Pay equity

a matter of fairness for working women in Québec

Québec
Commission de l’équité salariale
In Québec, women are generally paid less than men. This is the case, for example, in certain types of jobs that traditionally have been held mostly by women. Part of the difference in pay is due to discriminatory practices that have prevailed in our society for many years and that tend to persist. This form of discrimination is called systemic discrimination, and it will be eliminated only by evaluating jobs without gender bias.

**Undervaluation of Female Jobs: Two Examples**

• In evaluating the job of secretary-receptionist, the listening skills, empathy and patience required to deal with dissatisfied or impatient clients might be undervalued or even overlooked, while in evaluating the job of collection officer, the same abilities would be taken into consideration.

• In evaluating a cashier’s job, the physical effort required to continuously lift light weights might be undervalued, while in evaluating the job of handler, consideration would be given to the lifting of heavy weights, even if this task is performed only occasionally.

1. See page 10 and 11.
Under the Pay Equity Act, employers with 10 or more employees must achieve pay equity and determine what adjustments in compensation are required. Employers with fewer than 10 employees must respect the principle of pay equity under the Charter of Human Rights and Freedoms. However, the Pay Equity Act does not apply to entities under federal jurisdiction.

Your employer is responsible for applying the Pay Equity Act.

For this purpose, he must fulfil certain obligations depending on the size of his organization, that is, the number of employees.

In general, he must evaluate and compare jobs held mainly by men with those held mainly by women in order to determine the compensation adjustments required to correct gender based wage discrimination. In addition, he must maintain pay equity in his organization thereafter.

Employers have until November 21, 2000 to determine if there are discriminatory differences between the compensation of men and women in their organization.
As a working woman, you have a role to play in implementing pay equity within your organization.

Under the Act your employer is responsible for achieving pay equity and you can play an active role in this process.

For example:

- by providing your employer with information on the various duties you perform so that your job evaluation will be as complete as possible;

- by volunteering to become a member of a pay equity committee;

- by monitoring the different postings that your employer or pay equity committee must effect and make comments on the postings or request additional information.

To know what obligations your employer has based on the size of his organization and what contribution you can make during the pay equity procedure, consult the following table.

An employer may not take reprisals against an employee who exercises a right conferred on him by the Pay Equity Act, who provides information to the Commission de l’équité salariale pursuant to the Act or who is a witness in a proceeding under the Act. If an employee suffers reprisals, he may request, within 30 days of the reprisals, that the Commission intervene. The Commission may then apply to the Labour Court to have measures instituted against any person who takes such reprisals.
The Act provides for one or more postings, depending on the size of the organization concerned, in order to encourage workers to participate in the pay equity procedure.

When you see a posting, you should read the information carefully to find out how the pay equity procedure is being conducted in your organization. If you wish to obtain further information from your employer or pay equity committee or to make comments, you may submit your questions and comments in writing to your employer or pay equity committee within 60 days of the posting.

Your employer or pay equity committee has 30 days to effect a new posting specifying any amendments made or indicating that no amendments are necessary.

Each posting effected by an employer or a pay equity committee must mention the rights of workers and the period within which these rights must be exercised.
<table>
<thead>
<tr>
<th>Fewer than 10 employees*</th>
<th>10 to 49 employees*</th>
<th>50 to 99 employees*</th>
<th>100 or more employees*</th>
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<tbody>
<tr>
<td>• File a complaint with the Commission de l’équité salariale if they consider that their employer has not complied with the obligations stipulated in the Charter of Human Rights and Freedoms</td>
<td>• Respect the principle of pay equity as required by section 19 of the Charter of Human Rights and Freedoms</td>
<td>• Determine adjustments in compensation by November 21, 2001 at the latest</td>
<td>• Set up a pay equity committee, with 2/3 of its members consisting of employee representatives and 50% of these representatives consisting of women</td>
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<td>• Provide information on their duties</td>
<td>• Provide information on their duties</td>
<td>• Implement a pay equity plan</td>
<td>• Establish a pay equity plan</td>
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<td>• Monitor the posting of results and make comments or request additional information</td>
<td>• If they are unionized, ask their employer, through their certified association, to establish a pay equity plan in collaboration with the association</td>
<td>• Post the results of the job class identification process, as well as the job evaluation method selected and evaluation procedure</td>
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<tr>
<td>• Exercise the remedies available under the Act</td>
<td>• Monitor the various postings and make comments or request additional information</td>
<td>• Post the results of the evaluation of job classes, the comparison of them, the valuation of differences in compensation and the determination of the required adjustments, as well as the terms and conditions of payment of these adjustments</td>
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* The number of employees is determined on the basis of the reference period set by the Act.
In addition to specifying the mechanisms for participating in the pay equity procedure, the Pay Equity Act provides for remedies that may be exercised by employees under certain circumstances; for example:

- if you have reason to believe that the provisions of the Act and the Charter of Human Rights and Freedoms are not being applied;

- if you have reason to believe that certain actions or attitudes of your employer violate the rules;

- if you have reason to believe that there was gender discrimination in the pay equity procedure.

In any of these situations:

- you may contact the Commission de l’équité salariale to expose the nature of the problem(s) observed in the pay equity procedure;

- you may contact the Commission de l’équité salariale to verify whether your employer is complying with the Act;

- you may file a complaint with the Commission de l’équité salariale.

Two important dates:

- By November 21, 2001 at the latest, every employer subject to the Pay Equity Act will have to determine whether adjustments in compensation are required in his organization or will have to complete a pay equity plan.

- By November 21, 2005 at the latest, every employer will have to redress differences in compensation.
For further information on how you can contribute to the procedure for achieving pay equity in your organization or on your rights under the Pay Equity Act, contact the Commission de l’équité salariale.

The Commission de l’équité salariale is the agency responsible for applying the Pay Equity Act.

Its duties consist in:

- lending assistance to organizations by developing tools to facilitate the application of the Act;
- offering support to employees who participate in the pay equity procedure;
- providing information to the various clienteles concerned by the Act;
- conducting research and studies and advising the Minister on any matter relating to pay equity;
- seeing to the settlement of disputes and complaints concerning the application of the Pay Equity Act and to the processing of complaints filed under section 19 of the Charter of Human Rights and Freedoms.
Systemic discrimination is discrimination resulting from a system, that is, from an established order based on intentional or unintentional practices that, although they seem neutral, lead to differences in compensation between jobs traditionally held by men and those traditionally held by women.

Differences in compensation stemming from systemic gender discrimination are mainly due to three factors:

1. Social stereotypes and prejudices

For many years, our society was founded on a system of gender-based division of labour, with women being confined to the roles of housewife and mother while men participated extensively in the labour market. This stereotypical division of social roles has had an impact on women's wages. It was long believed that since men were the breadwinners, they should be paid more than women, who were deemed to be earning extra income.
Occupational segregation

Owing to their belated entry into the labour market, women found themselves restricted to trades and occupations that were an extension of their traditional role of wife and mother. Jobs in these sectors, which were held almost exclusively by women, typically involved such duties as care giving and required so-called female qualities, such as listening skills, meticulousness, availability and compassion.

Undervaluation of female jobs

Certain characteristics associated with jobs held mainly by women are ignored or undervalued because they are considered to be so-called female qualities. Consequently, the wages for these jobs are undervalued.
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Québec City and the surrounding region:
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