Is the wage gap between men and women something of the past? Sadly not. Despite the closing of the salary gap between 1997 and 2018, men still earn 10.2% more than women. This means women see their hourly wage cut by $2.96 compared to their male counterparts.

In a society like ours, where equity is a fundamental value, these disparities don’t make sense anymore. Still, the Pay Equity Act, adopted in 1996, made the equity principle an inalienable collective right.

**PAY EQUITY SUMMARIZED**

Pay equity corresponds to the right to get an equal salary for equivalent work. The Pay Equity Act aims to correct and avoid discriminatory compensation gaps against predominantly female job classes.

Companies with 10 employees or more in the public and private sectors need to comply with the Act. The CNESST is responsible for its application.

The three main obligations of the employers:

1. Carry out an initial pay equity process;
2. Conduct a maintenance audit every five years;
3. Post the results and produce a report on his approach.
GAPS THAT PERSIST

The Québec legislator asserted its desire to eliminate the systemic wage discrimination against women. Nevertheless, many recent studies show that significant wage gaps persist between women and men in Québec.

“No matter what variable we use to study the hourly rate progression, the gap almost always remains at the expense of women. More specifically, the wage gap between men and women, present upon entering the workforce, increases with the age of the employees [...] The wage gap between men and women is present in all activity sectors and in companies of all sizes.”

POSITIVE EFFECTS OF THE PAY EQUITY ACT

Despite these persistent gaps, the Act did have direct positive impacts, in particular in the public and parapublic sectors.

✔ In 2006, the parapublic sector’s personnel obtained a pay catch-up of $630 million once the joint pay equity committee’s work was complete, negotiations in which the CSQ actively took part. The adjustment affected about 140 job categories and represented an average adjustment of 6.30%.

✔ In the public and parapublic sectors as well, almost 326,000 people received pay adjustments in the range of 2.94% to 13.65%.

✔ Two other major pay equity programs in those two sectors resulted in corrections of 4.16% to 6.49% for over 450,000 employees upon completion of the initial pay equity audits, according to the CNESST.²


2. The Commission des normes, de l’équité, de la santé et de la sécurité du travail (CNESST) is responsible for the application of the Act.
REVISION OF THE 2009 ACT

Up until 2009, the Act required employers to continuously maintain pay equity and make the required adjustments, yet without specifying the procedure. To better articulate the process, the government decided to transform the continuous maintenance obligation into a periodical maintenance (every five years), without, however, providing for a retroactive effect on salary.

Many trade unions felt that those modifications are unconstitutional and brought the case before the courts. Almost 10 years later, in May 2018, the Supreme Court of Canada ruled in their favour, concluding that those measures create a discriminatory system against women. The Court forced the Québec legislator to ensure:

- that the pay adjustments are retroactive to the modification date, according to the five-year periodicity;
- that the results posting (of the periodical audit) contains more information to allow the personnel to understand the employer’s approach and, if appropriate, to efficiently dispute their decisions.

NEW REVISION, NEW DISAPPOINTMENT

On April 10, 2019, the National Assembly sanctioned Bill 4\(^3\) amending the Pay Equity Act to comply with the Supreme Court’s ruling. Sadly, the new provisions don’t resolve the problems and even constitute a step back. Indeed, they don’t allow women to obtain full salary adjustments, to fully participate in the achievement of pay equity or its maintenance. Moreover, the modifications remove the right and duty of minority certified associations to represent their members who have filed a complaint.

BACK IN COURT

The CSQ intends to pursue legal recourse to have some of the modifications included in Bill 4 declared unconstitutional. Its president strongly wishes that this act be subjected to a substantial reform and this, as soon as the next parliamentary session.

We can't wait another 40 years before equity becomes reality. It’s urgent that women take action for things to change once and for all.

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3. An Act to amend the Pay Equity Act mainly to improve the pay equity audit process.
BIRTH OF THE PAY EQUITY ACT

Québec recognized the right to an equal pay for equivalent work as early as 1975, by enshrining it in the Charter of Human Rights and Freedom. The complaints mechanism provided in the Charter, however, proved to be inadequate and limited the access to appeals.

In light of this situation, groups of women, trade unions (including the CSQ) and government bodies rallied to form, in 1989, the Coalition québécoise en faveur de l'équité salariale, advocating for the adoption of legislation to correct the systemic wage discrimination against women.

In 1995, an event brought women’s claims on the matter to the forefront: the “Bread and Roses” march. Overseen by the Fédération des femmes du Québec, the march brought 800 women together and enjoyed great media coverage. The gathering also advocated for the adoption of pay equity legislation.

That outstanding mobilization paid off: in 1996, the National Assembly unanimously adopted the Pay Equity Act.