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BARGAINING AGENT PAY EQUITY CHECKLIST

prepared by

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Implementing and maintaining pay equity depends on having detailed and accurate records. This is particularly challenging because the process of achieving pay equity continues over many years. This checklist aims to assist unions in their efforts. It is divided into three sections which address the different stages that your union may be at in the pay equity process:

1. Getting Organized
2. Achieving Pay Equity and
3. Maintaining Pay Equity

Part 1: Getting Organized

Because the pay equity process continues over several years, it is important to have structures in place to ensure that the records and the institutional knowledge within your union about pay equity are maintained. Here are some questions that union reps can consider in diagnosing the status of pay equity efforts.

- How many bargaining units do you have?
- What sectors are they in?
 - public sector
 - private sector
 - broader public sector - proxy sector
- Do all of your units have pay equity plans?
 - do you have any units/employers that bargain pay equity through a central or joint process?
- What kind of pay equity plans are they?
 - job-to-job comparisons
 - proportional value
 - proxy comparisons
- Where are the pay equity plans kept?
- Where are the records with respect to the development of the pay equity plans?
 - who is responsible for maintaining these records?
 - what kinds of records do you have?
 - information on wages and benefits for all job classes

- gender neutral comparison system
 - job descriptions
 - job questionnaires
 - job ratings
 - job comparisons
- Where are the records with respect to the implementation of pay equity?
 - what kinds of records do you have?
 - records of what pay equity adjustments were paid out and when?
 - records of any other settlements or agreements that were reached?
 - records of any amendments to the pay equity plans?
 - who is responsible for maintaining these records?
 - Who negotiated the pay equity plans?
 - Are they still with the union?
 - Who has the records with respect to the development and negotiation of the pay equity plans?
 - Does your union have local pay equity committees?
 - Do these committees continue to be active in monitoring pay equity compliance?
 - Have any of your units negotiated pay equity maintenance protocols?
 - are local committees involved in this?
 - What has happened in new units you have certified?
 - Had pay equity previously been achieved?
 - Have you obtained information on the status of pay equity from the employer?
 - Have there been any pre-existing pay equity plans and if so, get copies of all relevant information such as the GNC's used, job information and ratings?
 - Was it necessary to carve the bargaining unit out of an existing pay equity plan?
 - Was a new pay equity plan developed?
 - What systems do you have in place to find out when there have been changed circumstances in a workplace?
 - Who do you contact to get this information?

Part 2: Has Pay Equity Been Achieved in Your Workplace?

Below is a list of documents and facts that unions can organize to assist in tracking pay equity implementation and to ensure compliance with pay equity maintenance. These are also examples of the kinds of documents and facts that may need to be compiled in the context of a pay equity maintenance complaint to either the Pay Equity Commission or Pay Equity Hearings Tribunal.

- A copy of the Pay Equity Plan
 - copies of any amendments to the Pay Equity Plan
 - copies of all other agreements, settlements, or letters of understanding relating to pay equity since the time the Pay Equity Plan was developed
- A copy of the Gender Neutral Comparison System that was used to evaluate the job classes and develop the Pay Equity Plan including the job evaluation manual, terms of reference and joint committee procedures.

- A complete list of the job classes in the bargaining unit (or at the establishment if the pay equity plan used comparators from outside the bargaining unit)
 - list of the female job classes and their rates of pay
 - list of the male job classes and their rates of pay
- Job descriptions for all the job classes
- Job questionnaires, ratings and rationale sheets for each of the job classes
- Information about the kind of comparison that was used to develop the Pay Equity Plan (i.e. job-to-job, proportional value or proxy comparisons)
 - the results of the comparisons
- If your workplace used the proxy comparison method to achieve pay equity:
 - a copy of the Notice of Inability to Achieve (which authorizes a workplace to use the proxy method)
 - identity of the proxy employer
 - information about the external proxy employer job classes that were used to develop the Pay Equity Plan
- Schedule of pay equity adjustments owing under the Pay Equity Plan
 - the total amount of pay equity adjustments owed
 - the amount of pay equity adjustments that have been paid
 - total amount paid each year
 - pay equity adjustments for each job class
 - when they were paid
 - amount of pay equity adjustments still owing (if any) under the original Pay Equity Plan and dates and amounts still to be paid by job class
- Date pay equity was achieved (if it has been achieved)
- Information about and results from any prior complaints to the Pay Equity Commission/Pay Equity Hearings Tribunal

Part 3: Has Pay Equity Been Maintained in Your Workplace?

The obligation to maintain pay equity can arise from a range of different factual circumstances. While each case is unique on its facts, these circumstances can be divided conceptually into at least three general categories:

1. Ensuring that the pay equity target rate has been appropriately adjusted in light of non-pay equity collective bargaining increases that have been negotiated during the “achievement phase”.
2. Ensuring that the pay gap between female and male job comparators has not improperly increased during or after the “achievement phase”.
3. Addressing evolving factual circumstances that affect the appropriateness of the original Pay Equity Plan.

This part of the checklist identifies some facts to consider and track when assessing if pay equity has been maintained. Other facts and/or documents may also need to be tracked depending on the particular circumstances in each workplace.

- Copies of all collective agreements since the pay equity plan was developed.
 - What non-pay equity collective bargaining increases have been made?
 - Have appropriate changes be made to the pay equity target rate in light of collective bargaining increases?
 - Have any wage gaps been created or widened between female job classes and male comparators as a result of collective bargaining?

- Is there a pay equity maintenance protocol at the workplace?
 - Is it in the collective agreement?
 - Is it in the pay equity plan?
 - Is it in a separate policy?
 - Is it an unwritten practice?

- Have any new job classes been created?
 - job descriptions of the new job class
 - gender predominance of the new job class
 - have new job classes been evaluated?
 - job questionnaire and rating of the new job class

- Have any male comparator job classes been eliminated?

- Has there been any significant change in the incumbency or the gender of job duties of existing job classes? Have the changed jobs been re-evaluated?
 - new job descriptions
 - new job questionnaires and ratings

- Has there been a new union certification?
 - was there a pre-existing pay equity plan?
 - is the pre-existing pay equity plan no longer appropriate in light of the certification?

- Sale of a business
 - is there a change in the scope of establishment?
 - is there a change in the scope of the bargaining unit?
 - are there pre-existing or multiple pay equity plans?
 - did they use different Gender Neutral Comparison Systems?
 - different methods for achieving pay equity?
 - has pay equity been achieved under the existing plans or is it still in process?
 - new job classes?
 - new female job classes and/or male comparators?
 - Has pay equity been achieved for the post-sale business? This may involve re-visiting all the steps that are necessary to achieve pay equity in the first place.

- Proxy Pay Equity Maintenance
 - Are there new job classes?
 - Has the pay gap widened between the female job classes, e.g., in nursing homes and the female comparator job classes in the external proxy employer, e.g., municipal homes for the aged?

NOTE: For further information, contact Mary Cornish (mcornish@cavalluzzo.com), Victoria Réaume (vreaume@cavalluzzo.com), Fay Faraday (ffaraday@cavalluzzo.com), Janina Fogels (jfogels@cavalluzzo.com), or Michelle Dagnino (mdagnino@cavalluzzo.com).