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APPENDIX E

SUMMARY OF EQUAL PAY COALITION CLOSING THE GENDER PAY GAP INITIAL RECOMMENDATIONS

January 18, 2016

Principles and Values to Guide Dialogue and Action Planning

1. Women in Ontario have the fundamental human right to be free from systemic sex discrimination in pay. A "right" is just that – it is a legal entitlement that must be enforced. It is not a privilege. It is not an option. It must be secured. The current 31.5% gender pay gap is a human rights crisis which must be addressed as such.
2. International, national and Ontario provincial human rights standards require that Ontario women in all their diversity be afforded economic equality in Ontario's labour market.
3. The gender pay gap is a key measure for identifying whether, overall, Ontario women have achieved their fundamental human right to economic equality. When Ontario women earn on average the same as Ontario men each year – in other words, when there is a 0% gender pay gap – a key dimension of gender equality in employment will be achieved.
4. Recommendations to close the gender pay gap as proposed in this submission are the human rights *enforcement mechanisms* for eradicating women's labour market discrimination and ensuring equality outcomes.
5. Preventing and remedying pay discrimination is a matter of values. Ensuring that hard work is honoured and rewarded in Ontario regardless of the sex of the person who performs it.
6. The Equal Pay Coalition has called on Premier Wynne and the business community to set 2025 as the deadline to end gender pay inequality in this province. This is the target date by which Ontario's gender pay gap should be reduced to 0%. This is also the year set by law when Ontario is to be free of barriers for persons with disabilities.

7. The design of closing the Gender Pay Gap strategies must begin by directly acknowledging and confronting the fact that the pay gap arises from systemic discrimination against women. The reality is that Ontario men's and women's lives are profoundly different and unequal and those who suffer from additional discrimination face much higher gaps which need to be addressed specifically.
8. Ensuring that this human rights goal is met requires mandatory human rights analysis and planning using a gender and equity lens at all levels of government and in workplaces and communities across the province. This includes short- and long-term plans, goals, targets and monitoring of results.
9. Reorienting the dialogue to focus on the priority human rights mandate, with a set compliance date and a gender based planning/action/monitoring focus is essential if there is serious commitment to closing Ontario's gender pay gap.

Twelve Steps to Closing the Gender Pay Gap

10. The Equal Pay Coalition's 12 steps to closing the gender pay gap are:
 - (1) Treat as Human Rights Priority;
 - (2) Equal Pay Days and Education/Awareness;
 - (3) Develop Closing the Gender Pay Gap Plans;
 - (4) Expand and Enforce Pay Equity Promoting Laws;
 - (5) Implement Employment Equity Laws and Policies;
 - (6) Promote Access to Collective Bargaining Protection;
 - (7) Increase the Minimum Wage;
 - (8) Provide Affordable and Accessible Child Care;
 - (9) Mainstream Equity Compliance into Government Laws and Policies;
 - (10) Mainstream Equity Compliance into Business Practices;
 - (11) End Violence Against Women: and
 - (12) Secure Decent Work for Women.

Immediate Recommendations for Achieving 3% Reduction in 2016

11. In terms of immediate action, we need to get the gender pay gap down by 3% in 2016. We are already in January. Much needs to be done immediately to achieve that 2016 goal.
12. The Committee issue now an interim report identifying the following immediate actions which can be taken without the need for further consultation.
 - (a) Request the Government working with the Pay Equity Commission, Ontario Human Rights Commission and Employment Standards Branch to mount a substantial and resourced public campaign between now and including and after Equal Pay Day on April 19, 2016 which identifies:
 - (i) The extent of the gender pay gap, its harmful impacts and the need to close it to generate a fair and inclusive economy;
 - (ii) The Gender Pay Gap as a human rights crisis which must be acted upon immediately and thereafter till closed;. and
 - (iii) The current human rights mechanisms which are available to address the problem.
 - (b) Request the Pay Equity Commission to mount an immediate public campaign to advertise the rights and obligations under the *Pay Equity Act* and the intention of the Commission to vigorously enforce the *Act*, including through widespread audits across the province.
 - (c) Request the Ontario Government working with the agencies which it publicly funds to make the necessary funds available so that public sector agencies can pay identified pay equity adjustments owing under the *Pay Equity Act*.
 - (d) Appoint by Equal Pay Day in April, 2016, an interim Labour Market Equality Commissioner, reporting directly to the Legislature and the Premier, who can be in place to start coordinating the development and implementation of Ontario's plans to close the gender pay gap.
 - (e) Effective April 1, 2016, increase the minimum wage to \$15 per hour.
 - (f) Implement a gender and equity lens in the current provincial budget process, cabinet decision and ministry decision-making.
 - (g) The Ontario Government abandons its objections to the Pay Equity Hearings Tribunal application to ensure women in predominantly female workplaces using the proxy comparison method can continue to maintain

pay equity using their external proxy comparator and works to arrive at an appropriate resolution of the issues.

- (h) The Ontario Government abandons its defense of the Association of Ontario Midwives application to the Hearings Tribunal and works to resolve the pay equity issues for midwives and other government funded professionals who are not covered by the *Pay Equity Act*.

Using a Human Rights Framework

- 13. A human rights framework and systemic discrimination analysis must be employed by all involved in closing the gender pay gap as the basis for reviewing and analyze all required legislative, policy and business actions and practices. This framework should include a consideration and application of Ontario's domestic and international human rights obligations to close the gender pay gap for the diversity of Ontario's women.

Using A Gender and Intersectional Equity Lens

- 14. A gender and equity intersectional lens must be employed by all involved in closing the gender pay gap to review and analyze all legislative, policy and business actions and practices by asking how women and men are affected by laws and policies and whether proposed actions will help to close the gender pay gap - including a lens to address the impacts for women of other discriminatory factors, such as race, ethnicity, religion, disability, Indigenous status, migrant and LGBT status.
- 15. Governments need to resource and ensure that there is appropriate collections of data and information disaggregated by sex and other intersectional factors.

Using a Political Economy Analysis

- 16. An understanding of the political economy dynamics of Ontario's gendered and globalizing labour market which perpetuates the gender pay gap must be employed by all involved in closing the gender pay gap to consider their particular relevance to the issues to be considered. These seven trends are: growing and gendered income inequality, persistence of the gender pay gap, flexibility and fragmentation of the workplace, the austerity agenda and the declining equality role of governments, the decline of unionization and the impact of unequal households, unpaid care obligations and the care economy.

Mapping Systemic Discrimination Dynamics That Perpetuate the Gender Pay Gap

- 17. A mapping analysis of systemic discrimination dynamics must be employed by all involved in closing the gender pay gap to consider their particular relevance to the issues to be considered. This analysis includes: (a) discriminatory pay setting; (b) Access to Employment - Segregated and Unequal jobs (c) Access to

Employment – Barriers Faced by Further Disadvantaged Workers; (d) Access to Employment – Child and other Care Responsibilities; (e) Predictability and Security of Pay/Hours of Work; (f) Employment Status – Precarious Work and Workplaces; (g) Barriers to Unionization and Empowerment of Women's Voice; (h) Dynamics that Disrupt Women's Employment and Pay: (i) Harassment and Violence; (ii) Pregnancy and Motherhood Discrimination; and (iii) Care Obligations.

Systemic Discrimination Requires Systemic Response

18. Given the multiple, interlocking dynamics which create and sustain the gender pay gap, responses at the provincial, local and business levels must be systemic and comprehensive. Uprooting and eliminating systemic discrimination requires a systemic response which means a fully committed and resourced multi-dimensional action plan which includes annual targets, goals and monitoring so that “closing the gender pay gap” is embedded or “mainstreamed” into government and business planning and actions.
19. Solving a persistent problem requires leadership and planning and a gender and equity lens - analyzing what works, what doesn't and what further steps or revisions to a plan are necessary.

Creating a Comprehensive and Mandatory Legal and Policy Framework to Close the Gender Pay Gap

20. The current disconnected and inadequate legal and policy approach to closing the gender pay gap must be replaced with a comprehensive, expanded and coordinated mandatory legal and policy framework.
21. This requires reworking, enforcing and expanding Ontario's gender pay gap laws including the current three key laws, the *Employment Standards Act, 2000*, the *Pay Equity Act* and the *Human Rights Code*. All of these laws must be aggressively enforced so that women's existing and new protections actually result in increased earnings and secure and decent work for women. As well it is necessary to expand the perspective as to what is a "closing the gender pay gap law" to include laws like the *Labour Relations Act* and others which impact on the ability of women to secure decent work. As well it is necessary to bring back the repealed *Employment Equity Act, 1993* in a strengthened and updated form to further secure equality in employment for women.

System-Wide Recommendations to Address Systemic Discrimination

22. In order to tackle this large scale human rights crisis, system-wide measures must be taken to get to the goal of 0% gender pay gap by 2025. The Coalition is calling for multi-party co-operation to work with the EPC, employers, and other equality-seeking stakeholders to develop, implement, and resource a province-

wide plan to close Ontario's gender pay gap by 2025. This plan would provide for the province to work with and coordinate the efforts of municipalities and businesses providing them with assistance as needed.

New Closing the Gender Pay Gap Act

23. A provincial Closing the Gender Pay Gap law should be enacted to provide for:

Provincial and Local Mandatory Closing the Gender Pay Gap Plans

- (a) the mandatory obligation that provincial and local governments and businesses must enshrine planning, action and consultation mechanisms into their governance structures to ensure the gender pay gap is closed.
- (b) Gender and equity sensitive labour market knowledge, research and monitoring using appropriate disaggregated data must be included in closing the gender pay gap planning.
- (c) The Premier's Ministry mandates to all Ministries must include closing the gender gap as a priority mandate for each Ministry. The inclusion of this will mean that Ministry staff from the Deputy Minister staff will be held accountable for achieving this objective and will analyze Ministry planning and actions accordingly. Ministers should also hold public agencies who report to them accountable as well for ensuring the agencies' mandate is carried out consistent with a closing the gender pay gap focus.
- (d) All social and economic policies should be vetted by provincial cabinet, ministries, public agencies, and by local governments for their impact, answering this question: *do they help close or widen gender pay gaps?* Do they account for the different and unequal circumstances facing women and particularly those who racialized, Indigenous, have disabilities or other disadvantages.
- (e) Cabinet and local government policy submissions should include a sign off to ensure proposed laws and policies have been reviewed for their contribution to closing gender pay gaps.
- (f) To be effective and not marginalized, there is need to ensure provincial and local closing the gender pay gap planning is co-ordinated with other government planning such as the Poverty Reduction Strategy, budgets, economic planning, and other actions to address women's inequality such as "It's Never Okay: Action Plan to Stop Violence and Harassment

Appointment of Labour Market Equality Commissioner

- (g) the appointment of a Provincial Labour Market Equality Commissioner reporting to the Legislature and the Premier with the mandate to

coordinate and implement the plans to close Ontario's gender pay gap by 2025. With a broad mandate of labour market equality, this Commissioner's mandate could also include the eradication of all forms of labour market equality and not just those affecting Ontario's women.

- (h) Given that it will take some time for this person to be named with the need to enact the law, the Coalition is recommending the immediate appointment of an interim Commissioner to help develop and coordinate getting the action plans started so they are in operation for 2016 and can contribute to closing the gender pay gap by 3% as targeted.

Annual Equal Pay Day

- (i) the enactment of an annual Equal Pay Day as a tool to educate, monitor and revise the above noted planning to ensure progress is sufficient to meet the 2025 0% gender pay gap goal;

Provincial and Local Closing the Gender Pay Gap Roundtables

- (j) the establishment of provincial and local Closing the Gender Pay Gap Roundtable of stakeholders with women and their representatives in a leading role. These roundtables must meet at least 4 times per year including around the annual Equal Pay Day. This will help to manage and monitor this large scale transformation process and embed the empowerment of women and their representatives as part of the change and transformation process.

Embedding Closing the Gender Pay Gap Awareness in Education Systems in Schools, Businesses, Government and the Legislators

- (k) amending education laws to make the teaching of systemic discrimination in the labour market, the human right to labour market equality and the measures to close the gender pay gap part of provincial educational curriculum in high schools.
- (l) Just as required by regulations under the *Accessibility for Ontarians with Disabilities* law and under the *Occupational Health and Safety Act* for their legal requirements, businesses should be required to embed education and awareness of the human rights and responsibilities for closing gender pay gap in business planning and practices as well as in education for management and employees.
- (m) As well, such education and awareness of the human rights and responsibilities for closing gender pay gap should be also embedded in the training and education of government staff at all levels from the Premier, Ministers and mayors down, as well as for Ontario party leaders, MPPs and municipal councillors.

Ensuring Equitable Pay Setting

24. Ontario delivers public services through its own employees or through transfer payment agencies without providing proper funding to ensure pay equity is both achieved and maintained for those doing women's work. The pay equity adjustments that are owed to women working to provide public services to Ontarians require full funding.

Employment Standards Act - \$15 per hour indexed Minimum Wage

25. The Ontario government bring in emergency legislation to increase the minimum wage to \$15 per hour effective April 1, 2016. The minimum wage must keep up with inflation and keep on increasing until it is at the level of a living wage.

Living Wage and Guaranteed Annual Income

26. Poor Ontarians who are predominantly women and other disadvantaged group must be able to access sufficient pay and income to provide for themselves and their families. Consideration should be given to incorporating policies to ensure a living wage and guaranteed annual income. Living wage policies and a guaranteed annual income (GAI) can help to serve as well as a pay equity downpayment for women and other disadvantaged groups.

Employment Standards Act - Aggressively Enforce Section 42 - Equal Pay For Substantially Similar Work

27. Section 42 as a whole requires modernization to reflect the realities of women's work. This section which currently provides women with the right to equal pay for substantially similar work performed by men needs to be aggressively enforced with major enforcement campaigns to cut down on the widespread and persistent violations of its provisions highlighted by the Committee's Town Hall presentations.
28. The Coalition recommends that the exemptions regarding seniority and merit systems should be amended to include the principle that where the jobs are of equal value, the wage grids and wage structures should be of equal length and equal steps on the wage grid.
29. This equal pay provision should be included in the Employment Standards Branch guide to rights and enforcement as well as being highlighted in its workplace rights poster and on its website.

Employment Standards Act – Update Section 42(2) to Provide Equal Pay For Full Time and Part Time Work Which is Substantially the Same Work

30. Consideration should be given to the EU as a roadmap for modernizing the ESA to ensure that equal pay for substantially similar work is a fully realized substantive right. This includes the EU Directives on atypical work: the Part-Time work directive, the fixed-term work directive and the Agency Work Directive.
31. Directives aim to ensure that employees who are not employed in permanent jobs are guaranteed a minimum level of equal treatment compared to full-time permanent staff. The explicit purpose of the Directives is (i) remove discrimination in pay and conditions; (ii) improve the quality of part-time, fixed term and agency work so that it is equal to full-time employees; and (iii) to prevent abuses of these forms of employment relationship, such as multiple successive fixed-term contracts
32. As the majority of women work in a non-standard employment relationship, the *ESA* should be amended to ensure part-time, part-year, contract, temporary agency workers are paid the same rate as full-time workers. Employers must be clearly directed to stop the practice of paying part time workers less when it is substantially the same job.
33. As well, the exemptions regarding seniority and merit systems in section 42 (2) should be amended to include the principle that where the jobs are of equal value, the wage grids and wage structures should be of equal length and equal steps on the wage grid.

**New Employment Standard: Pay Transparency provision –
Mandatory Pay and Pay Gap Reporting.**

34. As highlighted in Part V above, the pay setting inequalities women and other disadvantaged groups face in workplaces is perpetuated and sustained by the secrecy which pervades employer's pay setting practices. Making visible and transparent those practices is an essential human rights tool
35. In order to ensure the widest coverage of this new tool, the Coalition recommends that the obligation be set out in the *Employment Standards Act, 2000* as a new core entitlement of all employees and obligation of all businesses and employers regardless of size. Such standard should be widely publicized and included in the Employment Standards Branch Guide and in the workplace poster.
36. The new pay transparency standard should report the wage and pay structures, any merit pay systems, the job and its description as well as the nature of the employment relationship (whether it be direct or contract, temporary agency, etc.) and the conditions under which it is paid (eg. full time, part time, on call etc. Employers should also have an obligation to be transparent about the pay practices of those contractors which they engage.

37. As well, employers should be required to report what their overall gender pay gap is – that is what is the average annual earnings of women and men for whom they directly or indirectly employ through contracts and temporary agencies.
38. For domestic workers and home-based workers, the transparency provisions would require employers and workers to submit names to a central registry. Such a registry would provide the Ministry of Labour with an enforcement mechanism to ensure minimum standards are adhered to.
39. As well, this new core employment standard should also provide that governments (provincial and local) must make transparent any pay provisions it is setting when it contracts for the provision of public services. This will help to reveal the role and practices of government when they fund public services. It can serve to reveal good pay setting practices which help to close the gender pay gap and bad practices which serve to widen it.

Pay Equity Act

40. The Coalition recognizes that there are many issues to be addressed to ensure the *Pay Equity Act* is effective and strengthened and these matters need to be the subject of further discussion. At the same time, the Coalition cautions the Committee to be very careful in its approach to analyzing the effectiveness of the *Act* and sceptical of proposed changes by the business community or by the government itself who have found that the *Act* substantially interfered with their austerity and deregulation agenda along with the pursuit of profits. The *Act* must be strengthened and enforced not weakened and women's rights eliminated.
41. Accordingly, the Coalition requests that the Committee identify the need for a strengthened, effective and enforceable *Pay Equity Act* while continuing to include the current proxy comparison method. This includes calling for the Pay Equity Commission to aggressively enforce the *Act* to require compliance.
42. Unions must be given an strong role in enforcing all pay practices required by the *Act* including maintenance.
43. Employees in workplaces with less than 10 employees must be provided with protection under the *Act*.
44. Sufficient funding should be provided to the Pay Equity Commission to carry out its important tasks
45. The Pay Equity Legal Clinic should be re-instated and funded to provide critical legal assistance to those seeking enforcement of the *Act*.
46. The Coalition also calls for a further dialogue amongst governments, the business community, the Coalition, unions and other equality seeking groups to seek ways to achieve this objective.

Redressing Discriminatory Pay Setting for Further Disadvantaged Groups

47. In order to redress the specific and greater pay discrimination outlined by further disadvantaged groups as highlighted in Part VI above, the Coalition recommends that a specialized mechanism be developed which mandates employers and governments to investigate and consider the ways in which the other grounds of discrimination which women experience (including race, ethnicity, Indigenous status, and disability) also serve to depress their pay and weaken their access to secure, decent work.

Obligation to Close the Gender Pay Gap in Government and Business Procurement Policies

48. Procurement and contracting policies by governments and business should include a requirement to ensure that the pay of those providing the service or creating the product contracted for should be free of gender and other discrimination. Such a requirement would be embedded in the provincial *Closing the Gender Pay Gap Act*. This requirement would put significant pressure on governments and business to exercise greater oversight over their contracting policies and contracts which now often rely on underpaid women's labour to reduce costs.

Access to Employment-Desegregating Ontario's Occupations and Industries/Sectors

Employment Equity Act

49. Reinstate a strengthened and updated *Employment Equity Act, 1993* to ensure that women and other disadvantaged groups are provided employment equity in their work and are freed of barriers to their gaining access to and career progression in their work lives. Such a law will require employers, working with a union, if any, to analyze the recruitment, employment conditions and retention of workers who are women, Indigenous, racialized or with disabilities requiring them to plan and take action (by both removing barriers and taking positive measures to reach the goal of an equitable workplace which better reflects the workers in the community. Consideration should also be given as to whether other disadvantaged groups should be included in an updated *Employment Equity Act*.

Human Rights Code

50. The *Human Rights Code* mechanism should be strengthened so that it leverages its considerable powers to address the labour market inequalities which face women and other disadvantaged groups. With their jurisdiction to address many grounds of discrimination, as well as employment, accommodation, and services the Ontario Human Rights Commission is well positioned to play a leadership role

in developing the strategies and plans to close the gender pay gap. This includes using to power to hold public inquiries and to carry out research, particularly on the ways in which the intersectional factors are affecting women and the gender pay gap.

51. The Coalition calls for the Commission to consult and issue a guideline for those with equality obligations under the *Code* as to what necessary steps need to be taken to close the gender pay gap and end systemic discrimination and also to end the greater pay gaps experienced by further disadvantaged groups. .
52. The Coalition also calls for the Government to ensure the Commission, the Human Rights Legal Support Centre and the Human Rights Tribunal of Ontario are adequately funded to carry out their important role in closing Ontario's gender pay gap.
53. The Government should also establish the Commission's Race Relations Directorate provided for under the reformed *Code* which could play a strong role in the working of closing gender pay gaps of racialized women.

Accessibility for Ontarians with Disabilities Act

54. There is a need to ensure effective enforcement of this Act to help close the gender pay gap for women in Ontario with disabilities. See the recommendations of the AODA Alliance with respect to these necessary enforcement measures. As well, there is a need to consider and adapt the measures from this *Act* in the process of developing Ontario's plans to close the gender pay gap.

Addressing Child and other Care Responsibilities

55. Ontario needs to develop and implement a public care strategy to address the unequal household and care responsibilities which women bear and to facilitate the equal sharing of those responsibilities by men and women
56. This requires that the Ontario government builds an early childhood education and care system based on the principles of universality, high quality and comprehensiveness that:
 - (a) Recognizes that access requires both a supply of high quality services and fees that all families can afford (or no fee);
 - (b) Employs a well-compensated, well-supported, well-educated early childhood workforce, which is recognized and appreciated for the importance of their work;
57. To do this Ontario must develop:

- (a) a coherent policy framework with targets and timelines for expansion of early childhood education and care services;
 - (b) a long-term plan for sustained public funding to operate and develop services, and
 - (c) an early childhood education and care workforce strategy.
58. The Coalition also relies on the recommendations to the Review Committee of the Ontario Coalition for Better Child Care and Association of Early Childhood Educators.

Access to Predictability and Security of Pay/Hours of Work

59. The ESA requires employers to commit to minimum hours of work and extended notice of scheduling so that women can plan for their care and other responsibilities and can also schedule other work as many have several part time jobs.
60. The *ESA* provide for flexible scheduling provisions as a basic minimum standard. Such scheduling provisions to include job sharing arrangements where two employees could voluntarily enter into an agreement to share one full-time position.
61. The Coalition has reviewed and adopts the recommendations of the Workers' Action Centre in respect of its proposed Employment Standards Act amendments set out in its Changing Workplace Review brief, *Still Working on the Edge*.¹

Access to Secure Decent Work and Workplaces

Address Precarity in Work

62. The Coalition again adopts the recommendations of the Workers' Action Centre in respect of the *Employment Standards Act, 2000* amendments necessary to reduce the precarity and lack of employment protections for vulnerable workers, many of whom are women.²
63. In particular, the Coalition adopts the recommendations to end the many exemptions to the *ESA* and the urgent need for a more rigorous enforcement mechanism with heavy fines for violations of the *Act*.

¹ Those recommendations are contained in the Workers Action Centre Document - *Still Working on the Edge*, supra.

² Those recommendations are contained in the Workers Action Centre Document - *Still Working on the Edge*, supra.

64. As well, protections are required to end the contract flipping and egregious employment practices of agencies which exploit vulnerable women.

Self-Employed Women and Their Businesses

65. Closing the gender pay gap for women who are truly own-account self-employed entrepreneurs, not disguised employees requires further distinct measures to ensure women's businesses and services do not face discrimination and unequal support from government.
66. The government needs to ensure that measures are in place to assist such women in gaining access to grants and business development assistance so that they are not disadvantaged in relation to male dominated entrepreneurs.

Empowering Women's Voice – Facilitating Collective Representation

67. The *Labour Relations Act* should extend card-based certification now provided to the male dominated construction sector to all other employees and particularly those who also work in the same shifting workplaces and jobs but in work predominated by women.
68. The *LRA* should expand access to remedial certification without a vote as part of the provisions to support card-based certification,
69. The *LRA* should extend union access to employee information to facilitate organizing.
70. The *LRA* should provide that a union or employer can apply to the OLRB to combine bargaining units represented by the same union.
71. The *LRA* should expand the type of workers covered by the law so that it can provide a right to collective representation for professionals and others like Ontario midwives who are considered independent contractors as result of the nature of their work but otherwise have their pay set by a government funding body.

Sectoral and Broader Based Bargaining

72. In order to redress the gendered wage gap and the state of work organization in the Ontario labour market, the Coalition recommends that the Review examine and propose specific models of sectoral and broader based bargaining and consider the expansion of an adapted male dominated construction industry model to the precarious female dominated sectors such as those in the care economy. As part of this examination, unions, representatives of the unorganized and employers would provide further submissions on this issue.

73. Sectoral bargaining models should not be limited to establishing wage setting mechanisms, but should ensure that the full benefits of collective bargaining become available particularly to those who work circumstances are precarious and different from traditional employer-employee models of employment.
74. The Coalition recommends that any sectoral bargaining model ensure:
- (a) that the "true employer" is identified; either through joint and several liability provisions required to pierce through existing chains and networks of subcontractors or multi-employer structures;
 - (b) that each sector may require specific modification to adopt to the precarity of the worker's employment relationship; and
 - (c) regional certification processes be developed.
75. The Coalition's recommendations in respect of sectoral bargaining are at the early stages and require full consultation and analysis of the options. The Coalition requests the opportunity and reserves the right to provide the Review with more fulsome submissions on this proposal as the Committee's process continues

Eliminating Barriers which Disrupt Women's Employment and Pay

Violence and Harassment

76. Following an Alberta private members Bill 204, amend Ontario's *Residential Tenancies Act, 2006* to provide increased flexibility in access to medical and care leaves for single days, rather than a full week, if so required and the removal of exemptions in respect of the size of the workplace and time in the workplace.³
77. The *ESA* provide for a separate and distinct statutory minimum for sick leave of not less than seven days per year to be taken on an as needed basis to allow domestic violence victims to break a lease early and without penalty or to effectively remove an abuser's name from the lease.⁴
78. Following a Manitoba government bill, amend the *ESA* to ensure that victims of domestic violence have financial security, job protection and flexibility to take time away from work to recover from violence." This includes up to 10 days of leave per year without penalty, including five days of paid leave and a period of

³ *Residential Tenancies Act, 2006*, 2006 S.O. c.17.

⁴ M. Ibrahim, "Proposed Alberta bill would remove barriers for those fleeing domestic violence", *Edmonton Journal*, November 15, 2015 (available at: <http://edmontonjournal.com/news/politics/proposed-alberta-bill-would-remove-barriers-for-those-fleeing-domestic-violence>).

leave of up to 17 weeks so they can, for example, move into a new home or take time to recover from a violent relationship.⁵

79. The Ontario government's Action Plan on violence should be co-ordinated with the closing the gender pay gap strategy so that they are mutually reinforcing.
80. The Ontario government should also ensure it takes all necessary steps based working nation to nation with Indigenous peoples to ensure that the disproportionate rates of missing and murdered Aboriginal women and girls in the province are addressed.

Pregnancy and Motherhood Discrimination

81. The *ESA* provide for immediate reinstatement of a terminated employee on pregnancy or parental leave as well as an immediate fine of \$10,000 for terminating an employee on pregnancy and parental leave. The Coalition also recommends that the exemptions in the *ESA* which permit employers to fail to reinstate a pregnant employee should be eliminated as they have been used by employers to terminate employees unjustifiably.
82. As well, the Employment Standards Branch should conduct a province wide campaign to educate employers about the entitlement of women and parents to leaves and should aggressively and pro-actively enforce these entitlements.

Facilitating Care Obligations and Sharing of Them

83. The *ESA* must provide increased entitlements for fathers as well to carry out such responsibilities and to ensure equal sharing of those responsibilities by parents.
84. There should be a basic minimum of statutory defined, job-protected sick days and emergency days for every employee but not at the expense of reducing other critical leaves for medical and critical care needs.
85. The Coalition recommends increased flexibility in access medical and care leaves for single days, rather than a full week if so required. The Coalition recommends removing any exemptions in respect of the size of the workplace and time in workplace.
86. The Coalition explicitly supports the Workers Action Centre recommendation of a separate and distinct statutory minimum for sick leave of not less than seven days per year to be taken on an add needed basis.

⁵ See "Domestic violence victims in Manitoba to get time off work with pay", CBC News, November 25, 2015 (available at: <http://www.cbc.ca/news/canada/manitoba/domestic-violence-victim-benefit-manitoba-1.3336751>).

Responding to the human rights crisis: immediate next steps and 10 year plan for targeting a zero gap by 2025

Developing Mandatory Action Plans, Goals and Targets

87. The Coalition is calling on Ontario governments and businesses to work together to get the pay gap to 0% by 2025. To do that, we need to treat the gender pay gap and women’s labour market inequality as a human rights and economic crisis like climate change or other similar system wide problems. Reorienting the dialogue to focus on the human right of women to equitable outcomes with men in the labour market and the need to build a new equitable economy is essential for there to be a serious commitment to closing Ontario's gender pay gap.

How does Ontario get to 0% Gender Pay Gap by 2025?

88. The Coalition proposes that Ontario's Strategy therefore must include a plan which works to achieve that goal through planning, collaboration, setting of goals, monitoring and then revising plans to ensure the goal is reached. This requires collecting the necessary statistical data to monitor gender impacts as well as impacts based on the intersectional grounds, including race and disability.
89. We need to be specific. With current gap of 31.5% and 10 year between now and 2025, there needs to be a reduction of approximately 3% a year with 4.5% in last year.

Year	Gender Pay Gap*
2015	31.5%
2016	28.5%
2017	25.5%
2018	22.5%
2019	19.5%
2020	16.5%
2021	13.5%
2022	10.5%
2023	7.5%
2024	4.5%
2025	0%

*based on Ontario average annual earnings of men and women according to Statistics Canada

Immediate Recommendations for Achieving 3% Reduction in 2016

See above