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Pay Equity Hearings Tribunal Decision

A recent Pay Equity Hearings Tribunal (Tribunal) decision issued on January 21, 2016, has provided some clarification on the maintenance requirements for organizations that used the proxy method of comparison to achieve pay equity.

The Tribunal confirmed the Review Officer's decision that comparisons with proxy employers were required only once to establish pay equity, that this interpretation is constitutional and does not contravene Section 15 of the Charter of Rights. In the decision, the Tribunal re-iterated an employer's responsibility to maintain pay equity by monitoring changes to job rates and job duties and responsibilities in their individual establishments and determining the impact of those changes on the value/compensation relationship in their pay equity plan.

The parties in this case did not have a gender neutral comparison system. The Tribunal adjourned the case for 9 months, directing the parties to negotiate an amendment to their pay equity plans accordingly to determine whether any maintenance adjustments were required.

The Pay Equity Office is considering the implications of this decision, including whether further clarifications in its publications are necessary.

[Read the Decision](#)

[Learn more about Proxy](#)

[Check out our e-learning modules](#)

Human Resources Professional Association Chapter Sessions

Senior Review Officers continue to meet with local Human Resources Professional Association (HRPA) Chapters to provide a presentation on Pay Equity. These sessions also provide an opportunity for participants to ask questions.

Recent presentations were made to the Guelph District and Metro West HRPA chapters. The next session is in the Niagara Region on March 24.

Equal Pay Day

The Ontario Equal Pay Coalition has declared April 19, 2016 Equal Pay Day. Equal Pay Day is used to demonstrate that women - who generally earn less than men - must work longer to earn the same amount that men earned in the previous year.

There are no specific or consistent rules for setting the date around the world. Equal Pay Day may be an annual day, a day arrived at by discussions with stakeholders and interested groups, or it may be set in relation to the gender wage gap.

Ontario first recognized Equal Pay Day in 2014.

[Visit the Equal Pay Coalition Website](#)

Pay Equity and Ontario Startups

The MaRS Library contains articles, templates, reports, workbooks, reference guides and videos covering a range of topics, including an article on the *Pay Equity Act* that is relevant for entrepreneurs and startups in Ontario.

[Read the article](#)

Did you know?

If a male job class is not currently filled it can still be used as a comparator. Informally, some may refer to this as a “ghost comparator”.

In *Niagara Regional Municipality v. CUPE, Local 1287*, the Pay Equity Hearings Tribunal found that: "...in the absence of any wage impact or substantive change in job content, the fact that the male comparator job class was vacant and remained vacant did not render the pay equity plan inappropriate for the female job classes."

[Read the Decision](#)