

29th Annual Convention

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EQUAL PAY FOR WORK OF EQUAL VALUE

Women continue to earn 63 cents for every dollar earned by men. This shocking statistic indicates that federal and provincial governments have failed to act on the continuing request from the trade union and women's movements to ensure pay equity for women workers.

Major political changes since the OFL adopted its affirmative action policy in 1982 now makes political action on equal pay for work of equal value timely. We face a Conservative government federally and a Liberal government provincially. As a result of the pressure created by trade unions, the women's movement and the New Democratic Party, both the Conservatives and Liberals were forced to address equality issues during their election campaigns. It is now time to press these governments to put their election promises into practice.

The Provincial Situation

In Ontario, we currently have equal pay for the same or similar work. In October 1983, all three parties in the Ontario legislature approved the principle of equal pay for work of equal value, but the then Conservative government chose never to act upon that unanimously passed resolution. With the new Liberal government, labour, the NDP and women's groups are pressing to ensure the government fulfills election promises to legislate equal pay for work of equal value.

Recent legislation by the NDP government in Manitoba has introduced into the pay equity debate the possibility of "proactive" legislation. "Proactive" is legislation that directly acts to close the wage gap. It is more than a passive means for individuals, unions or union organizations to lay complaints. "Proactive" legislation "actively" seeks to establish programs and to direct money to establish wage parity. In Manitoba, up to 1% of the provincial payroll will be set aside each year for 4 years to negotiate pay equity in the civil service. This 1% is over and above regularly negotiated pay increases.

Learning from the Federal Laws

Equal pay for work of equal value legislation has existed for workers under federal jurisdiction and in

Quebec for 6 years. These laws have allowed jobs of different types within the same establishment to be compared and to be valued for their skill, effort, responsibility and working conditions, using a standard evaluation system. Key awards resulting from this legislation include a \$2.3 million settlement in 1981 to 470 female Federal government librarians whose jobs were evaluated at the same level as male researchers and \$17 million in 1982 to 3,300 primarily female federal food, laundry and service workers when their jobs were compared to male warehouse workers. However, these few settlements don't offset the many problems with the federal legislation. The legislation, under the jurisdiction of the Canadian Human Rights Commission is not backed up with the resources and expertise to expedite complaints. Some complaints have been pending for 5 or 6 years. With no incentive to resolve complaints, it is in the employer's interest to delay hearings or investigations endlessly.

New guidelines proposed by the Federal government are threatening to move completely away from the right to individual complaints, and into "systemic" complaint mechanisms where complainants will need to prove whole classes of workers or whole workplaces have unequal pay structures before a complaint will be heard. For workers, this means much time and expense in trying to establish just the grounds for cases, let alone supporting the case all the way through.

The newly proposed guidelines are also planning to define "sex predominance", making many women ineligible to lay complaints of unequal pay for work of equal value under the law. The Public Service Alliance of Canada (PSAC) has found that all but one of their pay equity complaints of the last 6 years would have been ruled ineligible if this new guideline had existed. The recent Macdonald Royal Commission report has threatened to erode equal pay for work of equal value completely by suggesting equal pay be thrown at the mercy of market values.

The CLC Women's Committee is working with affiliates and women's groups to protest any change in law, regulation or guideline which might further erode the rights of women working in the federal jurisdiction.

The Ontario Federation of Labour's Model

The OFL has had a long history in the struggle for equal pay for work of equal value. In fact, organized labour has supported this principle since 1920 when the Toronto Trades and Labour Council passed its first equal pay resolution. In 1982, the OFL convention debated and passed a comprehensive Affirmative Action policy in which equal pay for work of equal value played a key part. Since then, we have worked with affiliates and as a member of the Equal Pay Coalition, to lobby governments, to use the media and to educate our membership in the campaign for equal pay for work of equal value. The OFL Women's Committee has worked with the NDP in the legislature to develop case studies of pay inequity, and the committee helped the NDP make equal pay for work of equal value a central election issue in the spring of 1985.

The time has now come to table labour's model of pay equity legislation. We can apply the best of federal and provincial laws, the best negotiating strategies, and build in new protections for workers. The OFL's proposed pay equity law has as its primary objective the full establishment of equal pay for work of equal value.

It includes several key component parts:

- 1) Full disclosure by all employers in all workplaces of information on wage rates, classifications, numbers of women and men employed and annual reporting of programs to move toward equal pay for work of equal value.
- 2) In all workplaces, a minimum of 3% of the payroll set aside each year for 5 years to be part of a pay equity program. In unionized workplaces, the program would be negotiated by the union with the employer to ensure labour a role in determining how to effectively move towards equal pay for work of equal value, given local wage and job structures. Programs could include equalization of base wage entry rates, comprehensive or partial evaluation, negotiated benchmark jobs, allocating monies directly to lower paid female dominated categories, cooperative wage study or other options. The key is that no one system would be imposed upon workers and through their unions programs and protections would be negotiated.
- 3) The replacement of current equal pay for the same or similar work laws under the Employment Standards Act, with a new equal pay for work of equal value clause under our model pay equity law, with provision for individual, class, trade union or trade union organization complaints. The act includes greater resources to speed up resolution of complaints and build contract compliance.
- 4) A new Pay Equity Tribunal, with investigative, enforcement and arbitration powers, to enforce the equal pay for work of equal value clauses, and to receive, analyse, monitor and enforce the pay equity programs.

Minimum Wage as one Strategy to achieve Pay Equity

Our work to achieve effective legislation to give women pay equity must go beyond the pay equity act. As a basic starting point, the minimum wage needs to be addressed. The general hourly rate is \$4.00 per hour. This means that minimum wage earners working 40 hours per week have a gross pay of \$160.00 per week, or \$8,320.00 per year.

That amount is quickly reduced by income taxes and health care costs. The injustice of our current minimum wage was recently highlighted by the Social Planning Council of Metro Toronto which assessed the costs of living with basic needs. Some examples: a working woman raising two children aged 8 and 13 requires a gross income of \$22,327.00; an employed woman living on her own needs \$12,194.00; a worker with a spouse at home and two children requires \$24,570.00. Clearly the minimum wage has to be substantially increased, to give unorganized workers a better chance at survival. This is part of the struggle for pay equity.

Moving Forward on Equal Pay for Work of Equal Value

It is a critical time for the labour movement to move forward on women's issues. With both the federal and provincial governments opening discussion on legislation dealing with equal pay for work of equal value, now is an opportune time for labour to again make its views heard. The OFL's model pay equity legislation gives us a good basis from which to work.

A Program of Action

- **Federally:** It is critically important to expose the Conservative government's failure to move on pay equity issues. The OFL will support the CLC to protest the proposed changes to the federal legislation. The OFL will urge the CLC to adopt this model for pay equity.
- **Provincially:** The OFL will continue to monitor the actions of the Liberal government in Ontario and will continue to pressure the government to introduce adequate pay equity legislation along the lines of the OFL model. The proposed Ontario legislation must include workers in the private sector — including those public sector workers who have been excluded — and to unorganized workers. The OFL will continue to work closely with the Ontario New Democratic Party to hold the Liberals accountable for their election promises and their commitment to equal pay for work of equal value.
- **Alliances:** The OFL will continue to work closely with community and women's groups, including the Equal Pay Coalition in Ontario, to build support for equal pay for work of equal value.
- **Education:** The OFL will develop further educational materials for union members and activists. As our experience with the issue deepens, our understanding of the ramifications and implications of the fight for pay equity becomes more complex. This understanding must be spread throughout the membership through our trade union education programs. Kits are needed on pay equity for union bargaining committees. The OFL speakers' bureau will be kept up-to-date with developments on the legislative and political fronts in Ontario. The OFL will continue its campaign to build support for labour's pay equity legislation.
- **Negotiations:** The OFL will encourage unions to negotiate pay equity provisions, including the equalization of base entry rates for "women's" and "men's" jobs.