again in questions afterward. I believe there are solutions to these problems over and above the whole pay equity piece, which is absolutely necessary, as are all of the things being discussed here.

I think we have to begin with awareness in the schools, at home, and at work. This awareness can be about several different things. About the gap itself, what is it? What causes it? What are the conscious and unconscious effects of that gap?

I believe that this can be accomplished in a number of different ways.

One way is by declaring equal pay day in Canada. I think it is important. We have done this in Ontario. We have given it status, and in that sense brought an awareness to that process. Having an equal pay day helps people be aware that it takes until March or April, depending on the calculation and the numbers used, for women to actually reach the equal pay that men reached the year before. That is the aha moment for a lot of people. It carries on further. Once you get the dialogue going, you can start to talk about how many more years a woman has to work to be able to achieve the same income level that a man has achieved.

The other thing would be public media campaigns that would target the problem of awareness and talk about the unconscious and conscious biases that are happening. There are lots of different ways those campaigns can happen. I believe we have to target schools. I understand that at the federal level that is probably out of your jurisdiction, but I think there could be influences happening across the provinces that would ensure that this dialogue starts early in school and that girls and boys are thinking about all the possibilities, not limiting themselves and not seeing others as limited.

I believe that we have to create an awareness in the workplace. We have to have some kind of employee training, which might be similar to health and safety training, where people learn about human rights and about the biases and the effects that the wage gap has, as well as their rights, of course.

I believe governments should look at their processes and see how those might bias a family so that the lower-income earners may be disadvantaged, and see pay equity for the overall good that might happen with a family.

• (1955)

Now I'm referring here to things like the employment insurance process and tax laws. In the EI system, for instance, I believe that should be reconsidered to see that parents are being given more flexible time for leaves and caregiving. This is more to involve men in the process of caregiving and to make sure women are being paid for short times away. By that I mean that maternity leave and parental leave are part of it.

Other things that influence the wage gap are things that draw women away for short times, such as a sick child who can't go to school, and who can't be put in day care, so a parent has to stay home. It might be for a day or two. Many women, especially part-time workers, would lose income for that and would not have access to things like employment insurance for those short terms. Those are ways we can influence the wage gap.

Tax laws, for instance, may have disincentives for the lower-income earner in families. Those disincentives may cause that lower-income earner to lose wages, and for various reasons to not go to the next lower tax bracket for having exemptions for the family, so sacrificing the wage for the good of the family. It's the way the tax laws are set up, I believe. Those are things government can look at.

Looking at universal child care is also a huge incentive to get women back into the workforce and make sure we're sharing that care between men and women as child care becomes an option. I think that would possibly get women who are not considering full-time employment back into full-time employment and help to close that gender wage gap.

In 2010 the international group of the business and professional women's group I belong to became involved with UN Women and the UN Global Compact, and the newly formed women's empowerment principles. These seven principles guide business to a more gender equitable workplace. This is a voluntary program encouraging businesses to sign the declaration and then employ the principles to raise awareness, remove barriers, and promote a gender equitable business model within their company.

Since their launch in 2010, over 1,000 CEOs from corporate entities with a minimum of 10 employees have signed the women's empowerment principles statement. I believe this is a model that could be adopted. There are seven principles the government could adapt and use as a guide for employers to create awareness in their workplace to closing the gender wage gap. Once created, the federal government could then build resources for employers to use for training—as mentioned before, that kind of employee training—and provide the tools to use for assessing the overall compliance and equitability of their companies.

There are many socio-economic issues women uniquely face and suffer because of the discriminatory gender wage gap. That only aggravates these issues. Women do not pay less for their goods and services, education, rent, utilities, and other items. In our society there's the argument they pay more, yet our society is complacent about women earning less. Trying to navigate the world that expects the same—or more, in fact—as what it would expect from a man, but then only rewarding 70% in return, leads to women living in poverty, staying in unsafe relationships, and enduring unhealthy situations at work all because the choices are limited due to this inequality.

• (2000)

That creates this cycle of socio-economic issues that are a huge drain on our society. I think we must stop this cycle.

The Chair: Perhaps you could quickly finish up. That is 10 minutes.

Ms. Linda Davis: Okay.

I think if we can stop this cycle, it should be the highest priority of the Canadian government.

Thank you.

The Chair: Thank you very much.

We did get you visually as well. Thank you for that.

[*Translation*]

Ms. Chicha is appearing for the second time before our committee.

Ms. Chicha, the floor is yours.

Prof. Marie-Thérèse Chicha: My thanks to the committee for inviting me again to talk about my favourite subject in terms of equality.

As you know and as was emphasized by many witnesses you have heard, pay equity is a fundamental right. The question is no longer whether or not it should be implemented and when, but how and what is the most effective way to achieve this objective enshrined in the C100-Equal Remuneration Convention of the International Labour Organization and ratified by Canada about 40 years ago.

I chaired the committee that prepared Quebec's Pay Equity Act. I have also worked extensively on this issue with the International Labour Organization in Geneva. I also gave a lot of training sessions on pay equity in various member countries of the International Labour Organization, including Portugal, Ukraine and Denmark. A host of countries are interested in pay equity and they are all moving toward using a job evaluation system without gender-based discrimination. That's very important. As noted by the commissioner of the Ontario commission, it is important to have tools that are gender neutral.

Let me mention the document that I have sent to your members (officials) and that explains how to conduct a non-discriminatory evaluation. The document is in French, English and a dozen other languages. This is a very simple document that would really help you become familiar with a non-discriminatory evaluation method, which is the basis of pay equity.

Since the mid-1980s, we have quickly realized that the complaint model, as you heard, is long, expensive and very confrontational. At the end of the process, 10, 15 or 20 years later, one situation of discrimination is settled in a single organization. According to the latest statistics from Quebec's pay equity commission, which has now merged into a larger commission, in 2015, 84% of employers in Quebec had implemented the Pay Equity Act. Among companies with 100 or more employees, 94% had done so. So a very high percentage of employers have implemented pay equity. If the complaint model were used, it would take 50, 60 or even 100 years to achieve such a result. I think the proactive model is tested and proven.

My presentation will focus on the main features of the Quebec legislation. I will also mention, whenever appropriate, the differences between the legislation and the recommendations of the task force of which I am a member.

An important feature of the Quebec legislation is its universality, meaning that the requirement to achieve pay equity applies to all businesses, all sectors and all employees. But something is missing from the Quebec legislation and all other pieces of legislation, including Ontario's, and that's the fact that they do not extend pay equity to visible minorities, aboriginal people and individuals with disabilities. This was pointed out by several witnesses. I think it is something that concerns you. I will also come back to it.

A second feature of the Quebec legislation is flexibility. I noticed that this is also a concern for the members of the committee. In the Quebec legislation, companies are divided into three categories according to their size, and the requirements for employers are much lighter in small businesses, with 10 to 49 employees, and slightly stricter for those with 50 to 99 employees. The requirements are more structured and demanding for companies with 100 or more employees. So the legislation sort of takes into account the needs and constraints based on the size of companies, which is very important.

Flexibility can be seen when companies are in financial difficulty. In those cases, the pay equity commission can give the companies time to make the payments if they are experiencing difficulties. The idea is not to bankrupt companies because of pay equity.

● (2005)

I would like to provide another example of flexibility, and the market plays an important role in this. In the event of a shortage of qualified individuals for a male-dominated job, where the employer is required to provide a very high salary to attract employees, this higher portion of the salary to attract employees who are rare will not be considered discriminatory compared to female-dominated jobs of the same value.

Another feature is the accuracy of the approach. One of the problems with reactive legislation is the fact that the approach is not stated very clearly, hence very, very lengthy disputes between parties when it goes to a tribunal or the Human Rights Commission. Proactive legislation specifies the thresholds for female-dominated and male-dominated fields. They specify the steps in the pay equity plan, the assessment factors and the salary comparisons.

I would say that the salary comparison that is used the most isn't paired or the average value, but a comparison of jobs by curves. It isn't a matter of having average values, but rather a regression curve. I won't go into the technical clarifications here.

Furthermore, proactive legislation—in Quebec in particular—sets deadlines and a calendar. It's a little too long in Quebec. Employers are given four years to establish their pay equity plan and another four years to pay the adjustments. Our working group recommended that three years be given to draft the plan and three years to pay the adjustments. I have read the Swedish legislation and, there, it's also three years and three years. So it's more limited in time.

One of the issues that came up during the meetings with other experts was the fact that perhaps the phase-in period should be spread out, like what Ontario does. In other words, the first two years would be for large companies, the next two or the next year for smaller companies, and so on. However, I think that if companies are given three years to establish a pay equity plan, that will solve the problem of phasing in in stages because small companies could wait for the third year to do their work. The large companies could start in the first year. I am in favour of standardizing the implementation when it comes to the start of programs.

Another characteristic of the Quebec legislation that is extremely important and that distinguishes it from the Ontario legislation, is the structured and joint participation of representatives of salaried employees and representatives of the employer. All companies with 100 or more employees are required to have a pay equity committee, but smaller companies are not. Fifty percent of the representatives of salaried workers must be women. Why? Because the work of women in female-dominated jobs is often invisible. Everything related to responsibility for other people, everything involved in great attention in the job, fine manual dexterity and everything related to the communication field, all of these things that are found in female-dominated jobs are often invisible. By having representatives of salaried workers—in particular women—participate, we try to find solutions to this issue of invisibility. What is invisible is not evaluated and what is not evaluated is not remunerated. Visibility is an extremely important issue.

The other advantages of participation are that it reduces the cost to the government. In fact, the work is done by a pay equity committee instead of being done by officials from the government or the Commission de l'équité salariale, who will already have a lot to do. It's done within the company and is adapted to it. It's flexible and takes into account the specificities of the company.

This also speeds up the process. When it's done within the company, it's much quicker than if the company had to constantly turn to the commission to find out what to do at one stage or another. The participation is structured, and it is very important.

● (2010)

Another characteristic is transparency. The employer must give the required information to the members of a pay equity committee so that they can do their job. Otherwise—

[English]

The Chair: Madam Chicha, please conclude very quickly because your 10 minutes are up.

[Translation]

Prof. Marie-Thérèse Chicha: Okay. Thank you.

I will come back to that.

I wanted to talk about the issue of intersectionality, which was raised. Once again, I could provide details in my answers to questions on issues affecting aboriginals, persons with disabilities and visible minorities.

Since there was a lot of discussion about Statistics Canada's regression studies, I would also like to highlight that Statistics Canada attributes each aspect of the wage gap to a case and, ultimately, states that there may be unexplained discrimination. I will end on that.

● (2015)

[English]

The Chair: Thank you.

[Translation]

Prof. Marie-Thérèse Chicha: Pay equity is defined based on the wage gaps between jobs of equal value. The regression studies do not indicate the value, the predominant jobs, or the overall remuneration that is part of pay equity. They only indicate hourly wages. I think we shouldn't make illusions. Using the regression studies of Statistics Canada and other economists, although they are rigorous and very well done—

[English]

The Chair: Thank you.

[Translation]

Prof. Marie-Thérèse Chicha: —do not concern pay equity as we define it.

[English]

The Chair: Thank you very much.

I'm pleased, actually, that you were our very first witness when we started the committee, and you are also among the final witnesses. Thank you so much.

There's obviously a lot for us to understand. I'm going to go directly to the questions.

We will start with Ms. Dzerowicz for seven minutes.

Ms. Julie Dzerowicz: First, I want to thank everyone for their presentations. They were amazing. My head is about to explode with all the information that's come in.

I know, Ms. Heyninck, that you have to leave soon, so I'm going to address my questions to you, initially.

First, I understand that the federal jurisdiction is unique. What could we learn from the enactment and the implementation of proactive pay equity legislation in Ontario? I'm going to be specific. I heard your advice around reporting. One of the recommendations in the Bilson report was that pay equity should be removed from the collective bargaining process. Could you let us know whether that was removed in Ontario and whether we could learn from that? That's one aspect.

Second, my understanding from the pay equity tribunal that was set up is that there has been a decline in terms of the number of cases that's come before it, even though it seems like the gender wage gap has been increasing over recent years. I wonder if you could talk to us about the tribunal and whether there's something we need to be concerned about there.

Lastly, on flexibility, I think it was Ms. Chicha who talked about the Province of Quebec having three groups. Is there that the same type of grouping? Has it worked in Ontario? Would you recommend that at the federal level?

Ms. Emanuela Heyninck: On the issue of the wage gap going up and the tribunal cases going down, I don't even know how to answer that. Pay equity is not about the gender wage gap. I think you've heard that multiple times. I think there have never been many cases that have gone forward to the tribunal. In the initial stages, of course, when people were testing the system and how far the flexibility could go within the processes that were laid out, there was certainly much more jurisprudence. The cases that go to the tribunal now tend to be testing charter issues, law-related cases, and some of the maintenance requirements around the proxy method, which we didn't really talk about. That's very technical and it has had mixed results in Ontario, I'd say.

The fact that the gender wage gap is fluctuating really has nothing to do with the case level at the tribunal. I would say that the cases that go to the tribunal tend to take a long time because they're *de novo*, and usually they're union cases, in which, as I said, they're trying to test something out. Most of the issues resolve at our level, at the office level.

On the issue of the collective bargaining piece, I guess it depends which union you talk to. I would say most unions are averse to mixing collective bargaining with pay equity, because one is a human right and the other one is the normal give and flow of collective bargaining. Our act integrates those two concepts from the perspective that unions and employers are prohibited from bargaining anything that, if implemented, would bring about a contravention of the act. That's the prohibition, and then any pay equity agreement that results supersedes a collective bargaining agreement. That's how the two acts interact in Ontario.

If you were moving forward, I would maybe suggest that you look at some mechanism for tying those two processes together. They can still be distinct, but from a timing perspective it would be really advantageous, perhaps, if there were some ability to coordinate what happens at collective bargaining, and then relate it to a pay equity process.

I haven't run this by stakeholders, so I'm simply making a suggestion. You could do something like having a term in the collective bargaining agreement that is a sign-off on pay equity, that they've considered the pay equity consequences of a particular collective bargaining agreement. If there isn't a sign-off, then you could have a time frame within which to bring a complaint about pay equity, for instance, to the commission, so that there isn't a lot of overlap.

What we find in Ontario is that sometimes you will have three and four collective agreements, and then one of the unions will bring a pay equity complaint, and it makes it very difficult to go through several collective agreements to determine what the pay equity consequences are. Having some ability to bring those two together and yet keep them apart if the parties wish to do so would need to be respected. That being said, there are lots of employers and unions that have negotiated terms of reference regarding how they're going to deal with their pay equity issues. Those have evolved over time, so it would probably be good to consult with unions to determine some of the best practices if you are leaning in that direction.

The other question was around flexibility, and I don't recall what that involved.

• (2020)

Ms. Julie Dzerowicz: I believe Ms. Chicha was talking about how there was some flexibility, but I'm not sure if it was around the rules or implementation, between the 10 to 49 and the 50 to—

Ms. Emanuela Heyninck: Oh, you mean the size of the employer.

When our act was implemented, it came into effect all at once. However, it was staged in terms of larger employers having to go through a plan. They had a certain amount of time to come into compliance, in the sense that they had to adjust their current compensation practices to provide for pay equity. That was done by size.

Whether you need to do that now I think would depend on the unique nature of the federal jurisdiction.

The Chair: Thank you.

That's the seven minutes.

We will now go to Mr. Albas for seven minutes.

Mr. Dan Albas: Thank you, Madam Chair.

Thank you to all of our witnesses.

I'm going to start with the commissioner.

Commissioner, thank you for coming today. I'd like you to elaborate a little further about the Public Service Equitable Compensation Act. You said that you can understand the perspective of unions not wanting to have linkage between the necessity of dealing with pay equity.... You've offered that there could be a process where it's still resolved with unions. I believe that the employer and the unions both have a responsibility to deal with these issues.

Can you just elaborate a bit more on the model that you would be talking about?

Ms. Emanuela Heyninck: I would hate to call it a model. It's simply a suggestion.

Our experience is that in some of the cases that come before us.... I think you have to appreciate that we don't get a lot of complaints actually. The complaints that we get are probably not indicative of what is going on in the broader public.

Some of the more difficult cases we have that come forward as complaints are situations where there have been a series of collective agreements and then pay equity is brought up at a different time frame. All I'm trying to say is that it makes the investigation more complex if you then have to sort through the potential pay equity impact of various collective agreements. I'm not suggesting a PSECA model.

• (2025)

Mr. Dan Albas: Sure.

Ms. Emanuela Heyninck: I haven't really looked at that model.

I would not want to comment on it because I really haven't studied it very carefully.

Mr. Dan Albas: The Treasury Board president was here the other day, and I can see how difficult it must be dealing with so many different unions of different sizes and different focuses and whatnot.

Ms. Emanuela Heyninck: The Ontario public service is very similar.

I mean, they've managed to go through that. I think that over time they have developed processes with their various unions. I must say, we get very few, if any, complaints from the Ontario public service.

Mr. Dan Albas: So sometimes it's just the newness of the model and whatnot.

Ms. Emanuela Heyninck: I think that like every new model, there's going to be a period of time that will require an adjustment for all parties. You just have to plow through that and learn from the experiences of Ontario and Quebec in getting through that.

Mr. Dan Albas: I have a number of questions, and hopefully we can...because you're one of the few witnesses we've had that is actually in the field dealing with these issues—

Ms. Emanuela Heyninck: Right.

Mr. Dan Albas: —every day in a substantial way. You have to work with everyone.

First of all, what is your yearly budget?

Ms. Emanuela Heyninck: Our budget is just shy of \$3 million, and our staffing complement is 25.

Mr. Dan Albas: Okay.

How many departments do you have? Obviously, it's very small.

Ms. Emanuela Heyninck: With 25 people...?

Mr. Dan Albas: Yes.

Ms. Emanuela Heyninck: We have 15 review officers. We have a program specialist. We have a legal counsel, and we have the complement of admin staff.

Mr. Dan Albas: Do you have one central office?

Ms. Emanuela Heyninck: Yes.

Mr. Dan Albas: Is it near Queen's Park?

Ms. Emanuela Heyninck: We operate in downtown Toronto, yes.

Mr. Dan Albas: Ontario is quite geographically large and diverse.

Ms. Emanuela Heyninck: Yes.

Mr. Dan Albas: How do you deal with that?

Ms. Emanuela Heyninck: Like I said, most of our activity is now monitoring for compliance. We just decide to monitor. Sometimes we monitor sectorally. Sometimes we monitor by geography. It depends what the focus of our program is and where we think there are pockets of non-compliance.

Mr. Dan Albas: Okay, so how many—

Ms. Emanuela Heyninck: A lot of this can actually be done on paper.

At the end of the day, what you're really looking at is compensation data and how it's been allocated between male job classes and female job classes. You can do quite a bit of that by email exchanges, by asking for the specific data that you're looking for and then having that data appear. We have some review officers that do field visits. We have other review officers that are quite happy to do all of this work, and manage to do it quite nicely, from their offices.

Mr. Dan Albas: Typically, is it someone in the field who hears a complaint who triggers an audit, or is everyone asked to comply with a yearly...? You mentioned the importance of reporting.

Ms. Emanuela Heyninck: We don't have a reporting structure in Ontario. That's why I would recommend that you consider having a reporting structure. The reporting structure allows a few things to happen. First of all, it's an opportunity for everyone to wake up and say, oh dear, I have something to do that I may not have done. It's a point of contact on the issue that allows them the opportunity then to become compliant, especially in a proactive environment where the expectation is that you are doing it.

Mr. Dan Albas: Are all companies then underneath your legislation, or just certain sizes of companies?

Ms. Emanuela Heyninck: All private sector employers with 10 or more employees are under our—

Mr. Dan Albas: Okay, so small businesses with nine or less are not included.

Ms. Emanuela Heyninck: Yes.

Mr. Dan Albas: When you talk about reporting, how do you report? Do you report to the Legislative Assembly of Ontario?

Ms. Emanuela Heyninck: We file annual reports and they go through the ministry to the legislature, yes.

Mr. Dan Albas: One area that we've been wrestling with here, at least I find, is that when we had Stats Canada come in and we asked for a number of different areas, unfortunately, there are still unexplained components, there's a lack of reporting for bonuses, etc. There doesn't seem to be any kind of comparison, because we've heard much about the proactive model, but many provinces do not use the same proactive model as Ontario. With some of the averages that we've seen at the committee in the testimony, there seems to be a trend that it is narrowing, but—

Ms. Emanuela Heyninck: Are you talking about the gender wage gap number?

Mr. Dan Albas: Yes. I'm not taking away any of the work that you do, but how do you know and how do you give legislators the knowledge that what you're doing is in fact materially having an impact?

• (2030)

Ms. Emanuela Heyninck: When we go in and have to order or find that adjustments are owing, this means that there is a gender bias in the evaluation of women's work.

The Chair: Thank you very much. That's your time.

We'll move on to Ms. Benson for seven minutes.

Ms. Sheri Benson: Thank you very much, and thanks, everyone, those who are here in person and those on video, for your presentations.

The one piece that I think sometimes we are struggling with is the outcome to pay equity legislation and what it's intended to do. My understanding is the gender wage gap is an issue much broader than what we're talking about here, which is a human rights issue about women being paid differently because they are women as opposed to men. That's the intention of pay equity legislation, to find a way for that human right to be implemented. Is that correct?

Ms. Emanuela Heyninck: Pay equity and equal pay for equal work are probably the two most common and known ways to value women's work, because it has been traditionally undervalued. The impact it has on the gender wage gap would be impossible to measure. We have tried. I've had lots of conversations with Quebec over this issue. At the end of the day—I'm not a statistician, so I can't really tell you why—the wage gap is caused by so many factors that have nothing to do with discrimination. They have to do with accessible child care. They have to do with part-time versus full-time work. They have to do with choices that people make in terms of the careers they go into, yet those careers that they choose sometimes are undervalued because they're women's work.

There are way too many factors to be able to say “This thing will do that to the wage gap”. It's unfortunate, because now we spend too much time focusing on some number that even statisticians have a difficult time explaining. I think when you step back, you just say that we have a gender wage gap, which demonstrates that there are gender stereotypes and social norms and biases creeping in everywhere in our system, and those need to be addressed.

Then move that aside and really look at the issue, which is women's economic participation. You have a labour force now that is 50% women. We have graduation rates at all levels of schooling that is primarily done by women. Are we getting our return on our educational investment, as a society and as individuals and as families, if then we don't value the work women do in our society just because they're women, as I think the witnesses from NAWL said?

It's an economic issue, really. I think if you get hung up too much on whether the wage gap is 30% or 28% or 26%, you're really not getting to the issue. You're allowing that conversation to take over when everybody knows what many of the remedies are. If you start looking at countries where the wage gap is consistently very narrow, you will see that there is a panoply of support systems that allow women to participate fully in the economic sphere.

To me, yes, it's definitely a human right. Without a doubt it's a human right. But boy, it's also a big economic issue. If we're going to undervalue half of our labour force, I think we should all be giving our heads a shake.

● (2035)

Ms. Sheri Benson: Thank you.

Mr. Durber, I took your comments as coming from someone who has been in the field practising under a variety of regimes. You were around when there wasn't a lot of structure. It was complaint-based. Of course, now you've had a chance to work under legislation at the provincial level. I took your comments as being some of the things we need to think about based on what we know from what has happened already.

Perhaps you could give us two that you think are the most important, that we need to listen to and learn from in terms of your experience in the past. You talked about gender neutrality and the average wage.

You both mentioned proxy. I'm not sure we should even get into that, but please comment on that if you wish.

Mr. Paul Durber: I could start with proxy very briefly. I suspect there are not a lot of predominantly female organizations in the federal sphere that don't also have male comparators, but there will be some. There does need to be a process.

For example in some small councils you find professionals at the top and support staff at the bottom. You can't figure out what the proper relationship should be. If they're federally funded then there ought to be some way of figuring out a fair wage, but I would not use the Ontario proxy approach for a number of reasons that you might want to get into later, but mainly it is too complicated

In Quebec it's entirely too simple. There needs to be some way of working on that.

In terms of what ingredients are most important very clearly the commitment by employers, unions, and non-organized employees is by far the underlying force behind any kind of pay equity. I think it's a mistake in the Quebec law that under 50 employees the employer can do their own thing. I think there needs to be participation.

Is that it?

The Chair: Yes, I'm sorry.

We have to go to the next questioner and it's Ms. Sidhu, for seven minutes.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Madam Chair.

Thank you for all the presentations, and I'll share my time with my colleagues too.

Ms. Davis, you have publicly pushed for ending the gender wage gap in Ontario by 2025. As a founding member of the Pay Equity Commission of Ontario you point out 12 specific steps.

Would these strategies work for us federally as well?

Ms. Linda Davis: I believe they will. They are based on employment and also on human rights. I think that they could be adopted into the federal profiles.

Ms. Sonia Sidhu: Ms. Chicha, you have mentioned that non-unionized sectors are where some of the biggest challenges are in reaching pay equity.

In your opinion what specific legislative strategies would allow us to target non-unionized or more precarious sectors?

Prof. Marie-Thérèse Chicha: As I mentioned universality means that it applies to all sizes, all sectors, and all employees.

For non-unionized, you're right to say that if it's a non-unionized enterprise it is different from an enterprise where some employees are non-unionized and some are unionized because in the pay equity committee all employees must be represented, even if they are non-unionized.

In a non-unionized setting, especially in small enterprises where you find many immigrants and many visible minorities, it's a problem to reach them and to make sure the act is being complied with.

The pay equity commission of Quebec is now doing some work, and I'm invited to comment on this next week to see if this would be an efficient way of reaching non-unionized employees.

I don't know if this answers your question.

● (2040)

Ms. Sonia Sidhu: Yes, sort of.

Mr. Durber, can you speak about some of the successes and challenges during the formation of the Bilson report?

Mr. Paul Durber: I think I would support all, or almost all, of the Bilson recommendations. I think what you have to do.... Well, you don't have to do anything, but what you should consider is ensuring that equity applies equitably across the jurisdictions. It doesn't at the moment, because of the PSECA legislation, which effectively takes pay equity away from the public sector, in my view. I think that is somewhat of a difficulty in getting proactive legislation.

I'm not sure that answers your question, Ms. Sidhu.

Ms. Sonia Sidhu: Are there any successes, do you think? If so, which successes do you want to elaborate on?

Mr. Paul Durber: Yes, there are a lot of successes, particularly in Ontario and Quebec, where largely unionized employers have moved a great distance toward pay equity.

I would characterize proxy as somewhat less successful in Ontario, in part because of the mathematical formula. For example, there are some people for whom it will take 30 years to achieve pay equity, and I don't think that's reasonable.

It was an enormous success to get all of those parapublic organizations—if I could use the Quebec expression—covered by pay equity. That was a great success. The difficulty has been in making sure that people actually end up with good pay-equity settlements. There are many successes in terms of reforming job evaluation, many successes.

I think, by the way, that those models should give us all confidence that proactive legislation in the federal sphere can work. It has worked elsewhere. I think it can work very well in the federal jurisdiction.

Ms. Sonia Sidhu: Thank you.

The Chair: You have one minute and 10 seconds, Mr. Sheehan.

Mr. Terry Sheehan (Sault Ste. Marie, Lib.): My question was answered by Emanuela through a series of other questions.

I believe you had to leave at 8:30, Emanuela, and it's a quarter to —

Ms. Emanuela Heyninck: I have to leave now. I have a flight.

Mr. Terry Sheehan: Thank you. My question was been answered.

Ms. Emanuela Heyninck: If you have other questions that you want to send to me, I'm quite happy to answer them if I can, but I do have to go.

Thank you very much. It was a pleasure.

The Chair: Thank you very much, Commissioner. It's been very useful.

I'm going to move to the open list. I'm going to keep a speakers list, so if anybody wants to ask a question....

I have Mr. Longfield.

● (2045)

Mr. Lloyd Longfield (Guelph, Lib.): Thank you, and thanks for having me as a guest on this committee.

I have a couple of questions, but I'm very interested in Ms. Chicha's comment about the implementation.

I'm picturing myself as a former business person with several employees under payroll in terms of how we would adjust to legislative change, knowing that we also have to stay in business. The pay equity commission in Quebec would be in place to help evaluate the delta between what you're paying and what you should be paying. Then you have four years to work your way into that through some type of a granting system. Am I understanding that correctly? Also, there would be four-year pay-down.

Is there a staged implementation to ease the burden on employers to get towards pay equity?

Prof. Marie-Thérèse Chicha: Yes. In fact, all proactive legislation has this approach by steps. In Quebec, the first four years are devoted to doing the pay equity plan. A small company can start at the last year or even the last month.

For people I know who have implemented pay equity in small enterprises, it takes them approximately one week, or at most two, to do the plan. It's quite easy to do it. Large enterprises can start earlier.

Mr. Lloyd Longfield: Right.

Prof. Marie-Thérèse Chicha: Did that answer your question?

Mr. Lloyd Longfield: I think so. The first part of the process then is getting your ducks in a row. I don't know how else to say that. Once you've agreed on the settlements, then there would be some method whereby the government would help you work towards the goals that you'd determined in the first part of the process.

Prof. Marie-Thérèse Chicha: In fact, this is done by the employer and through the pay equity committee. It doesn't need to go to the pay equity commission.

Mr. Lloyd Longfield: Okay.

Prof. Marie-Thérèse Chicha: It's done independently but following the guidelines of the pay equity commission.

Mr. Lloyd Longfield: Super. Thank you.

The Chair: Thank you.

Ms. Sheri Benson: Professor Chicha, I think this has been very helpful for me, because I was sort of cringing about talking about legislation being incremental. But I see the incremental piece comes, perhaps, at the implementation stage and that all employers get a time period in which to do their plan and then a time period in which to actually get to the financial end goal, if it's large, and they can do it over years. You've said that in Quebec it's four and four, and in other places it's three and three. Is there any science to the time? Do they just pick that out of the air? Does it make sense? Does it work?

Prof. Marie-Thérèse Chicha: I think it's essential to have some time to do it, but I find that four years is too much, maybe because the guidelines took a long time to produce and then they wanted to help employers and employees by giving them all the tools. They thought maybe it would take four years. I really don't know exactly why it was four years, but as the chair of the task force that advised the government on this, I can say that we were against such a long time. It takes eight years to finally get the pay adjusted.

Ms. Sheri Benson: Right.

Prof. Marie-Thérèse Chicha: Two or three years was suggested by the federal task force, so I think three years would be okay.

Ms. Sheri Benson: Thank you.

The Chair: Ms. Dzerowicz has the next question.

Ms. Julie Dzerowicz: My question is to Ms. Chicha.

You've done a wonderful job. You've done a lot of work internationally. You've done a lot of work in Quebec. You're very familiar with the Bilson report.

I want to ask you about best practices around compliance. I'm sure around the world there are different compliance numbers depending on whether an employer is unionized or non-unionized or for different groups, or whether it's a large employer or a small employer. I just wanted any advice you might have or anything you want to share with us in terms of how we ensure the highest level of compliance if we're making some recommendations or creating legislation. Do you have any advice around that?

• (2050)

Prof. Marie-Thérèse Chicha: Yes, in fact, the comparative analysis I think your committee.... I devoted a chapter to best practices.

I think what is essential as a best practice, if you can call it that, is the pay equity commission. Without a pay equity commission, everyone would be confused, work would not go swiftly, etc. A pay equity commission is essential.

Another important element is the joint participation. As Mr. Durber said, it's a mistake in Quebec that we don't have joint participation in small enterprises. I agree with him. Joint participation will make the process much easier and much more adapted to the enterprise. Something else is training, and in Quebec there is a compulsory training that employers should give to members of their pay equity committee so they are able to do their work, because we cannot say that pay equity is not a technical job. It's technical. You need training if you want to do it well.

Another important element is transparency. In a survey I did in Quebec with those who are responsible for pay equity implementation, they mentioned that when employees or employee representatives think the employer is hiding some data, in the end they don't have confidence in the results, and that may cause conflicts.

Another important element is communication. The communication with the employees must be done well so they understand what is going on and they don't have an expectation that all the women in the enterprise will have a raise of 10% of their salary. Communication will lay the groundwork for a better understanding and acceptance by employees.

These are some of the most important best practices.

Ms. Julie Dzerowicz: Great. I do have one more question.

The world of work is changing. We have a lot more precarious work. We have a lot more short-term work, and contracts. Because we're also thinking about the world moving forward, is there anything specific we need to be considering as we're thinking about pay equity legislation?

This is for anyone who would like to respond. Is there anything we need to think about to accommodate that?

Prof. Marie-Thérèse Chicha: I think that for precarious workers, it's much harder for them to mention they need to have pay equity. There are discriminatory practices. They need some support from either the pay equity commission or other bodies; otherwise, they won't be able to benefit from the pay equity due to their vulnerable situation.

The Chair: Mr. Durber.

Mr. Paul Durber: I think one of the difficulties we have in the federal sphere is that we have one extraordinarily large employer. We have a number of crown corporations, many of whom, I would say, are following good practices. I would humbly suggest the federal employer has fallen behind. The last time it looked at pay equity was 1985 to 1989. In the meantime, their tools for valuing work date from the 1960s generally. They do not measure skills, efforts, responsibilities, and working conditions, all of them. They don't.

There are perhaps six in all that comply with pay equity legislation out of 72. I don't know whether that's the tail of the dog because it's such a large employer, but I would say that is a major challenge that requires a focus on the part of the federal employer that will only come through legislation.

• (2055)

The Chair: Ms. Davis, did you want to add something?

Ms. Linda Davis: I would like to say that the precarious workers of the 21st century really have no voice in terms of the types of employment they are engaged in, contract work, and things like that.

I think one of the key areas we can help is trying to bring those workers together in some form, to give them some sort of collective voice so that they can advocate for their work environment, access to benefits, and all of those things.

Those are key issues that add to the wage gap, the value of the workplace, and the value of the work being done. I think it's one of the key areas we have to look at going forward.

The Chair: Thank you.

We have a question from Ms. Benson.

Ms. Sheri Benson: It's quick one, I think.

Mr. Durber, I wrote down a comment you made about past pay equity exemptions.

Mr. Paul Durber: Right. What does that mean?

Ms. Sheri Benson: Yes. Thank you.

Mr. Paul Durber: Well, there may be claims by employers, notably, that they have done pay equity, and that therefore it's unfair to put more demands on them.

That happened in Quebec. All that is needed there is a process for looking at what has actually happened. Do they have a plan in place? Is it maintained? Do they, for example, have an audit mechanism for figuring out where they stand in terms of equal pay for work of equal value?

That may or may not have to be in legislation. It could be in policy. It's certainly part of what Madam Chicha talked about in terms of a strong commission and strong reporting.

The Chair: Do the others want to answer that question?

Madam Chicha.

Prof. Marie-Thérèse Chicha: I would like to add something. Maybe it's not directly in connection with the question that was asked; it's about the reporting.

You talked a lot about reporting, and I was not able to mention what reporting is in Quebec.

In Quebec, every year a report must be sent by each employer. It's a very short form, just one page with three or four questions. Have you done pay equity? Have you maintained pay equity? These are the sorts of questions.

This allowed the commission to say, as I mentioned, that 94% of employers with 100 employees or more applied the Quebec Pay Equity Act.

Reporting is very important, as the head of the Pay Equity Commission of Ontario also said, because it reminds the employer that they have to do some work. If they don't do it, there are very high penalties they have to pay for this. I think it's not a very heavy burden, but it's important to do.

In Sweden, every three years the employer must submit a report that is much more detailed than the one I talked about, but I think it's really essential to have one.

The Chair: Thank you.

Mr. Longfield.

Mr. Lloyd Longfield: Thanks.

There's a comment Ms. Davis made that struck my interest in terms of the caregiver penalties versus what we were looking at through our campaign as a government. We are looking at implementing an EI system that will have a care program that will allow the sharing of time off, with either two six-month periods or one eighteen-month period.

We're looking at the EI system differently and looking at trying to improve care, but I think a bigger issue is the aging population and the retirement wave hitting. That hasn't been part of this discussion,

I'm bouncing a couple of topics around here. Have you seen the EI system we've been talking about, and do you have a comment on what we were proposing during our campaign?

●(2100)

Ms. Linda Davis: I haven't looked specifically at that EI system, but I would say one of the shortfalls of EI has always been the inflexibility of taking time off, being able to take off short periods of time and be compensated for that.

In Ontario we have job protection for short periods of time for caregiver leaves, but there's no compensation for that.

Mr. Lloyd Longfield: Right.

Ms. Linda Davis: Sometimes we see that the caregiving leaves are even shorter if you don't have somebody who's critically ill. You may have family members who are just somewhat ill.

Mr. Lloyd Longfield: Right.

Ms. Linda Davis: If I can just elaborate, the care penalty really refers to that penalty you get if you go into a caring profession that is undervalued and underpaid but you choose to do that because you care about the individuals, whether it's child care or home care. You sacrifice pay. Women do this all the time and men sometimes do as well. That's the care penalty.

The caregiver penalty is that penalty for taking time off to take care of someone who is sick and that, again, tends to be done by women.

Mr. Lloyd Longfield: Perfect. Thank you for clarifying that.

I mentioned the retirement wave, and I think we're sitting at a very opportune time to make changes when we have a large number of people exiting the workplace. We have to look at our existing workplace and look at it differently, and this applies to immigrants who aren't being paid what born Canadians are being paid. It applies to people with disabilities.

Hopefully, through our discussions and going forward, we'll be able to address not only the women's inequities but all the other inequities that are sitting there for the workforce that we have to draw from.

That's going to be quite the challenge in the next 10 years.

The Chair: Are there any other questions?

Ms. Benson.

Ms. Sheri Benson: I have a quick one for both Mr. Durber and Madam Chicha.

If we were going to give the federal government some advice on a time period in which we would like them to have pay equity implemented, how long do you think it should take for them to create the legislation and implement it?

I can go to Mr. Durber first and then Madam Chicha.

Mr. Paul Durber: There are obviously two phases for legislation. One is getting something passed and the other is having a commission in place. I think it takes a little longer sometimes to put the organization into place, to find the expertise, and to ensure the appropriate leadership. I would suspect further consultation on the legislation, etc., is likely to take you six months to a year.

I'm sure you are better placed to know about those political realities than I am, but I can say from my experience in helping to organize various places that it does take six months to a year to recruit the appropriate people, to determine what your organizational plan is, to ensure with government that you are really clear on the mandate, and to actually have people in place so that the right signals can be sent. I would say probably a year and a half to two years.

Ms. Sheri Benson: Professor Chicha, do you have any comments about time?

Prof. Marie-Thérèse Chicha: In fact, in Quebec the act was passed in 1996, but it went into effect for employers in 1997. The reason for that was to allow the pay equity commission to be installed, to hire people, and to develop expertise.

It took almost one year for the pay equity commission to be able to work. To pass the act we as a task force had one year to prepare the blueprint for the government and then there were some negotiations with the social partners. I would say it took a year and a half before the act was passed, but we went almost from scratch. Here, however, you already have the pay equity task force's recommendations that I think many people agree on. You have already some leads in this work.

• (2105)

The Chair: Are there any further questions? No.

Do any of the witnesses want to have some final words?

First, we'll have Mr. Durber and then Madam Chicha.

Mr. Paul Durber: I would just quickly like to underscore the difference between pay equity in an organization and the wage gap. Legislation should not hold an employer responsible for closing the more general wage gap. I think that would be quite unfair.

In fact, I remember when I was at the human rights commission, the bankers association was very adamant about that. All they're responsible for is the treatment of their employees.

I just wanted to say that quickly.

The Chair: Thank you.

Madam Chicha.

Prof. Marie-Thérèse Chicha: In fact, I was going to say the same as Paul.

I noticed by reading all the hearings and the experts, etc., that there is some confusion. As it was mentioned today, the wage gap is due to many different causes, which are discriminatory but it's not wage discrimination. Each part of this wage gap, whether education

or experience or family and work conciliation, may be closed by different types of policies.

However, pay equity is a different policy that deals only with the wage discrimination and not the wage gap. Employers can be afraid of thinking that the wage gap, which is 20%, will have to be compensated by them, but it's not true. The adjustments are around 5% or 6%, depending on the jobs. I think it is extremely important to be very clear about this.

When the Pay Equity Act was passed in Quebec, this act was initiated by a different party from the one that was the government at the time, which was the Liberal Party. The premier was away for a mission and asked that the passing of the act wait for one day until he came back. At the beginning, he wasn't in favour of this Pay Equity Act that was presented by a different party. However, he wanted to manifest his support to pay equity, and the act was passed with the unanimity of all the parties in the National Assembly of Quebec.

I wish that it would be the same at the federal level, if I can wish for something like that.

Thank you very much.

The Chair: Thank you very much.

Ms. Davis, did you have any final words?

Ms. Linda Davis: I would just like to disagree with my esteemed witnesses by saying that in 25 years in Ontario of having the Pay Equity Act, we have not closed the gender wage gap. I think without looking at both problems simultaneously, by introducing pay equity without introducing measures to close the gender wage gap, you will simply be going in circles and having to continually do pay equity. It will never solve itself.

I think there's a golden opportunity here to start with some knowledge from the ground up and build in some other features that will look at closing the gender wage gap and moving our country forward.

Thank you.

The Chair: Thank you very, very much.

I know it's been a very long evening. I want to thank our witnesses for being here and for providing so much information in a relatively short time. I thank the committee members also for staying later than we had anticipated.

Our next meeting will be on Monday at 5:30.

We will adjourn. Thank you so much.

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