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VIA EMAIL ONLY

October 14, 2016

The Honorable John C. Murray and
C. Michael Mitchell
Special Advisors
Changing Workplace Review, ELCPB
400 University Ave., 12th Floor
Toronto, Ontario M7A 1T7

Dear Special Advisors:

Re: Securing Justice for Women's Work

We are enclosing the Equal Pay Coalition's Submissions to the Gender Pay Gap Review: Securing Human Rights Justice for Women's Work – The Path to a 0% Gender Pay Gap in response to your Interim Report and further to our submissions to your Review in September 2015.

The Coalition calls for expanding and enforcing rights and entitlements of the *Employment Standards Act (ESA)* and improvements to the *Labour Relations Act (LRA)* to close the gender pay gap.

The Gender Pay Gap as a human rights crisis which must be acted upon immediately. The Coalition called upon the provincial government to completely close the gender pay gap goal to 0% by 2025. Your final recommendations will play a critical role in setting the roadmap to close the gender pay gap by 2025.

We write to respond specifically to three significant issues raised by your interim report.

I. Gender-Based Analysis to the *Employment Standards Act* and *Labour Relations Act* recommendations.

Both the Gender Wage Gap Review and the Changing Workplace Review conducted critical reviews of the capacity of Ontario's employment relations systems to deliver work justice for Ontarians.

Despite the fundamental impact of the operation of the *Labour Relations Act* and *Employment Standards Act* on women workers and their capacity to earn income on terms equal to men, the Reviews were not mandated to work together.

This lack of coordination meant that comprehensive recommendations which respond to the systemic weaknesses in the province's basic statutory employment law framework were not forthcoming in the Gender Wage Gap Review. The Gender Wage Gap Review did not provide the detailed and urgently necessary recommendations to enhance the *ESA* and the *LRA* to close the gender wage gap.

We conclude that the Gender Wage Gap Review did so because your mandate requires such an analysis.

As your own report notes almost 39.1% of employees in all forms of precarious jobs are women. The Gender Gap Review provides a more detailed analysis of the deep systemic gender wage gap in the province's labour market which we trust you will rely upon in your final report.

In light of the apparent lack of coordination between the two Reviews to date, we strongly recommend that, following the Gender Wage Gap Committee's report Recommendation #17, that you apply a gender-based analysis to the design, development and recommended changes to the *ESA* and the *LRA* in your final report.

A Gendered-based analysis will ensure that your final report will make the link between the two foundational pillars of workplace rights, the *ESA* and the *LRA* and closing the gender wage gap. The Coalition's attached report provides the labour market and legal analysis to apply a gender-based analysis in your final report.

II. Equal pay for equal work

As our submissions outline, the status quo for part-time, casual, temporary workers is not an option. In many non-union workplaces, precariously employed workers are not paid equal pay for equal work. Whereas in many unionized workplaces, such as the Ontario Public Service or the much of the hospital sector, full-time, part-time, temporary and casuals employees are paid the same wage rate on the same scale.

Section 42, the equal pay for equal work provisions, of the *ESA* should be significantly amended to ensure access to true equal pay for equal work. The Coalition does not support removing Section 42 of the *ESA* to the *Pay Equity Act* as recommended by the Gender Wage Gap Review. Section 42 of the *ESA* is a critical human rights underpinning to the foundational employment rights in workplaces. This section needs to be strengthened in the *ESA* and not removed.

We mainly endorse Recommendation #2 of your interim report where part-time, temporary and casual employees are paid the same and have access to benefits as full-time employees in the establishment. However, we caution that "differences in qualifications" and "other objective factors" as exemptions must be carefully considered before recommending. Such generic terms may leave vulnerable workers susceptible to reduced pay and benefits.

We recommend that benefits apply equally, and not be pro-rated, because the cost of the benefits on the market for employees is the same regardless of employment status. Pro-rated benefits for part-time, temporary and casual workers actually punish the women who are most vulnerable in the labour market.

III. Pay Transparency

The Gender Wage Gap Committee recommended that policies are adopted for pay transparency and that Employers should be required to share organizational pay information with employees. The rationale is that the transparent knowledge of pay rates and ranges enables employees to access their rights to equal pay and pay equity.

We highly recommend that your Review embrace this recommendation in your final report. We recommend that such a requirement is introduced into the *ESA* as a further step towards closing the gender wage gap.

We trust that you share our commitment to close the gender pay gap. We would be pleased to answer any questions or concerns you may have in respect of the attached report and the above. We look forward to continuing the dialogue with you.

Yours truly,



Mary Cornish and Jan Borowy.

c.c. Members, Equal Pay Coalition