

N O H O P E F O R E Q U A L P A YBILL 134 - THE EMPLOYMENT STANDARDS ACT, 1974 (ONTARIO)DOES NOT MEET THE REQUIREMENTS

On November 7, 1974, first reading was given in the Ontario Legislature to Government Bill 134, a new version of the Employment Standards Act, to which have been added provisions of the Ontario Human Rights Code.

Because of the urgency of having an analysis of the matter of EQUAL PAY, dealt with in Bill 134, this brief memorandum deals exclusively with this issue, although much could be said about various aspects of the Bill.

"EQUAL PAY FOR EQUAL WORK"

The above formulation in Bill 134, Section 33 is, in itself, a distortion of the principle of equal pay, as enunciated by the most universally-recognized authorities on the matter. Since 1951 at least, these authorities have addressed themselves to the principle of EQUAL PAY FOR WORK OF EQUAL VALUE.

On this basis only, can any law be effective, which purports to protect working women against discrimination in their rates of pay.

The Authorities:

- 1) In 1951, Convention No. 100, adopted by the International Labour Office, called for equal remuneration, regardless of sex, for work of equal value. The ILO further calls for the appraisal of jobs, i. e. job evaluation, by the agency policing the pertinent legislation:
- 2) In 1967, the United Nations adopted a "Declaration On The Elimination Of Discrimination Against Women", which proclaims "...The right to equal remuneration with men and to equality of treatment in respect of work of equal value."
- 3) In 1972, Canada's Royal Commission on the Status of Women recommended ratification of the ILO Convention #100:
- 4) In November 1972, Canada did, in fact, ratify ILO Convention #100, after consultation with the provinces.

HOWEVER, AFTER 23 YEARS OF RECOGNITION THAT EQUAL PAY LAWS MUST HINGE ON THE APPRAISAL OF WORK OF EQUAL VALUE, THE ONTARIO GOVERNMENT, IN BILL 134, STILL FAILS TO RECOGNIZE THIS PRINCIPLE.

UNEQUAL PAY STILL PREVAILS, DESPITE ONTARIO LAWS, SINCE 1951

In 1951, the Ontario Government adopted the Female Employees' Fair Remuneration Act, its first, on the subject.

But data from Statistics Canada prove conclusively that in Ontario (as well as elsewhere, unfortunately), women are still paid inferior rates for the same work and for work of equal value, as that performed by men.

Further, by adding "for substantially the same kind of work" to the three basic criteria of "skill, effort and responsibility", section 33 of Bill 134 is designed, like its predecessor, to exclude evaluation of jobs performed only by women (e.g. "typist") in comparison with jobs performed only by men, or with jobs performed by both men and women (e.g. "accounting clerk". As a result, the typist's salary, for example, is at the bottom of the office worker's pay scale, being greatly undervalued.

Again, where men and women perform the same jobs, it will be found that women will remain longer in the "junior" category than do men, although an evaluation of jobs would show that such a situation is not warranted by the work performed by large numbers of women held in the lower categories.

The above facts are shown dramatically in figures produced in "Women In the Labour Force, facts and figures, 1973" published by the Women's Bureau, Canada Dept. of Labour. They are shown also in "Wage Rates, Salaries and Hours of Labour," published by the Economics and Research Branch, Canada Dept. of Labour. Furthermore, a close study of "Earnings and Hours of Work in Canada", any edition, will show that those industries with a high percentage of women workers, pay lower wages, in relation to those sectors of the economy where men work in greater proportions.

We submit that the pay of a male sweeper in an auto factory - while in no way unreasonable - is superior to that of a female sewing machine operator, of considerable skill.

Besides, in section 33 of Bill 134, the exception which allows for "unequal pay" on the basis of "a merit system" leaves the door wide open to discriminatory practices.

We believe that the exception allowed, due to a "merit system" should be deleted, as the criteria of skill, effort and responsibility, plus provision for recognition of seniority, would cover any "merit" increases that may be warranted, without permitting discrimination.

A PROPOSAL FOR EFFECTIVE EQUAL PAY LEGISLATION:

We submit that to be effective, equal pay laws must provide for:

EQUAL PAY FOR WORK OF EQUAL VALUE, TO BE ENFORCED
BY GOVERNMENT-APPOINTED JOB EVALUATORS, USING THE
CRITERIA OF SKILL, EFFORT AND RESPONSIBILITY, IN
THEIR APPRAISAL OF VARIOUS TYPES OF WORK.

Submitted by:

The Ontario Committee on the
Status of Women

Toronto, Ont.,
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COMMUNITY WAGE AND SALARY RATES - Table 96 - T O R O N T O - Oct. 1, 1973.

O F F I C E O C C U P A T I O N S	A L L I N D U S T R I E S			
	- - - - M A L E - - - -		- - - F E M A L E - - -	
	Number of Employees	Average \$	Average \$	Number of Employees
1. Accounting Clerk, Junior	573	127	107	2419
2. " " , Senior	1024	166	132	2297
5. Clerk, Intermediate	2795	137	123	12315
6. " , Senior	3142	173	146	5036
7. File Clerk	-----	---	99	2190
8. Office Boy	735	98	---	-----
11. Telephone Operator	----	---	111	2305
12. Secretary, Junior	----	---	126	3995
13. " Senior	----	---	146	5976
14. Stenographer, Junior	----	---	117	2006
15. " Senior	----	---	129	2684
16. Typist, Junior	----	---	100	3653
17. " Senior	----	---	116	3402

Reference: "Wage Rates Salaries and Hours of Labour, Oct. 1973"
Economics and Research Branch, Canada Dept. of Labour.