The *Pay Equity Act*, adopted in 1996, aimed at correcting compensation gaps caused by systemic discrimination against predominantly female job classes. The Act’s goal: make it so women get similar compensation for similar work as their masculine comparable in the same enterprise.

**BACKGROUND**

In May 2018, the Canadian Supreme Court ruled that Quebec's legislature had to modify some elements of its *Pay Equity Act* regarding pay equity maintenance. The Court, among other things, forced the legislature to make sure the salary adjustments are retroactive to the date of the significant change in the targeted job class and this, according to the five-year periodicity. The Court also forced them to modify the resulting of results so that it presents more information, allowing the employees to understand the audit results.

In reaction to this ruling, the Minister of Labour, Employment and Social Solidarity, Jean Boulet, introduced Bill n°10: An Act to amend the Pay Equity Act mainly to improve the pay equity audit process.

The Centrale des syndicats du Québec (CSQ) prepared a memoir titled “*Une équité à maintenir sans compromis*” and participated to the parliamentary committee, where it made many recommendations. On April 10, 2019, the Bill was adopted by the National Assembly.
During discussions about Bill n°10, Minister Boulet announced his intention to conduct an in-depth of the Act in the coming months, as is expected in the Bill. If this is the case, the CSQ will be there to present its recommendations, ensure a fair participation of employees and a real correction of the compensation gap caused by systemic discrimination against predominantly female job classes.

**NEW ELEMENTS**

The new legislation includes many new elements about pay equity maintenance, the main ones being:

- The involvement of the employees in a participation process before the posting of pay equity maintenance results;
- The reporting of results;
- The correction of the compensation gap at the event date;
- The complaints handling process (imposed conciliation delay);
- The terms and conditions of payment for the employees who have left the company.

**ANSWERS TO FREQUENTLY ASKED QUESTIONS**

**EQUITY PAY ACT MAINTENANCE PARTICIPATION PROCESS**

**What is the new participation process included in the Act?**

If the employer has set up a pay equity committee to establish a pay equity plan or if the enterprise includes at least one certified association, the employer must meet (if they carry on the pay equity maintenance alone) the following:

- The representative of the employees not represented by a certified association;
- The representatives of the certified associations.

The employer must provide them with the information or documents regarding the maintenance audit work done.
The representatives can share the information or documents as long as they make sure to protect the confidentiality of the information they deliver. Members must also protect the confidentiality of the information they receive. Legal penalties are embedded in the amended Act about this.

The representative for employees not represented by a certified association, appointed by them, and the representatives of certified associations can question the employer and inform them of their observations, concerns, opinions or suggestions.

✓ **When does the participation process take place?**

The employer must carry out this process before posting the results. This process must be completed 60 days before posting, at the latest.

✓ **What information must the employer provide?**

For the moment, we do not know exactly what information the employer will be required to provide. The Commission des normes, de l’équité, de la santé et de la sécurité du travail might issue guidelines about this. The employer might provide information which helped carry out their maintenance audit. These elements could match those which will be listed on the posting.

### POSTING OF RESULTS

✓ **What information must be included in the posting?**

The following elements are added to the information that needs to be included in the results display:

- A summary of the questions that were asked and the observations that were presented as part of the participation process consultation, if applicable, as well as a summary of the manner in which they were considered;

- For each of the identified elements, their start date and, if applicable, end date or, failing which, a notice to indicate that no adjustment is required;

- The terms and conditions of payment (the spread of the lump sum), if applicable.

✓ **How will the compensation gap correction be carried out?**

The salary correction must be retroactive to the date of the significant change in the job.

For the period before maintenance posting, the employer must pay a lump sum retroactive to the event date. For example, if the event modifying the assessment happened on October 21, 2018, the employer will have to pay, on maintenance 2020, a lump sum to each employee of the impacted job class at that date. The salary will then be corrected if a discriminatory wage gap subsists at the time of the new posting. Interests at the legal rate apply if the employer chooses to spread out the lump sum.
√ Is the lump sum applicable to the benefits plan, for example to the RREGOP?  
Yes, this amount constitutes compensation at the time of its payment and will have to be considered for the purposes of benefits plans, including the RREGOP.

√ If the employee leaves the enterprise and should have received a salary adjustment or a lump sum, are they still entitled to it?  
The employer has the obligation to pay the salary adjustment or the lump sum, including legal interests if applicable, to an employee who has left the enterprise. In that case, they have to pay a global amount. They must also notify the person in writing.

√ What happens if the total of the spread lump sum is not entirely paid when a person leaves the enterprise?  
The employer will have to pay the balance of the lump sum due to the person, including legal interests, within 15 days of them leaving.

√ How to file a complaint?  
If a certified association or an employee wants to file a complaint about the 2020 maintenance audit, it must necessarily be made using the complaint form found on the Commission website at the following address: https://www.csst.qc.ca/en/formulaires/Pages/5061A.aspx

√ What are CSQ’s actions?  
In addition to its memoir, the CSQ plans to forward its recommendations to the Labour Minister when the report on the application of the Act will be submitted, which is planned on May 28, 2019. Furthermore, a plan of action and communication was adopted to carry on an information and awareness campaign for our members.

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1 Régime de retraite des employés du gouvernement et des organismes publics.