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Issued: March 30, 2015

Content last reviewed: March 2015

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Commissioner's Message

Issued: March 30, 2015
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Much has been written about the gender wage gap in the 25 years since the Pay Equity Act was enacted. In 1988 it was clear both from an economic and human rights perspective that significant intervention would be necessary to address the many causes of the gender wage gap. While pay equity was an important key mechanism, it was recognized that it alone would not narrow the gap nor effect the necessary culture change required to fully recognize the value of women's work. In the intervening years, progress on the broader issue of narrowing the gender wage gap and influencing culture change has been slow; there is a renewed recognition that a more integrated and systemic approach involving government, labour, business and working women is needed.

Reflecting on 25 years of operation, the Pay Equity Commission has had many successes in educating the public and enforcing the Act, raising the wages for hundreds and thousands of working women. These successes have been well documented in literature and in previous Annual Reports.

For our part, in 2013-14, the Office published a mini-kit for small business, available on our website, in recognition of the fact that small to medium businesses form the majority of Ontario enterprises. Our outreach partnerships with the Ministries of Labour and Ministry of Economic Development, Trade and Employment, and with Human Resources Professional Association, continue to increase our ability to expand our contact with the business community and increase awareness of the obligations required to comply with the Act. For the first time, Pay Equity Office (PEO) was successful in partnering with the Toronto Board of Trade to mark International Women's Day by hosting a "Toronto Board of Trade Event".

We also contributed to the broader policy dialogue on issues affecting women and work. In October of 2013, our Office made submissions to the Ontario Securities Commission in its public consultation around disclosure requirements of gender related initiatives in publicly traded companies (comply or explain). At the same time, the PEO made submissions to Ministry of Labour during its consultation process around minimum wage. In our view both of these initiatives are important contributions that, if implemented, will work towards ensuring women's economic advancement in Ontario.

During this fiscal period, the Office undertook an extensive review of its vision, values and mission statement in recognition of the need to adapt to changing priorities of both government and the public. This exercise informed the crafting of three strategic objectives that will form the basis for the next three year planning cycle.

As always, I take this opportunity to thank our staff for their continued dedication to pay equity and for their work in educating businesses about the merits of having compensation practices that value the work and contribution of all employees, regardless of gender.

Respectfully Submitted,
Emanuela Heyninck

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Ontario's Pay Equity Act

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According to Statistics Canada, the 2011 gender wage gap in Ontario for full-time, full-year employment is 26%. Studies show that nearly a third of this gap could be attributed to systemic discrimination in the workplace and can be manifested throughout an organization: from the hiring process, the organizational culture, assignment of work, through to how specific jobs are paid. These forms of discrimination are addressed by a variety of laws. The purpose of the **Pay Equity Act** is to redress systemic gender discrimination in the compensation of employees in female job classes. All public sector employers and all private sector employers with ten or more employees are required to have compensation practices that provide for pay equity.

Achieving Pay Equity

The Act sets out the criteria to be applied by employers to identify systemic gender discrimination in compensation and the means by which it is to be corrected.

To meet the minimum requirements and to show that pay equity has been achieved, all employers covered by the Act are required to undertake the following at each of the employer's establishments:

- Determine job classes, including identifying the gender of the job class and job rate;
- Determine the value of job classes based on factors of skill, effort, responsibility and working conditions;
- Conduct comparisons for all female job classes using the job-to-job, proportional value or proxy method of comparison (proxy is for public sector only and of limited application);^[1]
- Adjust the wages of underpaid female job classes so that they are paid at least as much or equal to a comparable male job class or classes within the establishment;
- Maintain pay equity for female job classes to ensure that new pay equity gaps are not created or re-emerge.

^[1] Note: The proxy method of comparison contained in Part II of the Act was, repealed in 1996 and restored by court order in 1997. The Pay Equity Office continues to enforce the proxy provisions.

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About The Pay Equity Office

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In 2013-14, the Pay Equity Office (PEO) undertook a revision of its vision, mission and values to reflect its current strategic direction.

PEO Vision

Advance gender economic equality in Ontario.

PEO Mission

The Commission promotes gender economic equality by enforcing pay equity rights and obligations through effective case and complaint management; understanding gender wage gap through research; and promoting awareness to advance economic equality for Ontario's working women.

PEO Legal Mandate

The Pay Equity Commission (PEC) was established by section 27 of the [Pay Equity Act](#), 1987, S.O. 1987.c.34 (the Act) and is continued by subsection 27(1) of the Act, R.S.O. , 1990, c.P.7 as amended (the Act). The Commission consists of two separate and independent parts: the [Pay Equity Hearings Tribunal](#) (PEHT), and the Pay Equity Office.

The Commissioner is the head of the PEO and the Chief Administrative Officer of the PEC, appointed by the Lieutenant Governor in Council on the recommendation of the Minister. The Chair of the PEHT is responsible for the PEHT's administration.

The Minister of Labour is accountable to the government for the PEC and is responsible for representing the PEC in Cabinet and its Committees, in the Legislative Assembly and before Committees of the Legislature. The Minister is accountable to the Legislature for the PEC's fulfillment of its mandate and compliance with government administrative policies. The Minister is also responsible for the review and approval of the PEC's Business Plan and Annual Report, and for submitting them to Management Board of Cabinet.

PEO Values

- Fairness** – We demonstrate integrity by providing equitable and impartial enforcement actions.
- Accountability** – We accept responsibility for our activities and disclose the results in a transparent manner.
- Service Excellence** – We strive to provide outstanding and responsive service.
- Impact** – We influence, educate, and enforce to achieve and maintain pay equity in Ontario workplaces.
- Connect** – We connect and advance women's compensation issues by building effective partnerships with diverse stakeholders and communities.

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Overview and Key Achievements

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The Pay Equity Office achieves its mandate through:

- Conducting education and outreach;
- Investigating and resolving complaints through alternative dispute resolution methods, or issuing Orders for compliance;
- Referring Orders to the **Pay Equity Hearings Tribunal** (the Tribunal) for enforcement;
- Monitoring establishments for compliance with the provisions of the Act;
- Researching and disseminating information about pay equity and Ontario's gender wage gaps to the public and workplace parties;
- Preparing reports and recommendations to the Minister about pay equity and related matters.

Outreach and Education

Communicating the purpose and obligations of the **Pay Equity Act** is a cornerstone function of the Pay Equity Office. The PEO utilizes various channels of communication to inform to employers, bargaining agents, employees and interested parties on the implementation and maintenance of pay equity.

The PEO has a self-serve website that has guides, tools and 24/7 e-learning modules to provide site visitors with the information that they need. This year, our 15 e-learning modules were re-vamped, a tool for small business employers was released to support job evaluation and pay equity analysis and our case study (Space Toy company case study) was refreshed and updated. PEO also partnered with Service Ontario to add information on pay equity legislation and requirements to the "One-Source" website. One-Source provides employers with direct access to information on government services at all levels and support in operating and growing a business or not-for-profit organization. The PEO continues to evaluate its web resources to ensure that information remains relevant and reviews other government sites for potential cross-links.

In addition to the availability of the website, the PEO conducts real-time training through webinars and seminars. This year twenty-one webinars were delivered to over 440 participants. Webinars are offered in five key areas and enables two-way interaction on critical topics.

The PEO also conducted twenty-two speaking engagements with private sector employers, high schools and universities and at human resources professionals' regional association meetings.

The PEO prioritizes its outreach opportunities to maximize its reach to employers and the use of partnerships enables the PEO to leverage limited resources. In 2013/14, the PEO partnered with several business associations to provide education materials and conduct outreach with employers at small business forums and annual business association meetings such as the OBEA (Ontario Business Educators' Association), the SOHO SME Expo (Small and Medium Size Enterprise), Enterprise Toronto Small Business Forum, BGSY (Business, Government Services and You) as well as the Canadian Restaurant and Foodservices Association conference. At the HRPAs (Human Resources Professionals Association) national conference, a workshop was delivered and our vendor booth reached over 700 human resources professionals.

As part of a strategy to reach C-suite management, the PEO partnered with the Toronto Region Board of Trade, hosting a panel discussion on "Inspiring Change – Taking Action on Gender Equality" with over 50 attendees from academia, private sector, non-profit and various ministries in attendance.

Within government, the PEO, working with the **Ministry of Labour**, contributed educational material to the **Ministry of Citizenship, Immigration and International Trade** for their Newcomer initiative -- this material will be provided to newly arrived immigrants via brochures and presentations to inform them about all aspects of working in Ontario. The PEO continues to leverage service delivery options throughout government.

The PEO continues to deliver general information to the public through our telephone line and email box. This year, we received over 1100 inquiries that are responded to, in accordance with Ontario Public Service Common Service Standards.

Pay Equity Investigations and Monitoring

Review Officers investigate complaints alleging contraventions of the Act and assist the workplace parties in attempting to settle the issues which can arise during the implementation and achievement of pay equity. This approach is consistent with the intent of the Act that the pay equity process be "self-managed".

In cases where Review Officers are unable to effect a settlement between the workplace parties, Review Officers will issue Orders. Any party affected by a Review Officer's decision may request a hearing before the Tribunal. Review Officers may also refer an Order to the Tribunal for enforcement where a party fails to comply with the provisions of the Order within the prescribed timeframes.

This past year, caseload priorities were focussed on complaints, older files and completion of the wage gap program monitoring files. Closure of these files enabled the office to analyze case files for reports on both the service industry monitoring program and the wage gap program. Reports on these initiatives will be available in 14/15.

New Cases

In 2013-2014, the Office received 91 complaint applications and opened 61 monitoring cases. Sixty-nine percent of the complaint applications were from unions and/or their members and 27% were from unrepresented parties.

Cases Resolved

The PEO closed 219 case files in 2013/14. 193 cases were resolved with the involvement of a Review Officer. Of these 193^[1] cases, 173^[2] or 90% of cases achieved compliance without an Order, were found to have no contraventions of the Pay Equity Act, or were settled.

In the instance where there is no resolution, a Review Officer can "order" an Employer to comply with the Act. This year, approximately 9% or 20 of the 219 closed cases were Ordered Cases, impacting 14 out of 180 workplaces. This represents an increase of ordered cases from the previous year—indicating decreasing workplace cooperation.

When an Employer does not comply with the requirements of an Order, the Pay Equity Office can refer the matter to the Pay Equity Hearings Tribunal. Out of 20 ordered cases noted above, three were referred to the Tribunal. The outcomes of these matters are pending.

Caseload Performance

In 2012, the PEO set out a target goal of case resolution within 24 months. Through focussed efforts on aging files, 64% of complaint cases were resolved in less than 24 months, 15% resolved in 24-36 months and 21% in over 36 months.

In terms of program effectiveness, 1780 Ontario workers received adjustments from their employers, totalling nearly \$3.6 million in 2013-14 compared with \$3.3 million in adjustments in 2012-13.

Wage Gap Pilot project

The 2011 Wage Gap Pilot Program was launched to determine if wage gaps persist in the compensation of men and women in Ontario workplaces. Initial Review Officers analyzed compensation data provided by employers in Ontario and determined the presence of any apparent gender wage gaps.

This past year, all outstanding wage gap file reviews (158) were completed and overall findings collated and analyzed. A final sample size of 351 employers compensation data was analyzed. Fifty-four percent of these were found to have an apparent wage gap based on reviews of the compensation data provided.

As a collective sample, the classic wage gap calculation, arrived at by calculating the ratio of the average pay for women over the average pay for men yielded a wage gap of 13%. This is consistent with the earnings ratio in 2010 for full and part-time workers which was 86%, yielding a wage gap of 14% according to [Statistics Canada \(2013: CANSIM Table 282-0072\)](#).

Preliminary data analysis of this pilot program indicate that wage gaps consistently persist in the province, supporting the need for continued efforts in raising awareness regarding employers' obligations to ensure their compensation practices are free from gender bias.

A forthcoming monitoring program on pay equity compliance for firms with an apparent wage gap will validate whether review tools (used by the PEO) can identify pay equity gaps.

Monitoring Program: Service Industry

The Service Industry Monitoring Program was also concluded this past fiscal year. Under this program, the Pay Equity Office assessed the current state of pay equity knowledge and compliance, and proactively promoted awareness of the [Pay Equity Act](#) in the hotel/ motel, retail/wholesale, and food/beverage sectors.

Over the course of the program, 4,000 employers from across the province were contacted. Files were opened in annual batches beginning in February 2007, and the last file was opened on September 15, 2010. Only 42 Service Industry Monitoring Program files (1%) remained open as of March 31st, 2014. The Office closed 93% of files within the first five years of the program. The majority of files were opened in the second fiscal year and the third fiscal year of the program (2,436 files).

In addition to broad outreach and awareness, over 25% of the files were further investigated for pay equity compliance. Review officers were able to assist 1,045 employers to bring their compensation practices into compliance with the Act without issuing an order. Over 300 female job classes received adjustments, benefitting at a minimum 12,000 employees. In total, the program resulted in at least \$2 million in pay equity adjustments.

Advancing Gender Wage Gap and Pay Equity

Government Initiatives and Priorities

In Winter 2013, the PEO was invited to discuss government interest in acknowledging the gender wage gap and key issues contributing to this gap. In March 2014, the government acknowledged Ontario's Equal Pay Day as April 16th, 2014. The Pay Equity Office was then asked to conduct a roundtable discussion with key stakeholders and to report back to government. This event was held on Equal Pay Day.

Stakeholder Relations and Feedback

The Commissioner plays a critical role in creating an environment of cooperation and collaboration with all of our stakeholders. Meetings were held with stakeholders from professional associations, advocacy groups and academia.

Submissions

In October 2013, the PEO made detailed submissions to two consultations. The first consultation, conducted by the Ontario Securities Commission focused on advancing the representation of women on boards and in senior management with consideration being given to implementing disclosure requirements for reporting Issuers. The purpose of the consultation was to seek feedback from investors, issuers, and other market participants and advisors on these disclosure requirements to inform the Minister of Finance and Minister Responsible for Women's Issues.

Also in October 2013, the PEO made a submission to the Ministry of Labour's consultation on Ontario's minimum wage. The purpose of the consultation was to seek the public and other interested parties' views about the minimum wage and in particular, their views on approaches for determining future adjustments to the minimum wage.

[1] 219 cases closed minus 26 cases withdrawn equals 193 cases.

[2] 173 cases equals 103 complied without order plus 60 Notices of Decision and 10 Settled cases.

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Performance Measures

March 30, 2015

Content last reviewed: March 2015

In 2013-2014, the PEO continued to monitor and report on key performance measures incorporating new measures identified last year.

The PEO set caseload priorities to focus on aging complaint and monitoring files. These files are more complex or have been administratively transferred from another Review Officer. Also, the Office focussed on improving internal processes to support a case closure target of 24 months. Review Officers were also engaged in closing 158 files related to the wage gap pilot program.

As noted below, the PEO will create a revised measure to reflect education and outreach initiatives.

Table 1: Measure to reflect education and outreach initiatives

Program: Pay Equity		Measure	2012-2013 – Achieved	2013-2014 – Target	2013-2014 – Achieved
Employers, unions and employees work collaboratively to address emerging pay equity issues		Percentage of cases where compliance achieved without order, no contraventions, settled	92%	90%	90%
Employers take corrective action to become pay equity compliant		Number of pay equity cases resolved	348	440	219 [1]
Program services are delivered in a timely professional, knowledgeable and cost effective manner		Time spent to resolve cases (complaint and monitoring)	87.1% of files < 3 years	90% of files < 3 years	64% of files < 3 years [2]
		New: % of complaint cases resolved within 24 months	79.5%	N/A [3]	64%
		New: % of complaint cases resolved within 24-36 months	7.6%	N/A	15%
		New: % of complaint cases resolved over 36 months	12.9%	N/A	21%
		% of formal education activities conducted with other organizations [4]	33%	18%	(See Footnote 6)
		% of cases where Review Officer decisions upheld by Pay Equity Hearing Tribunal	100%	90%	83% [5]

[1] The PEO continues to face workforce turnover due to retirement and promotion. New hires require extensive training and knowledge transfer to reach optimal performance levels.

[2] See footnote above.

[3] The # of complaint cases resolved are new timelines set on cases opened in 12/13. The PEO will set targets in 14-15 based on data from two years of case closure performance.

[4] This performance measure will be adjusted in 2014-15 to better define outreach efforts. In 2013-14, the PEO conducted 22 speaking engagements. While maintaining existing partnerships, the PEO also developed new partnerships to support outreach efforts (see page 8).

[5] In this measure, 10 out of 12 PEHT Decisions upheld the PEO Office's orders. In one of the decisions, the PEHT overruled the decision but acknowledged that information provided by Employer was faulty.

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Pay Equity Office Organization

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The Pay Equity Office (PEO) is committed to ensuring an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. The office is committed to providing accommodation for all persons with identified disabilities under the Accessibility Act for Ontarians with Disabilities Act, 2005 (AODA), who attend our office, and to treating all people in a way that allows them to maintain their dignity and independence.

The PEO participates in the Ministry's Diversity and Inclusion strategy design and the management team continue to learn about leadership diversity competencies through semi-annual meetings. In keeping with requirements.

Under the AODA, the PEO created a new accessibility policy and a multi-year accessibility plan.

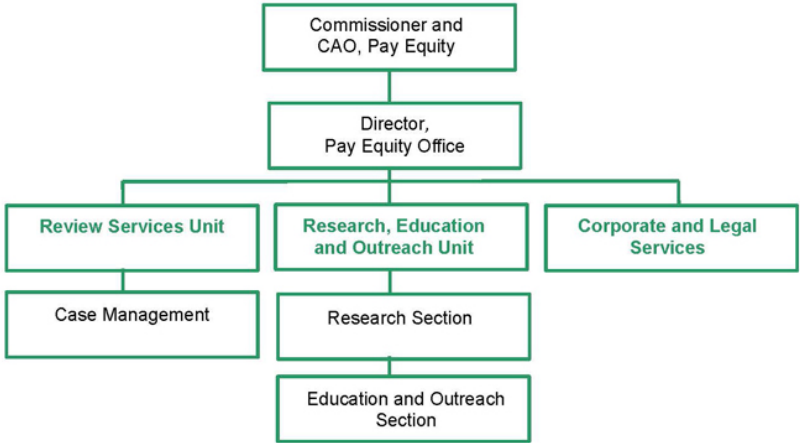
The PEO is also committed to assessing all of its existing policies, programs, guidelines and practices to ensure they are in keeping with the principles of diversity and inclusion.

Staff

The Pay Equity Office consists of 26 Full Time Equivalents at the end of 2013-14. The Commissioner is an Order-in-Council appointee. She was first appointed in November 2004 with her term ending on November 2017. The Office is organized into core operational units.

Figure 1: staff

March 31, 2014 | Total FTE: 26 PEO has a shared resource with MOL communications (Web Editor)



Unit Descriptions

Commissioner's Office

The Commissioner is appointed by Order-in-Council by the Legislature to act as the head of the Pay Equity Office and the Chief Administrative Officer of the Pay Equity Commission, as required by the **Pay Equity Act**. Reporting to the Minister of Labour, the Commissioner is responsible for setting the strategic direction of the Pay Equity program and, with the assistance of Legal Counsel, ensuring that her Office operates within its legislative mandate and in compliance with general administrative law principles.

Director's Office

The Director's Office provides leadership in developing and implementing the PEO's strategic direction and is accountable for setting financial, human resources and procurement practices and ensuring the agency operates within OPS policies and standards. The Director is responsible for monitoring organizational capacity and ensuring that resources can deliver on program commitments set through strategic and operational planning while ensuring an appropriate balance among services.

Review Services

The Review Services Unit is responsible for the enforcement of the Act. The Unit is comprised of Initial Review Officers and Senior Review Officers. Review Officers provide expertise and handle the investigation of objections to pay equity plans, complaints of

contraventions of the Act, settlement negotiations, and monitor pay equity processes. The Case Management Unit provides file administration and case processing services and is instrumental in supporting upgrades and modifications to the case management system to facilitate transparent, relevant and efficient reporting of case statistics.

Research, Education and Outreach

The PEO has established this unit to meet our strategic priority of advancing gender equality. In addition to providing public education and outreach, the research supports oversee the development of innovative research projects on pay equity to better interpret and understand the relationships, patterns and trends with respect to pay equity and wage gap in Ontario. This research informs the development of future monitoring programs, stakeholder engagement and outreach as well as education/awareness initiatives.

Corporate and Legal Services

Corporate operational activities for the branch are undertaken by a Business Coordinator. Delivery of corporate initiatives is a shared responsibility amongst the management team. Legal services are provided by the Counsel to the Commissioner.

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Financial Performance 2013-2014

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Content last reviewed: March 2015

The Pay Equity Office's (PEO) annual operating budget is part of the Ministry of Labour's estimates and allocation process and the agency is required to report regularly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated for specific financial and administrative transactions to the Commissioner, the Director and Managers.

The PEO is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year 2013/14

All figures in \$000.00 thousand

Table 1: Financial Report 2013-2014

Expenditures Category	Final Year End Budget	Actual Expenditures	Variance	Explanation of Variance
Salary & Wages	2,204.0	2,153.2	50.8	Vacancy savings
Benefits	291.9	299.4	(7.5)	
Operating Expenses (Including lease)	547.2	519.2	28.0	
Transportation and Communication	127.4	47.0	80.4	Reduced travel costs
Services (including lease)	379.8	437.9	(58.1)	
Supplies and Equipment	40.0	34.3	5.8	
Total	3,043.1	2,971.7	71.4	2.3% variance

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Accountability Statement

Issued: March 30, 2015

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The Pay Equity Office (PEO) Annual Report for fiscal year ending March 31, 2013 is prepared for submission to the Minister of Labour in accordance with the Agency Establishment and Accountability Directive (2010) as issued by Management Board of Cabinet.

The Public Accounts of Ontario are annual financial statements that are prepared in compliance with the requirements of Section 13 of the Ministry of Treasury and Economics Act. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year, the PEO verifies that all its transactions are reflected accurately and completely in the Public Accounts through the attestation of a Certificate of Assurance.

The Results-based Plan of the Ministry of Labour, which is released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the PEO's Annual Report is subject to the minimum reporting requirements established in the Agency Establishment and Accountability Directive, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance
- Analysis of operational performance
- Analysis of financial performance
- Names of appointees and terms of appointments
- Performance measures, targets achieved/not achieved and action to be taken.

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ISBN 1929-3720 (PRINT)

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Appendix 1 – Caseload Statistics

Issued: March 30, 2015
Content last reviewed: March 2015

New Cases Opened

Since 2009, the number of investigation files (applications for review services and monitoring files) opened at the Pay Equity Office has fluctuated between approximately 65 and 160.

Table 1: Cases Opened

Fiscal Year	Monitoring	Complaint Applications	Other
2008-2009	1,260	138	13
2009-2010	1,177	117	8
2010-2011	697	160	3
2011-2012	50	137	6
2012-2013	104	67	1 (PEHT)
2013-2014	61	91	1 (PEHT)

Applicant Profile

In 2013-14, 27% of applications received for Review Services were made by unrepresented individuals.

Table 2: Applicant Profile

Fiscal Year	Total Applications	Applicant status: Represented and / or Union	Applicant status: Unrepresented Employee	Applicant status: Other [1]
2008-2009	138	70	62	6
2009-2010	117	59	53	5
2010-2011	160	52	102	6
2011-2012	137	50	73	14
2012-2013	67	28	34	5
2013-2014	91	63	25	3

[1] includes Employer applications, Employer Notice of Inability to achieve, plus new cases resulting from PEHT decisions

Workplace Cooperation and Compliance

In 2013-14, 193 cases were resolved with the involvement of a Review Officer. Of these 193^[1] cases, 173^[2] or 90% of cases achieved compliance without Order, were found to have no contraventions of the [Pay Equity Act](#), or were settled. This level of compliance is contrasted against the 2012/13 achievement rate of 85%.

In total, approximately 9% or 20 of the 219 closed cases were Ordered Cases, impacting 14 workplaces of the 180 investigated. This represents an increased level of compliance from the previous year.

Of the total cases resolved in 2013-14, approximately 1.8% of cases proceeded to the [Pay Equity Hearings Tribunal](#) (PEHT). Out of 20 ordered cases 3 were referred to the PEHT.

Caseload Closure Summary Table



[1] 219 cases closed minus 26 cases withdrawn equals 193 cases.

[2] 173 cases equals 103 complied without order plus 60 Notices of Decision and 10 Settled cases.

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