



WOMEN'S RIGHTS ARE NOT NEGOTIABLE DEFEND PAY EQUITY – FIGHT BILL C-10!

February 2009

Truth and lies about the Harper government's "pay equity" legislation

The Harper government's proposed "Equitable Compensation" legislation is
NOTHING like proactive provincial legislation

The main focus of the governments' proposed *Public Service Equitable Compensation Act* for federal public sector workers is to have pay equity bargained between the union and the employer.

The Conservatives are claiming to be following either the Manitoba or Ontario pay equity models, both of which are proactive pay equity laws. This claim is false and it is misleading.

Proactive pay equity legislation requires employers to examine their compensation systems to ensure they are paying equal pay for work of equal value. Where employees are unionized, their unions are involved in the preparation and implementation of pay equity studies. For employers, this means that everyone faces the same legal requirements. For employees, it guarantees that everyone has the same rights at work. The *Public Sector Equitable Compensation Act* includes none of this.

The only similarity to Manitoba's pay equity law is that the Conservative law applies only to public sector workers. However, in Manitoba, the broader public sector – hospitals, colleges and universities for example – are also included.

It's hard to see where the similarity to the Ontario law could be in their minds. Perhaps, it is because in both Manitoba and Ontario, unions are involved in the process of developing and implementing pay equity. And, the words "negotiate" or "bargain" are used in descriptions of these laws.

The Ontario and Manitoba pay equity models are polar opposites of the Conservative law. They are very different than the one now being proposed by the Conservative government.



1. In provinces like Ontario and Manitoba, which actually have pro-active pay equity legislation, the union and the employer sit down **together, away from the regular bargaining table**, and examine the employer's pay practices within a specified time frame to see if there are pay equity problems. In the government's proposal, there is no requirement for the parties to work together and there is no separate process. These provinces recognize that pay equity is a fundamental human right, which is why it must be separate from regular bargaining and cannot be bargained away.
2. In the provincial legislation, the **employer**, as the one responsible for paying employees, is also the one **responsible for closing any wage gap**. In the Conservative legislation, the employer and the union would be jointly responsible, even though the union has no control over legislated wage rates or wage freezes.
3. All provincial legislation has a **mandated time frame within which pay equity must be implemented**. The Conservative legislation lacks a mandated time frame.
4. Provincial legislation provides for some sort of **Pay Equity Commission, with a body of experts** to assist the parties in achieving pay equity and resolving disputes. The Conservative legislation would refer disputes to existing bodies – the Public Service Labour Relations Board and arbitrators, without providing them with any specialized training.
5. Provincial legislation provides all parties with the **right to access all information** required to assess pay equity. This can include job evaluation plans, complete descriptions of all jobs, organization charts, rates of pay of all jobs including non-unionized or excluded ones, etc. The Conservative legislation requires only the provision of numbers of male and female employees.
6. In provincial legislation and in current practice in the federal sector, **employees who complain about the lack of pay equity have the right to be represented by their union**. The Conservative legislation not only forbids unions from representing their members but would actually fine them for providing any support or representation.
7. Provincial legislation **requires employers to set aside money**, usually one per cent of total payroll per year for a number of years, **to fund pay equity** payments. There is no such requirement in the Conservative legislation.

In summary, the Conservatives' *Public Sector Equitable Compensation Act* bears no resemblance whatsoever to the Ontario and Manitoba pay equity models. Any comparison made between the Conservative bill and provincial ones represents a deliberate manipulation of the facts. Don't be fooled.

