

Pay Equity Commission

Pay Equity Office

400 University Avenue
11th Floor
Toronto ON M7A 1T7Telephone: 416-314-1896
1-800-387-8813Facsimile: 416-314-8741
Website: www.gov.on.ca/lab/pec**Commission de l'équité salariale**

Bureau de l'équité salariale

400, avenue University
11^e étage
Toronto ON M7A 1T7Téléphone : 416-314-1896
1-800-387-8813Télécopieur : 416-314-8741
Site Web : www.gov.on.ca/lab/pec

July 25, 2007

Ontario Federation of Labour
15 Gervais Drive
Suite 202
North York, Ontario
M3C 1Y8Attention: Irene Harris, Warren (Smokey) Thomas, Paul Moist, Patrick Sid Ryan,
Ken Coran, Wayne Fraser

Dear Madam and Sirs:

Thank you for your letter of July 18, 2007 expressing your understanding of the activities at the Pay Equity Commission.

The Commission greatly appreciates the contributions of the Advisory Council over the years, and particularly acknowledges the important role played by trade unions in the promotion and pursuit of pay equity. I would be happy to meet with individuals from the unions represented on our Advisory Council to hear any concerns about the Commission's intake process and/or issues with respect to maintenance. I also reiterate my previous invitations to the OFL to meet to discuss best practices around pay equity. To this end, I invite you to contact my assistant, Christine Bibby, to arrange a mutually convenient meeting date. I regret, however, that I cannot meet with members of the Advisory Council who are actively engaged in specific pay equity files at the PEO because of a conflict of interest.

The Commission is committed to redressing systemic discrimination in compensation for work traditionally done by women. To that end, the Pay Equity Office (PEO) continues to undertake targeted monitoring of sectors, such as retail, where women employees are particularly vulnerable and largely

unrepresented, and to provide training and educational materials to increase public understanding of pay equity issues.

The development of an intake process is aimed at ensuring that our energies and time are focused on meeting the pay equity needs of the women of Ontario as expeditiously as possible. By sending questionnaires to applicants, and by guiding and supporting them through the intake process, the PEO is better able to determine if there is a pay equity issue in dispute. Where the evidence is ambiguous, or where an applicant is not knowledgeable about the pay equity situation, the PEO will protect the interests of the applicant and refer the matter for further investigation. On those occasions where the evidence does not disclose a pay equity issue, or where negotiating parties are not evidencing an immediate need for our involvement, the file may be closed, thereby ensuring that the Commission's resources are utilized as productively as possible in the achievement of its statutory mandate.

I would point out that the intake process and the purposes for which it was created were discussed with the members of the Advisory Council at our May 17, 2006 meeting. You may also recall that an overview of the intake process was presented to the Ontario Federation of Labour at an OFL conference on November 14, 2006. This presentation did not generate any comments or concerns from conference attendees.

I want to assure you that the PEO and its staff remain committed to ensuring that pay equity, once established, continues to adequately provide for the payment of fair compensation to women. To this end, the PEO will review the compensation practices of an employer and issue an order where it is apparent that those practices fail to maintain pay equity and cause a wage gap to widen. It is important to note, however, that there is no obligation under the *Pay Equity Act* for unions and employers to negotiate either a maintenance plan or Terms of Reference for a review of an existing pay equity plan. However, this would not preclude a Review Officer from investigating any aspect of a maintenance plan that allegedly contravenes the *Pay Equity Act*.

The Commission believes that the PEO and the labour movement have distinct but complementary roles to play in the pursuit of pay equity and economic justice for women. Our purpose is therefore to exercise our statutory authority in a way that supports, but does not interfere with, the ability of unions to bargain pay equity frameworks with employers that best meet the needs of their members.

As we mark the 20th anniversary of the *Pay Equity Act*, we have much to celebrate but many hurdles still to cross. I hope that we will continue to benefit from the insights and perspectives of our Advisory Committee members as we plan a commemorative event that honours our past while setting out a vision and strategy for even greater success in the future.

I look forward to hearing from you with respect to a possible meeting.

Sincerely,

Emanuela Heyninck, L.L.B.
Commissioner
Pay Equity Commission

CC: Wayne Samuelson, Terry Downey
Mary Cornish, Equal Pay Coalition
Honourable Steve Peters, Minister of Labour
Andrea Horwath, New Democratic Party Women's Critic
Christine Elliott, Progressive Conservative Women's Critic
Pay Equity Commission Advisory Council Members