

INFO-ÉQUITÉ

PAY EQUITY IN ENTERPRISES WHERE THERE ARE NO PREDOMINANTLY MALE JOB CLASSES

MAY 2005

(Translated in September 2006)

PART 1 : PRESENTATION

The purpose of the Pay Equity Act¹ is to redress, within a given enterprise, differences in compensation due to the systemic gender discrimination suffered by persons who occupy positions in predominantly female job classes².

When implementing pay equity you³ must first identify all the job classes, within your enterprise, such as predominantly female job classes and predominantly male⁴ job classes in order to compare them and then redress differences in compensation.

At this stage however some enterprises note that there are no male classes thus making it impossible to continue the pay equity process. If such is the case in your enterprise, you must ensure that the gender representation has been determined properly. In compliance with the criteria set forth under section 55 of the Act⁵, some job classes turn out to be male classes after all. If there still aren't any male classes in your enterprise after this verification, then you shall establish your pay equity process in accordance with the regulation.

Even if there are no men in your workforce, there might still be a male class. For instance if a woman is occupying the position of either delivery person, messenger or is working in shipping, this job class could turn out to be (in accordance with section 55 of the Act) a male class after all because it has always been occupied by a man. In this case the job class "delivery person" would be a male class enabling you to continue the implementation of pay equity in compliance with the Act, without having to apply the regulation.

The absence of male classes does not mean that there is no systemic discrimination based on gender because such discrimination is the result of deeply rooted social and economic factors. To enable enterprises to continue the implementation of pay equity where there are no male classes, the Regulation for achieving pay equity where there are no predominantly male classes⁶ provides :

- two typical male job classes that will be used for comparison;

¹ Hereinafter referred to as « the Act ».

² Hereinafter referred to as « female class ».

³ In this document, « you » represents the pay equity committee or, in the absence of such a committee, the employer.

⁴ Hereinafter referred to as « male class ».

⁵ For more information on these criteria, consult the *Guide for achieving pay equity in enterprises with 10 to 49 employees*.

⁶ Hereinafter referred to as « the Regulation ». See appended Regulation.

- a method for determining the hourly rates of remuneration of these typical male job classes;
- indicators enabling the implementation of pay equity within the limits of the Act.

Thus female classes in enterprises where there are no male classes will be able to receive fair remuneration in compliance with the purpose of the Act.

PART 2 : HOW SHOULD YOU APPLY THE REGULATION?

DIVISION I : IDENTIFICATION OF TYPICAL JOB CLASSES

(section 1 of the Regulation)

The Regulation provides enterprises, where there are no male classes, with two typical job classes.

What are these typical job classes?

The following typical job classes must be used to continue your pay equity process :

- foreman
- and
- maintenance worker

Job descriptions for these typical job classes are set out in Schedules I and II of the appended Regulation.

Do the job descriptions suit all enterprises?

Yes. Job descriptions are set out in a general enough manner to allow you to integrate them in your enterprise, depending on your sector of activity, and specific enough to provide you with the elements that are necessary to the implementation of pay equity such as the determination of their remuneration rate and their valuation.

The designation of the job titles does not suit your enterprise?

The designation of job classes such as “foreman” and “maintenance worker” represents the most frequently used designations on the labour market related to these job descriptions. However, the sector of activity in which your enterprise evolves might have

influenced the designation of these jobs. Following are a few other designations that could be more appropriate for your type of enterprise.

Related designations for “**foreman**”:

- *manager* in a supermarket, a clothing store, a hairdressing or beauty salon;
- *coordinator* in a sheltered housing;
- *team leader* in a textile factory;
- *supervisor* of the teaching staff in a private school;
- *department director* in a financial institution;
- etc.

Related designations for “**maintenance worker**”:

- *handyman* in an elderly home;
- *caretaker* in a non-profit organization like a community agency
- *labourer* in a workshop
- *maintenance man* in a childcare service
- etc.

You can use either one of the designations provided for under the Regulation or any other designation, not explicitly mentioned, to the extent that the designation applies specifically to the job descriptions and responsibilities provided by the job descriptions in the Regulation.

What exactly does a “foreman” and a “maintenance worker” do?

“FOREMAN”

The “foreman” is usually in charge of different jobs that are regrouped to form a department, an administrative or production work unit or any other form of organization, depending on the practices in your enterprise. He plans activities, coordinates tasks and duties and supervises the personnel occupying positions in such groups. The most part of his job consists in managing. However, during peak periods he can occasionally perform tasks that are related to routine operations. It is important to note that under the Regulation, the “foreman” does not necessarily supervise the “maintenance worker”.

“MAINTENANCE WORKER”

The “maintenance worker” follows specific instructions and accomplishes minor routine repairs in connection with the upkeep and the maintenance of the premises, both indoors and outdoors. For instance, he can accomplish the following tasks: do some paintwork on a small surface area; replace a light bulb; clean and sweep public areas; unblock a pipe; adjust a door that’s difficult to close; change a door lock; replace a broken window glass.

It is important to note that the tasks performed by the “maintenance worker” do not require the presence of trade workers. Performance of the characteristic job description does not require a competency certificate, therefore the “maintenance worker” is not a painter, an electrician nor a plumber such as defined by the Commission de la construction du Québec.

DIVISION II : REMUNERATION OF TYPICAL JOB CLASSES

(sections 2, 3 and 4 of the Regulation)

The Regulation provides a method to determine the hourly rate of remuneration for each typical job class.

How should you establish the hourly rates of remuneration?

You must determine the hourly rates of remuneration that apply to these typical male job classes as if they were present in your enterprise. The HOURLY RATES OF REMUNERATION must take into account the WEIGHTING FACTORS and must correspond to the STANDARDS.

What does HOURLY RATE OF REMUNERATION mean?

The hourly rate of remuneration includes the three elements of overall remuneration such as the *basic pay, the flexible pay and the benefits having pecuniary value*. Thus you must identify the elements of remuneration that would apply to each typical job class as if there were such job classes in your enterprise and attribute them a money value that would contribute to establish the hourly rate or remuneration⁷.

What are the WEIGHTING FACTORS?

Generally speaking, for a given job employers determine the rate of remuneration based on one or many of the following criteria : *the sector of activity, the size of the enterprise, and the region in which the enterprise operates*. With regard to the profile of your enterprise, the Regulation takes into account the same “weighting factors” to fix the hourly rates of remuneration. In order to set the remuneration of the typical job classes, first you must determine which criteria have an incidence on the hourly rates of remuneration in your enterprise. Then, you must identify the hourly rate of remuneration you would pay each of the typical job classes, as described in the job descriptions, as if there were actually such job classes in your enterprise.

Are there any sources of information that could help you determine the hourly rate of remuneration of these typical job classes?

Yes. Many public sector organizations survey the labour market and provide free statistical information. These organizations each have their own methodology (representative sample, reference period, compilation method, etc.). The following references can give you useful markers related to remuneration.

⁷ Consult the *Guide for achieving pay equity in enterprises with 10 to 49 employees*.

• **Human Resources and Skills Development Canada** offers information on the labour market, on provincial and local levels for jobs that are listed, by activity sector, in the *National Occupational Classification*⁸. There you will find the average hourly rates, maximum and minimum, for a given occupation in a specific region. To consult data on salaries go to www.labourmarketinformation.ca and select “Wages and salaries” under the English section.

• **Emploi-Québec** also provides information on the labour market for an estimated 500 trades and occupations. Using the *National Occupational Classification*, you can identify the average annual income for jobs in specific regions or throughout the province of Québec. This information is available through <http://imt.emploiquebec.net>, select option 1 “Trades and occupations” under the English section.

• **Institut de la statistique du Québec** provides annual statistical information on overall remuneration for working people throughout the province of Québec and also provides comparative information on overall remuneration in private and public sectors. There you will find statistics on minimum and maximum annual remuneration, also hourly rates for different benchmark jobs. To consult the data visit the Institut de la statistique du Québec’s website at www.stat.gouv.qc.ca.

What STANDARDS have to be met when establishing the hourly rates of remuneration?

Once you have fixed the hourly rates of remuneration for each typical job class, you must ensure that the two following standards are respected:

- the hourly rates of remuneration assigned to each typical job class identified must not be less than the minimum hourly wage determined by the Labour Standards Act⁹.
- the hourly rate of remuneration assigned to the “maintenance worker” must be equal to 60% of the hourly rate of remuneration assigned to the “foreman”.

What does the 60% standard mean?

This standard represents the labour market’s average relativity between the remuneration of the “maintenance worker” and that of the “foreman”.

⁸ www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml

⁹ Consult section 40 of the Labour Standards Act (R.S.Q., c. N-1.1). For more information visit www.cnt.gouv.qc.ca

Why must you apply this standard?

The relativity between hourly rates of remuneration you have just assigned to the typical job classes might differ from the 60% standard if, for instance, your sector of activity is largely female. If such is the case, the remuneration is potentially gender biased. The standard prevents you from perpetuating the systemic discrimination present in your sector of activity.

How should you apply the 60% standard?

If the relativity is not equal to 60%, you must modify the hourly rate of remuneration assigned previously to one or the other typical job class. You must choose which of the two will be affected. Make sure your choice is non discriminating. Then, based on the hourly rate of remuneration of the other typical job class, you must ensure that the remuneration of the “maintenance worker” represents 60% of the remuneration of the “foreman”. The calculation method varies, depending on where you start. For instance:

Case A : If the hourly rate of remuneration assigned to the “foreman” is set at \$20 (100%), the hourly rate of remuneration of the “maintenance worker” will then be \$12 (60%). To calculate, simply use a rule of three:

$$\begin{array}{l} \$ 20.00 = 100\% \\ \$ x = 60\% \\ (\$20.00 \times 60) / 100 = \$12.00 \\ x = \$12.00 \end{array}$$

Case B : If the hourly rate of remuneration assigned to the “maintenance worker” is set at \$10 (60%), the hourly of remuneration of the “foreman” will then be \$16.67 (100%). To calculate, simply use a rule of three:

$$\begin{array}{l} \$ 10.00 = 60\% \\ \$ x = 100\% \\ (\$10.00 \times 100) / 60 = \$16.67 \\ x = \$16.67 \end{array}$$

The hourly rates of remuneration so determined will be the rates to use later on for comparison.

DIVISION III: IMPLEMENTATION OF PAY EQUITY (sections 5 and 6 of the Regulation)

The Regulation indicates that you must then implement pay equity in compliance with the Act.

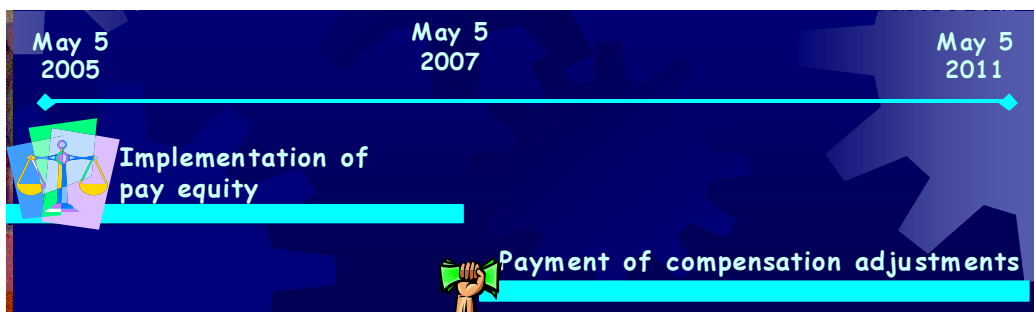
What happens once you have assigned the hourly rates of remuneration within the boundaries set by the Regulation?

Your enterprise now has two male job classes with their own job description and their own hourly rate of remuneration. The step involving the identification of typical job classes is now completed. You must now continue the implementation of pay equity in compliance with the section of the Act pertaining to the size¹⁰ of your enterprise. In all cases, you shall determine the compensation adjustments and post¹¹ the results.

What are the delays to be respected in implementing pay equity when there are no male classes in your enterprise?

The terms of section 38 of the Act are explicit. You must have achieved pay equity within two years of the coming into force of the Regulation on May 5 2005. Therefore, you must implement pay equity by May 5 2007.

The employer¹² can spread the payment of compensation adjustments over a maximum period of 4 years. Such instalments must be equal in amount and annual.



¹⁰ Consult the *Guide for achieving pay equity in enterprises with 10 to 49 employees*.

¹¹ Consult the *Guide for achieving pay equity in enterprises with 10 to 49 employees*.

¹² Determining the terms of payment of compensation adjustments is the employer's exclusive responsibility (section 69 of the Act).

PART 3 : CASE OF AN ENTERPRISE WHERE THERE ARE NO PREDOMINANTLY MALE JOB CLASSES

ABC enterprise employs 10 to 49 employees and proceeded to the identification of job classes in early November 2001. The job classes were determined as follows:

Job classes in the ABC enterprise	
MALE CLASSES¹³	FEMALE CLASSES¹⁴
X	Female class F1
	Female class F2
	Female class F3

ABC enterprise determined that there were three female classes but no male class and therefore could not continue the implementation of pay equity to verify whether or not differences in compensation existed between female and male classes.

Continuing the implementation of pay equity with the help of the Regulation

In order to continue the implementation and to achieve pay equity, this enterprise had to apply the Regulation respecting pay equity in enterprises where there are no predominantly male job classes.

a) Identification of job classes

ABC enterprise took over the job descriptions of the foreman and the maintenance worker set out in Schedules I and II of the Regulation.

Job classes in the ABC enterprise	
MALE CLASSES	FEMALE CLASSES
Foreman	Female class F1
Maintenance worker	Female class F2
	Female class F3

¹³ Predominantly male job classes.

¹⁴ Predominantly female job classes.

b) Determination of the hourly rates of remuneration of the typical job classes

Based on the job descriptions provided in Schedules I and II of the Regulation, the weighting factors included in the Regulation and the different sources of information, ABC enterprise determined the hourly rates of remuneration that would be paid if these typical job classes actually existed in the enterprise.

Maintenance worker	Foreman
\$10.00	\$15.38

However, the relativity that exists between these two hourly rates of remuneration corresponds to 65%. This relativity differs from the mandatory 60% standard. To respect this standard, ABC decides to increase the foreman’s hourly rate of remuneration.

Maintenance worker	Foreman
\$10.00	\$16.67

These rates are the ones that will be used to continue the process.

c) Going back to the application of the Pay equity Act¹⁵

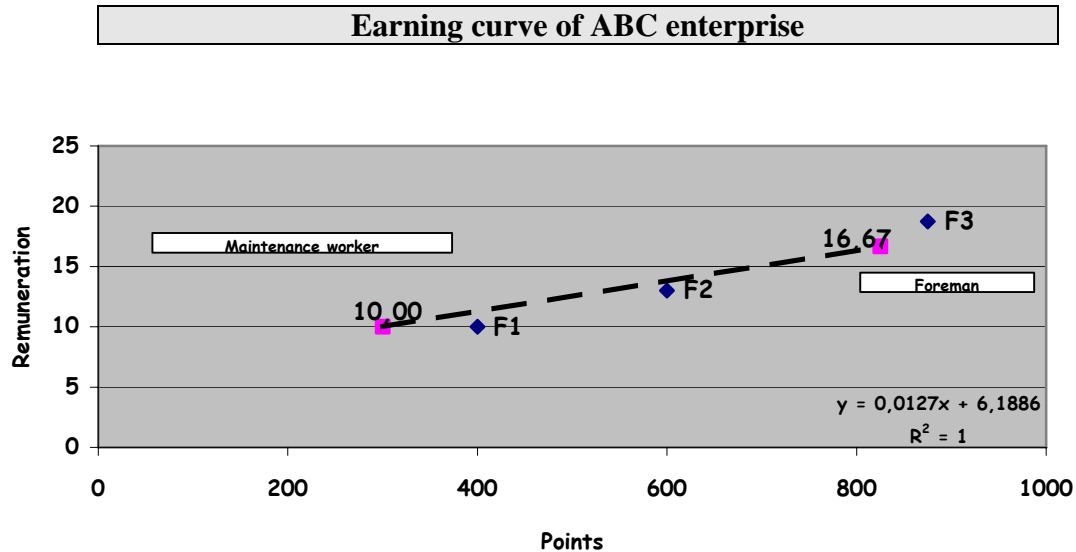
The employer now has everything needed to continue the implementation of pay equity in compliance with the Act: predominantly female and predominantly male job classes with respectively, their job descriptions and their hourly rates of remuneration. The employer values all the job classes, including the typical job classes, and determines their value:

Job classes in the ABC enterprise			
MALE CLASSES	VALUATION OF MALE CLASSES (points)	FEMALE CLASSES	VALUATION OF FEMALE CLASSES (points)
Maintenance worker	300	Female class F1	400
Foreman	825	Female class F2	600
		Female class F3	875

Once this is over, the employer can determine the compensation adjustments. After having analyzed the different valuation methods, the employer chooses the overall valuation method.

¹⁵ Consult the Commission de l’équité salariale’s publications.

The following graph was used to determine the compensation adjustments :



The employer has determined the following compensation adjustments :

Male classes	Valuation of male classes (points)	Hourly rate of remuneration (\$)	Female classes	Valuation of female classes (points)	Hourly rate of remuneration (\$)	Fair hourly rate (\$)	Compensation adjustments (\$)
Maintenance worker	300	10.00	Female class F1	400	10.00	11.27	1.27
Foreman	825	16.67	Female class F2	600	13.00	13.81	0.81
			Female class F3	875	18.75	17.30	None

Once compensation adjustments and “ fair rate of remuneration” have been determined, all that remains to be done is for the employer to decide whether instalments will be spread over time or not.

In the end, ABC enterprise was able to achieve pay equity with the help of the two typical job classes provided by the Regulation.

**REGULATION RESPECTING PAY EQUITY IN ENTERPRISES WHERE
THERE ARE NO PREDOMINANTLY MALE JOB CLASSES**

Pay Equity Act

(R.S.Q., c. E-12.001, ss. 13 and 114, 1st par., subpars. 1 and 2)

DIVISION I : IDENTIFICATION OF TYPICAL JOB CLASSES

1. For the purpose of identifying predominantly male job classes in an enterprise subject to the Act where there are no predominantly male job classes, the pay equity committee, or the employer in the absence of a pay equity committee, for as long as there are no predominantly male job classes, must use the following typical job classes :

Typical job classes	Job description
Foreman	Schedule I
Maintenance worker	Schedule II

DIVISION II : REMUNERATION OF TYPICAL JOB CLASSES

2. The pay equity committee, or the employer in the absence of a pay equity committee, must determine the hourly rate of remuneration that would be paid for each job class identified under section 1 on the basis of the job descriptions set out in Schedules I and II if there were such job classes in the enterprise. To that end, the pay equity committee, or the employer in the absence of a pay equity committee, must consider the following factors : the sector of activity, the size of the enterprise, and the region in which the enterprise operates.
3. In determining the hourly rates of remuneration, the pay equity committee, or the employer in the absence of a pay equity committee, must comply with the following standards :
 - (1) the hourly rate of remuneration assigned to each job class identified under section 1 must not be less than the minimum hourly wage rate determined by regulation of the

Government under section 40 of the Labour Standards Act (R.S.Q., c. N-1.1) ; and

(2) the hourly rate of remuneration assigned to the maintenance worker job class must be equal to 60 % of the hourly rate of remuneration assigned to the foreman job class.

4. For the purposes of the valuation of differences in compensation, the flexible pay referred to in section 65 of the Act or the value of a benefit having pecuniary value referred to in section 66 of the Act must be added to the hourly rate of remuneration assigned pursuant to sections 2 and 3 where

(1) the flexible pay or the benefit having pecuniary value is currently available in the enterprise ; and

(2) if the relevant job class existed in the enterprise it would in all likelihood be eligible for the flexible pay or the benefit having pecuniary value.

DIVISION III : IMPLEMENTATION OF PAY EQUITY

5. Once the pay equity committee, or the employer in the absence of a pay equity committee, has assigned an hourly rate of remuneration to each job class pursuant to sections 2 and 3, the pay equity committee, or the employer in the absence of a pay equity committee, must implement pay equity as provided in the Act.
6. This Regulation comes into force on 5 May 2005.

SCHEDULE I : JOB DESCRIPTION

TITLE : Foreman

SIMILAR JOB TITLES : Manager

Team leader

Supervisor

Coordinator

DESCRIPTIVE SUMMARY :

Under the authority of a management officer, organize, coordinate and supervise the activities and the work of the personnel in a department, an administrative or production work unit, or other unit.

CHARACTERISTIC DUTIES AND RESPONSIBILITIES :

- (1) Organize, coordinate and supervise the department's activities. Assign tasks ;
- (2) Establish methods to meet work schedules and coordinate joint work activities with other departments ;
- (3) Resolve work problems and recommend measures to improve productivity, quality or other performance measurements ;
- (4) Recommend personnel actions such as hiring and promotions and provide training.

JOB QUALIFICATIONS, EFFORTS AND CONDITIONS :

For the purposes of assigning an hourly rate of remuneration and determining the value of the job class, the characteristic duties and responsibilities must be assessed having regard to the conditions under which the work would be performed, the qualifications and the efforts that would be required to hold such a job in the enterprise. The assessment of those factors must reflect the organizational practices of the enterprise and its way of doing business.

SCHEDULE II : *JOB DESCRIPTION*

TITLE : Maintenance worker

SIMILAR JOB TITLES : Caretaker

Handyman

Labourer

DESCRIPTIVE SUMMARY :

Perform general carpentry, painting, plumbing, electrical and other maintenance work that is not required to be performed by a specialized worker.

CHARACTERISTIC DUTIES AND RESPONSIBILITIES :

- (1) Make minor routine repairs to facilities, hardware, furniture, and other repairs ;
- (2) Inspect premises to ensure proper functioning of lighting, heating, ventilation or other systems and make simple adjustments ;
- (3) Maintain public areas (hallways, stairs, washrooms, or other areas), carrying out cleaning tasks such as sweeping, waxing and other tasks ;
- (4) Maintain outdoor areas, performing such duties as lawn mowing and snow removal and other tasks.

JOB QUALIFICATIONS, EFFORTS AND CONDITIONS :

For the purposes of assigning an hourly rate of remuneration and determining the value of the job class, the characteristic duties and responsibilities must be assessed having regard to the conditions under which the work would be performed, the qualifications and the efforts that would be required to hold such a job in the enterprise. The assessment of those factors must reflect the organizational practices of the enterprise and its way of doing business.