

YOU ARE ENTITLED TO EQUAL PAY

WHAT IS THE PURPOSE OF THE PAY EQUITY ACT?

Even today, women are still frequently paid less than men for work that is equivalent or of equal value, particularly in the case of jobs associated with women, such as hairdressers, secretaries, receptionists, chambermaids and so on.

The *Pay Equity Act*, which the National Assembly of Québec passed in 1996, covers both unionized and non-unionized female workers in the private, public and parapublic sectors. It applies to all enterprises with 10 or more salaried workers.

The female employees of enterprises with fewer than 10 salaried workers are also entitled to pay equity since they are protected by the *Charter of human rights and freedoms*.

EQUAL PAY FOR WORK OF EQUAL VALUE

If you and a male co-worker perform different but equivalent work, you should at least receive the same wage. Two non-identical jobs can have the same value.

To ascertain whether female and male jobs have the same value, they must be compared by examining each of the duties performed. For example, the following jobs can be considered comparable:

- in a hotel, the traditionally female job of chambermaid has been compared with the traditionally male job of doorman;
- in a building materials plant, the job of secretary-receptionist, usually done by women, has been compared with the traditionally male job of machinist.

Therefore, if the jobs compared in such enterprises have the same value, they must pay the same.

WAGES ARE OFTEN A MATTER OF TRADITION

When women entered the labour market, they turned, above all, to trades or occupations that required skills related to the tasks performed in the home, such as household duties, caring for and educating children, and so on. Since the skills were deemed to be innate, female employment was not remunerated at its fair value. The skills were regarded as being “naturally feminine” and not job requirements. Moreover, women’s wages were then only secondary income as men played the role of breadwinner. These factors created biases in the method of determining wages and inadequate remuneration for female employment.

Below are examples of so-called female traits that are often overlooked in wage determination:

- fine, rapid motor skills, for example for computer data input, keyboarding or the use of a sewing machine;
- rapid multitasking, for example the ability to look at a computer screen, read a document, answer the telephone and respond to a customer at the counter;
- the ability to work in a psychologically demanding environment, for example with children, dissatisfied customers or the mentally impaired.

Failure to recognize women’s work at its fair value has perpetuated pay inequities. This systemic discrimination is partially responsible for the wage differentials between traditionally male jobs and traditionally female jobs.

RECOGNIZING WOMEN’S WORK

We can eliminate systemic discrimination by examining jobs without gender bias and by recognizing the work performed by women on the same footing as that performed by men. For example, the physical effort required to constantly lift light objects must be considered when evaluating the job of a cashier, the same way as the lifting of heavy objects is taken into account when evaluating the job of a material handler, even though that duty is only occasional.

PAY EQUITY IS A QUESTION OF FAIRNESS

Pay equity is a basic right of all working women in Québec. The *Pay Equity Act*, which came into force on November 21, 1997, compels all employers whose enterprises have 10 or more salaried workers to adopt specific measures to ensure pay equity in the enterprise.

The Act was significantly amended on May 28, 2009:

- an employer who had not carried out or completed a pay equity plan before March 12, 2009 had to complete it by December 31, 2010 at the latest;

Should your employer have completed the pay equity plan by December 31, 2010 but has not yet done so?

In order to benefit fully from the retroactive salary adjustment to which you may be entitled, you have five months, i.e. from **January 1 to May 30, 2011**, to file a complaint with the Commission de l’équité salariale. After that date, it will still be possible to file a complaint, but the salary adjustment to which you may be entitled will only be retroactive to the five years preceding the filing of your complaint with the Commission.

- an employer who completed the plan prior to March 12, 2009 was to have conducted the first evaluation of the maintenance of pay equity by December 31, 2010 at the latest;
- an employer who was not covered by the Act because the enterprise had fewer than 10 salaried workers must, each year, recalculate the size of the enterprise, starting in the 2008 calendar year.

In the case of enterprises with fewer than 10 salaried workers, the *Charter of human rights and freedoms* stipulates the right to pay equity. Accordingly, all employers must pay the same salary for different jobs, but of the same value, performed by women and men.

ACHIEVING PAY EQUITY

In enterprises with 10 or more salaried workers, the employer is required to compare the jobs performed by men and jobs performed by women to ascertain whether wage gaps exist stemming from oversight of certain traits of women’s work. If so, the employer must determine the necessary salary adjustments and pay them. The employer must subsequently evaluate the maintenance of pay equity every five years to ensure that female employment is still remunerated at the same level as male employment of equivalent value in the enterprise.

In enterprises with fewer than 10 salaried workers, the employer is not required to produce a pay equity plan pursuant to the *Pay Equity Act*. However, the *Charter of human rights and freedoms* stipulates that the employer must ensure that he pays female employees a salary equivalent to that of male employees for jobs of the same value in this enterprise.

The message is clear: the value of women’s work must be taken into account and recognized at its fair value.



FILE NO.

1 IDENTIFICATION OF THE COMPLAINING PARTY

MR. _____
 MS. _____ LAST NAME FIRST NAME

ADRESSE _____

CITY () POSTAL CODE ()
 TELEPHONE (HOME) TELEPHONE (WORK)

E-MAIL ADDRESS _____

Would you like us to contact you at home work
 BEST TIME TO REACH YOU DURING THE DAY? _____

You are filing a complaint as a:
 Non-unionized employee
 Unionized employee _____ NAME OF YOUR CERTIFIED ASSOCIATION (UNION)
 Certified association (union) _____ NAME OF THE CERTIFIED ASSOCIATION (UNION)

2 INFORMATION ABOUT THE COMPANY

COMPANY NAME _____

ADDRESS _____

CITY () POSTAL CODE ()
 TELEPHONE FAX

E-MAIL ADDRESS _____

CONTACT PERSON _____

THIS PERSON’S POSITION _____



WHAT ROLE DOES THE COMMISSION DE L’ÉQUITÉ SALARIALE PLAY?

The Commission de l’équité salariale is responsible for all questions concerning pay equity between female employment and male employment. It ensures that employers abide by and apply pay equity and that under-evaluated and underpaid female employment benefits from salary adjustments.

