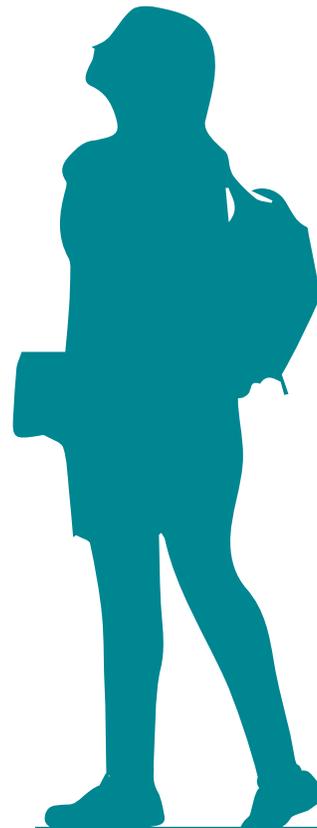
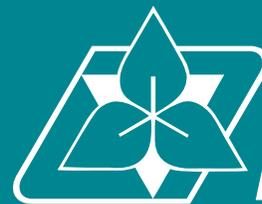


# CLOSING THE GAP

A WORKERS' AGENDA FOR PAY EQUITY



OFL SUBMISSION  
TO THE ONTARIO  
GENDER WAGE  
GAP STRATEGY



**ONTARIO  
FEDERATION OF  
LABOUR**

## Acknowledgments

The Ontario Federation of Labour would like to acknowledge tireless advocacy of the Equal Pay Coalition in bringing government attention to the persistent gender wage gap and systemic discrimination that is endemic within the labour market. The research and priorities of the Coalition are reflective of the values of Ontario's labour movement and were influential in the drafting of this submission.



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Submission to the Ontario Gender Wage Gap Strategy

**Produced by: Ontario Federation of Labour**

The Ontario Federation of Labour (OFL) represents 54 unions and one million workers. It is Canada's largest provincial labour federation.

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## Table of Contents

	Page
Introduction .....	1
A Framework for Gender Pay Equity by 2025 .....	3
A Human Right and a Moral Obligation .....	3
Transparent, Well-Funded, Enforced and Expanded Pay & Employment Equity Law .....	4
Joining a Union – a Proven Benefit .....	6
Promoting Workforce Participation, Education and Opportunity .....	8
Consultation Questions .....	10
Conclusion .....	18



# A Workers' Agenda for Closing the Gender Wage Gap

## OFL Preliminary Submission

### Introduction

The Ontario Federation of Labour (OFL) is the voice of Ontario at work and for social justice. With 54 affiliated unions representing working people from all corners of the province, from all social, economic, and ethnic groups, over half of whom are women, we campaign for equity and equality for all working people in the province. The OFL joins with anti-poverty groups and other pay equity advocates in echoing the call of the Ontario Equal Pay Coalition's 2008 Framework for Action.<sup>1</sup> The OFL calls on the government to commit to a plan that will close Ontario's 31.5%<sup>2</sup> average annual earnings gender pay gap by 2025, the same compliance date and in similar process for making Ontario accessible under the *Accessibility for Ontarians with Disabilities Act*.

It is essential that meaningful action-oriented steps be taken to end gender pay discrimination and inequality in Ontario. To date, governments and businesses have resisted paying women's work what it is worth. It is unacceptable to use uncertain economic times to entrench women's pay inequality and to make matters worse for women by creating more precarious and low paid work, rather than full time, secure, stable employment, with benefits and opportunities for advancement.

Women have traditionally earned less than men, as documented by numerous studies on the matter spanning decades.<sup>3</sup> Further studies confirm the continuing gap in wage differential between women and men – on average, women made 68.5 cents for every male dollar in 2011.<sup>4</sup> Studying the effects of gender pay discrimination is an important element to drive awareness of the need for change and to uncover the structural and systemic root causes of the existent gaps. Targeted action aimed at closing the gender wage gap is long over due.

Ontario women are being denied one of their most fundamental human rights – the right to non-discriminatory pay and employment practices. When women enter the workforce, they are often segregated in job ghettos with inferior conditions, denied access to higher paying “male” work and paid much less than men for their work. Further, we see even greater hardship, disadvantage and economic discrimination in the labour market for

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<sup>1</sup> Equal Pay Coalition, *A Framework for Action on Pay Equity*. 2008.

<sup>2</sup> Statistics Canada. “Table 202-0102 - Average female and male earnings, and female-to-male earnings ratio, by work activity, 2011 constant dollars, annual.” Cansim (database). Sorted by Ontario, all earners, average earnings, sex, female-to-male average earnings ratio, 2002–2011

<sup>3</sup> Doiron, D.J., and W.C. Riddell. “The Impact of Unionization on Male-Female Earnings Differences in Canada. *Journal of Human Resources*. Vol. 29. No. 2. Special Issue: Women's Work, Wages, and Well-Being. p. 504–534. 1994. See also: Baker, M., and M. Drolet. “A New View of the Male/Female Pay Gap.” *Canadian Public Policy*. Vol. 36. No. 4. p. 429–464.) 2010.

<sup>4</sup> Statistics Canada. “Table 202-0102 - Average female and male earnings, and female-to-male earnings ratio, by work activity, 2011 constant dollars, annual.” Cansim (database). Sorted by Ontario, all earners, average earnings, sex, female-to-male average earnings ratio, 2002–2011

women that are Aboriginal, racialized, have disabilities, are in a same sex partnership, lack economic resources and opportunity, are single parents or are recent immigrants to our country or our province.<sup>5</sup>

Pay equity is a human rights issue.<sup>6</sup> As such, it requires the collective attention of all stakeholders in the province. While unions have been at the forefront, they cannot do it alone.

Although the development of proactive compliance measures and enforcement of the *Pay Equity Act* are essential actions to closing the gender pay gap, additional significant legislative reform is also required. For example, legislative change to the statutory minimums of the *Employment Standards Act*, and a substantive review of the *Ontario Labour Relations Act* are essential for any meaningful change and progress on pay equity to be realized.

Collective bargaining and pay equity measures significantly reduce the gap between what women and men are paid for their time at work. Hence, mechanisms or measures that make it easier and more accessible for women to join, or form a union and collectively bargain for wages, benefits, and security – is proven to deliver results. The union advantage provides immediate and measurable gain. Female-dominated sectors of the economy will benefit from unionization, as will every worker in the province. Union wages have the power to lift people out of poverty, fuel economies and create a more equitable society for all.

Under the banner the *Ontario We Want* the OFL, affiliates and our community partners champion equity and call on employers and the government to adopt our vision by committing to view all action through a gender-based equity lens. This is but the first step in securing action on matters of importance to our members – like pay and employment equity.

The OFL welcomes the opportunity to participate in the Government of Ontario's "Closing the Gender Wage Gap Strategy" and consultation process. We look forward to the release of the committee's report and recommendations, and further contributing toward this process and the development of meaningful subsequent actions.

Before moving to the specific questions in the consultation document, we would like to make clear the labour movement's view on what is needed to make real progress on closing the gender wage gap by 2025.

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<sup>5</sup> Federal Pay Equity Task Force Final Report, 2004, supra. p. 12–47 and 196–199.

<sup>6</sup> Cornish, M. "10 Ways to Close Ontario's Gender Pay Gap", Canadian Centre for Policy Alternatives, April, 2013.

## A Framework for Gender Pay Equity by 2025

The Ontario Federation of Labour has reviewed the Equal Pay Coalition's submission to the "Closing the Gender Wage Gap Strategy Consultation", and endorses the recommendations listed therein. The Coalition's 12 step conceptual framework for action on closing the gender wage gap provides a comprehensive platform for growth and collaboration between government, labour and business.<sup>7</sup> The OFL has highlighted four particular steps that will ensure the gap is zero and supports the drive to 2025.

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### Four concrete ways to close the gender pay gap for once and for all

1. Treat closing the gap as a human rights priority, and a regulatory labour standard.
  2. Fund, enforce and expand Pay Equity and Employment Equity Law and Policy.
  3. Make it easier for women to join unions by supporting meaningful legislative change to the *Employment Standards Act* and the *Ontario Labour Relations Act*.
  4. Develop action plans and a jobs strategy that promotes women's meaningful participation in the workforce, particularly in non-traditional fields of employment and improve access to education and training, child care and other services so women can balance work and family responsibilities.
- 

### A Human Right and a Moral Obligation

Ontario's *Pay Equity Act*<sup>8</sup> and *Human Rights Code*<sup>9</sup> intend for pay discrimination to be eliminated. However, we discover numerous documented examples of the Ontario government failing to ensure compliance, and in fact in one specific case, intervening in Pay Equity Hearings Tribunal proceedings to dispute the right of women in Ontario's predominantly female public sector workplaces such as long-term care homes, child care centres and community service agencies to access the necessarily required pay equity maintenance processes.<sup>10</sup> The government must take extra care to ensure that moving forward - discriminatory pay practices cease, and that past injustices are rectified in an expeditious manner. Further, by adopting human rights tools like a gender and equity lens and gender-responsive budgeting (GRB) government planning and programming will significantly contribute to the advancement of gender equality and the fulfillment of women's human rights.<sup>11</sup> These human rights tools aid in identifying the required

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<sup>7</sup> The Equal Pay Coalition 12 steps 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.

<sup>8</sup> Pay Equity Act, R.S.O. 1990, c. P.7 retrieved at <http://www.ontario.ca/laws/statute/90p07?search=Pay+equity>

<sup>9</sup> Ontario Human Rights Code, R.S.O. 1990, c. H.19 retrieved at <http://www.ontario.ca/laws/statute/90h19>

<sup>10</sup> Cornish, M. "A Growing Concern Ontario's Gender Pay Gap", Canadian Centre for Policy Alternatives, April, 2014. [https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office,%20Ontario%20Office/2014/04/Ont\\_Equal\\_Pay\\_Day.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office,%20Ontario%20Office/2014/04/Ont_Equal_Pay_Day.pdf)

<sup>11</sup> Jhamb, B., Mishra, Y., Sinha, N. "The Paradox of Gender Responsive Budgeting" published in Economic & Political Weekly (EPW). May 18, 2013

interventions to address gender gaps in sector and provincial government policies, plans and budgets. In addition, GRB also promotes analysis of the gender-differentiated impact of revenue-raising policies and the subsequent allocation of tax resources.

Gender based analysis and budgeting initiatives seek to create enabling policy frameworks, build capability and strengthen monitoring mechanisms to support accountability to women.

When we view the gender wage gap as a human rights issue, we are reawakened to the fact that women are predominately remunerated less than their male counterparts. Further, in comparison to men, often the work of women is not regarded as highly-valued, particularly in female-dominated sectors. Enforcing the human rights of all workers to be free of pay discrimination is a key step to reducing income inequality across the board.<sup>12</sup>

We have a moral obligation to seek an end to all forms of discrimination.

### Transparent, Well-Funded, Enforced and Expanded Pay & Employment Equity Law

A key step to achieving the goal of closing the gender wage gap is a responsive and transparent commitment by all parties concerned. Through central reporting mechanisms, government and business must deliver clear and standardized reporting procedures. Tracking and targeting sectors of the economy that are perpetually under-indexed and employ women in great numbers are a starting point for enforcement.

Enforcement is one element and education is another. Information must be appropriately detailed to improve employers' understanding of the main causes of the gender wage gap and that information must be published in a way that is easy for employees and other stakeholders to access, comprehend and utilize. Similar to the publication of the sunshine list, employers that undervalue labour must be identified and targeted.

Direction that accompanies any recommendations should remind employers that full equal pay audits, which may involve identifying where men and women are doing work of equal value, comparing their pay and closing any gaps that cannot be justified, are just one of the ways of ensuring compliance with equal pay law. Jurisdictions around the world, like Britain have adopted a "**Think, Act, Report Strategy**".<sup>13</sup> Essential to this strategy is the tracking and reporting of pay gaps, a first step on the road to a closing the equity wage gap, is to understand where they exist. Strategies like those in the United Kingdom, must be mandated, if left up to employers to report, they will not be effective. Further, reporting processes must identify, in detail, where pay gaps exist between men and women doing the same work.

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<sup>12</sup> Armine Yalnizyan, Canadian Centre for Policy Alternatives, Ontario's Growing Gap: Time for Leadership (2007). 5.

<sup>13</sup> Government Equalities Office, Department for Culture, Media & Sport "Equal pay audits: a further consultation, June 2014. Retrieved at: <https://www.gov.uk/government/consultations/equal-pay-audits-a-further-consultation>

However, even the most comprehensive plan for change will fall flat if it is not adequately funded.

Women, especially Aboriginal women, racialized people and people with disabilities are particularly at a disadvantage in today's economy. In 1995, the Mike Harris government in Ontario repealed the *Employment Equity Act*, which addressed systemic workplace discrimination in recruitment, employment conditions and retention. More recently, the 2004 Federal Pay Equity Task Force Report documented the pay disparities faced by these groups and called for strengthened laws to address them. Ultimately, a well-funded and expanded pay and employment equity legislative program is required to reverse the decades of inaction by government.

Ensuring that Ontario's Pay Equity Commission is properly-resourced and mandated to ensure enforcement and compliance is of paramount importance. Undertaking meaningful steps to close the gender wage gap also presents an important opportunity to improve all employers' understanding of equal pay law, particularly the concept of equal pay for work of equal value, and to ensure that, regardless of their size, their pay structures are transparent, and non-discriminatory.<sup>14</sup>

In Ontario, the majority of women work in a non-standard employment relationship. A non-standard employment relationship is defined as 'Precarious employment' which in a broad sense of the word, loosely translates as 'insecure', 'undesirable' and/or poorly compensated forms of work. Conversely, a 'standard employment relationship' (SER for short) have a number of defining features including full-time hours, job permanence, predictable scheduling, decent wages, access to extended health benefits such as dental and vision care, retirement security through a pension and other statutory entitlements. SER's can also include things like access to training, some degree of control over the labour process and regulatory protection.

The SER has been in decline for decades and has been increasingly replaced by precarious employment, which is a non-standard employment form on the opposite end of the spectrum. The authors of *The Precarity Penalty* argue that the narrowest definition of employment precarity, one based on the form of the employment relationship, is temporary employment and self-employment without employees ('own account' or 'solo' self-employment).<sup>15</sup> Noack and Vosko developed a measure of employment precarity based on four indicators: no union coverage, no company pension plan, small firm size (fewer than 20 employees) and low wage jobs (measured as 1.5 times the minimum wage).<sup>16</sup>

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<sup>14</sup> Mary Cornish, Fay Faraday and Jan Borowy, "Securing Employment Equity by Enforcing Human Rights Laws," Chapter 10 in Carol Agocs (ed.). *Employment Equity in Canada: The Legacy of the Abella Report*. Toronto: University of Toronto Press, July 2014.

<sup>15</sup> Poverty and Employment Precarity in Southern Ontario, *The Precarity Penalty: Summary* (Toronto: May 2015), p. 23.

<sup>16</sup> Noack, A.M. and Vosko, L.F., 2011. 'Precarious Jobs in Ontario: Mapping Dimensions of Labour Market Insecurity by Workers' Social Location and Context'. Toronto: Law Commission of Ontario, p. 13.

Precarious jobs can also be given an encompassing definition that includes one or more elements of labour market insecurity. Precarious jobs include any form of temporary employment (contract, on-call, seasonal), part-time employment or poorly paid employment that lacks benefits and a company pension plan. In the final analysis, Noack and Vosko characterize a precarious job as having high levels of uncertainty, low levels of income, a lack of control over the labour process and limited regulatory coverage.<sup>17</sup>

If precarious jobs are characterized by low levels of compensation, predictability and security, what effect do these jobs have on the workers, namely women, who perform them and on the families and communities that depend on them?

As such, the *Employment Standards Act* (ESA) must be amended to ensure that precarious part-time, part-year, contract, temporary agency workers are paid the same rate as full-time workers, especially those performing the same tasks. Further, an increase in the minimum wage is required.

As well as an overall annual gender pay gap figure, employers should have to publish information on the distribution of men and women in the workforce, some measure of the part-time or precarious pay penalty, existent pay gaps within job classifications, grades or job roles and pay gaps in bonuses and other additional payments.

### Joining a Union – a Proven Benefit

The ability for women to join a union is proven to be a significant contributing factor toward reducing the gender pay gap. Commonly referred to as the “union advantage”, the benefits of unionization act as catalysts for progress - in all equity matters.

In Ontario, the proportion of workers earning \$12.10 per hour or less (the minimum wage plus 10 percent) has reached more than 19 percent of the workforce. In 2015, the Canadian Centre for Policy Alternatives estimated that a living wage for a Toronto family with two children and two adults working full-time would be \$18.52 per hour.<sup>18</sup>

Women are more likely to work for minimum wage than men. In 2009, they represented just over 60 percent of minimum-wage workers, although they made up one-half of employees. The overrepresentation of women in this category of workers earning minimum wage is observable among all age groups, but more significantly for women 25 years of age and over, whose rate was twice as high as that of men the same age.<sup>19</sup>

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<sup>17</sup> Ibid., pp. 3-5.

<sup>18</sup> Mackenzie, H. Stanford, J. Canadian Centre for Policy Alternatives, A Living Wage for Toronto. November 2008. [https://www.policyalternatives.ca/sites/default/files/uploads/publications/Ontario\\_Office\\_Pubs/2008/A\\_Living\\_Wage\\_for\\_Toronto.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/Ontario_Office_Pubs/2008/A_Living_Wage_for_Toronto.pdf)

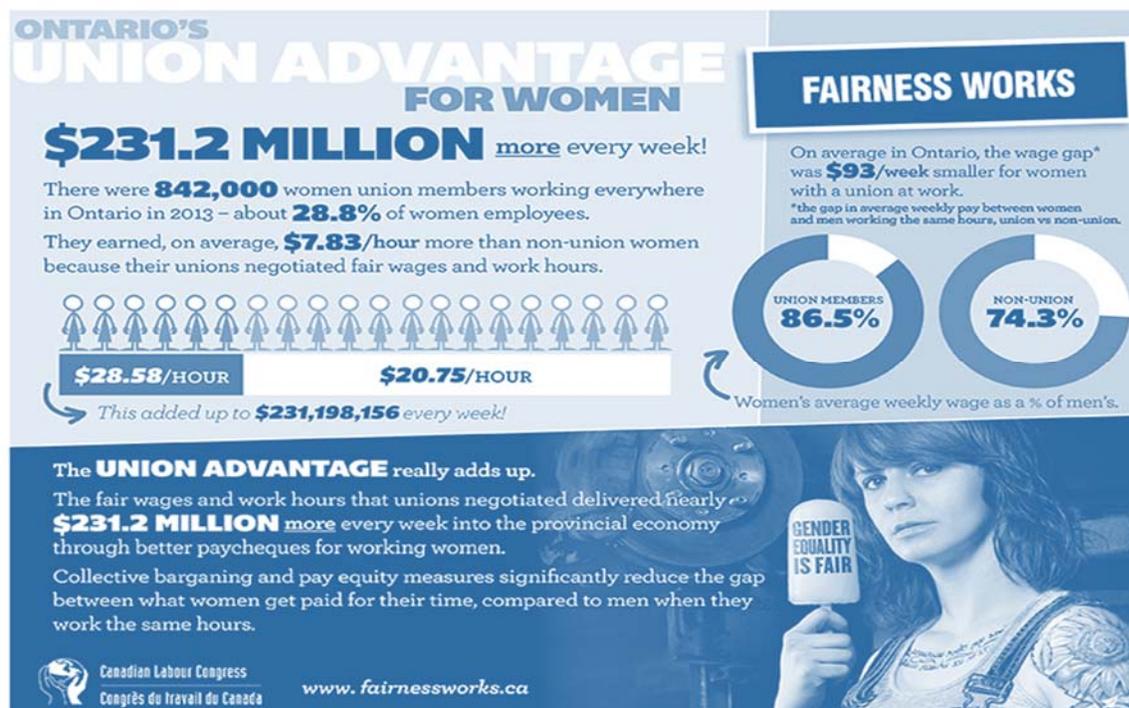
<sup>19</sup> Statistics Canada, The Daily, “Inside the labour market downturn.” February 23, 2011. Retrieved at: <http://www.statcan.gc.ca/dailyquotidien/110223/dq110223b-eng.htm>

As highlighted in the OFL's Submission to the Changing Workplaces Review, making it easier for women to join unions not only ensures greater pay equity, it also affords greater protection from predatory employment practices and discrimination of all kinds.

While there are many causes to the problem, it is clear that Ontario's labour and employment laws are an important aspect, and need to be fixed. The gender wage gap continues to reflect a deep systemic discriminatory failure in the province's current legislative framework to protect women workers and ensure that they have a true voice in the conditions of their work.<sup>20</sup>

The Canadian Labour Congress notes in its recent "Fairness Works" campaign that there were **842,000 women** union members working throughout Ontario in 2013 – this is approximately **28.8 percent of all women employees**. They earned, on average, **\$7.83/hour more** than non-union women because their unions negotiated fair wages and work hours. The fair wages and work hours that unions negotiated delivered nearly **\$231.2 million more every week** into the provincial economy through better pay cheques for working women.<sup>21</sup>

Figure 1: Ontario's Union Advantage for Women, 2013.



Source: Canadian Labour Congress, (2014) "Fairness Works Campaign".

<sup>20</sup> Equal Pay Coalition. "Equality, Fairness and Transparency in Ontario Workplaces" Submission to the Changing workplace review. (2015)

<sup>21</sup> Canadian Labour Congress, (2014) "Fairness Works Campaign" retrieved at <http://canadianlabour.ca/why-unions/women/ontario>

Longitudinal studies of union density in Canada informs that the rate of unionization has fallen from a rate of 42.1 percent in 1981, to a rate of 30.4 percent in 2014. While historically a smaller proportion of women were unionized, by 2006 this trend had shifted and now a greater proportion of women than men are unionized.<sup>22</sup> This phenomenon is a product both of the high levels of unionization within the public sector, especially in health care and education where women are concentrated, and the loss of manufacturing and forestry sector jobs that tended to be dominated by men.

Inequality and precarious work are on the rise, and joining a union is a key path out of poverty for Ontario workers.<sup>23</sup> Unions tend to improve working conditions and wages and thus help to turn poorly paid jobs into decent jobs. Consequently, workers must be able to assert their right to join a union. But the changing economy and inequitable government policies have resulted in a growing power imbalance between management and organized workers, while leaving millions more workers labouring without a union to represent them. For non-unionized workers, they must rely on inadequate and poorly-enforced employment standards to protect their interests.

### Promoting Workforce Participation, Education and Opportunity

Legislative change or training and education streaming alone will not close the gender wage gap. A multi-faceted approach to reducing the gender gap is required.

In addition to mandating employers to take action to narrow the gender pay gap. The aim of meaningful engagement must require employers, and government to act upon all causes of the gender wage gap. If the results of this consultation does not help identify the main causes of the pay gap, then it certainly will not help to address those causes.

We have known for well over a century that the primary factors that determine whether your life will be long or short; healthy or sick; fulfilling or empty with despair – are the living conditions experienced over an individual’s entire lifespan. As such, these living conditions are important measures, which the academic community have come to refer to as the Social Determinants of Health (SDOH).<sup>24</sup> The World Health Organization (WHO) describes SDOH as “the conditions of daily life – the circumstances in which people are born, grow, live, work, and age” and how they result from inequitable distribution of power, money, and resources – the structural drivers of conditions of daily life – globally, nationally, and locally.”<sup>25</sup>

Essential to closing the gender wage gap is to view the dimensions where the social determinants that affect women’s daily life intersect. Specifically, access to education, affordable childcare, training and education opportunities, carry just as much weight and

<sup>22</sup> Statistics Canada. Cansim table 282-0078. Accessed January 4, 2016.

<sup>23</sup> Sheila Block, “A Higher Standard: The case of holding low-wage employers in Ontario to a higher standard” (June 2015). Canadian Centre for Policy Alternatives, p. 16.

<sup>24</sup> Dennis Raphael, (November 2015) *The Political Economy of Health: A Research Agenda for Addressing Health Inequalities in Canada*. University of Toronto Press, To be published in the Journal of Canadian Public Policy

<sup>25</sup> World Health Organization (2008) *Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health*. Geneva; WHO

importance as do rates of pay, value for work propositions, or the traditional wage bargain.

Table 1: Descriptive statistics for men and women employed full-time — Change in selected characteristics from 1998 to 2011 in Canada.

	Men			Women		
	1998	2011	Change	1998	2011	Change
<b>Change</b>						
<b>Workers aged 17 to 64</b>						
Average tenure (months)	102.2	99.9	-2.3	94.2	101.3	7.1
Percent with a university degree	19.4	24.6	5.2	20.4	29.9	9.5
Percent unionized	33.0	29.7	-3.3	31.3	33.1	1.8
Percent in health occupations	1.5	1.9	0.3	8.9	11.7	2.8
Percent in occupations in social sciences, education, and government service	5.2	5.3	0.1	11.2	14.5	3.3

Source: Statistics Canada, 1998 to 2011 Labour Force Survey.

As noted in Table 1 above, the evolution of the Canadian wage bargain details that women are increasingly working for longer periods, attaining higher levels of education, are joining unions in greater numbers and are increasingly occupying positions in healthcare, education and government services in far greater numbers than in the past.<sup>26</sup> Yet, Ontario women have not seen measurable progress towards closing the large gender pay gaps they face.

What results is a balancing act, whereby women balance the demands of an increasingly flexible labour market and increasingly inflexible unpaid care work or the unequal distribution of household labour. Women's "double burden" and time poverty are further exacerbated where they take on added care obligations as the Ontario government has rolled back, privatized and eliminated public services.<sup>27</sup>

With an aging demographic, the need for women to balance the unpaid care work of raising children and the demand of caring for parents or elder relatives on the negligible proceeds of precarious, low paying minimum wage jobs, women in Ontario will continue to face yet another barrier for women to navigate.

Until the government invests substantial resources in affordable childcare and develops a provincial strategy for meeting the needs of an aging population, women will remain precariously situated compared to men in Ontario and at a disadvantage.

<sup>26</sup> Statistics Canada, 1998 to 2011 Labour Force Survey. Retrieved at <http://www.statcan.gc.ca/pub/11f0019m/2013347/t003-eng.htm>

<sup>27</sup> Equal Pay Coalition. "Equality, Fairness and Transparency in Ontario Workplaces" Submission to the Changing workplace review. (2015) p.13

## Consultation Questions

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1. *What encourages and what prevents women from pursuing employment in jobs that tend to be male-dominated (e.g. STEM – science, technology, engineering, math – or skilled trades)? And what encourages and what prevents men from pursuing employment in jobs that tend to be female dominated (e.g., nursing, child care, social work)?*
- 

The primary reason that men and women continue to do different work, often in different workplaces with men dominating higher-paying “production”, supervisory and management positions and women dominating lower-paying, precarious, care giving, home-based or informal jobs is a result of many factors, which academics have come to refer to as persistent occupational segregation,<sup>28</sup> as manifested by the gender hierarchy.<sup>29</sup>

Myths that serve to undervalue the role and nature of women’s work do untold damage: society as a whole loses out when only market valuation matters are considered.

As the Ontario Equal Pay Coalition notes in their submission to Ontario’s Changing Workplace review:

“Women made up 21% of managerial positions in 1987 and this has gone virtually unchanged with women now making up 22% of the total employed in managerial positions. In 1987, 5.2 per cent of women worked in trades, transport and construction and this has remained virtually the same with women making up only 7% of this occupational category.

Traditionally-female dominated occupations have not seen a change. Nurses are 87% women and this had not changed since 1987. In clerical and administrative positions women remain at 75% to the total employed. Very few professional occupations have seen modest changes. The business and finance sectors have seen some improvements. Women now make up 51.3% of the total employed in the sector compared to 38% in 1987.”<sup>30</sup>

According to Statistic Canada, “Women in Canada 2006 Report”, there has been virtually no change in the proportion of women employed in these traditionally female-dominated occupations over the past decade.

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<sup>28</sup> Loutfi, Martha Fetherolf (ed.) Women, gender and work: What is equality and how do we get there? Geneva, International Labour Office, 2001

<sup>29</sup> International Labour Organization (ILO). International Labour Review, Vol. 136 (1997), No. 3., Geneva.

<sup>30</sup> Equal Pay Coalition. “Equality, Fairness and Transparency in Ontario Workplaces” Submission to the Changing workplace review. (2015) p 13

In fact, the share of female workers employed in these areas in 2004 was almost exactly the same as that in 1996. In 2004, 67% of all employed women were working in teaching, nursing and related health occupations, clerical or other administrative positions, and sales and service occupations. This compared with just 30% of employed men.<sup>31</sup>

The Ontario Equal Pay Coalition also notes:

The pervasive occupational segregation of Ontario's workforce by sex corresponds with a value system in which men's work is considered superior economically, socially and legally. Women's full integration into the labour market continues to be resisted and surrounded by patriarchal, stereotypes, prejudices, misconceptions and culturally-based expectations about gender roles and what constitutes "valuable work worthy of protection".

Women remain primarily responsible for unpaid housework and caring for children, the sick and elderly. This creates significant stress in reconciling their unpaid and paid work responsibilities and increasing their work hours and therefore paid income beyond that of men. Regardless of the reasons, the evidence suggests that giving birth to a child lowers the future earnings of a Canadian mother compared to a comparable woman without children by between 5% and 13%.<sup>32</sup>

A longitudinal study of data from jurisdictions around the world also indicates participation rates and employment in full-time jobs tend to be lower for women because, women more generally, still bear the primary responsibility for child care, as well as elder care and work in the home. In almost every instance, the gap between the employment rates of women and men increases with the presence and number of children in a family.<sup>33</sup>

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*2. What kinds of services and supports might help men and women to consider pursuing and succeeding in non-traditional careers? What can businesses, business organizations and sectors do to attract and retain both men and women in non-traditional careers?*

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Dismantling the attitudinal barriers that persist will require a detailed strategy. The solution in supporting men and women to consider pursuing and succeeding in non-traditional careers is contingent on many factors. At the heart of the issue is the perception that the traditional work of "men" carries greater value, than the traditional work of "women". To shift this perception, we must build mechanisms which accurately count and value both women's and men's work in all public policies and laws.

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<sup>31</sup> Statistics Canada (2006) *Women in Canada: A Statistical Report*, Ottawa: Statistics Canada

<sup>32</sup> Equal Pay Coalition. "Equality, Fairness and Transparency in Ontario Workplaces" Submission to the Changing workplace review. (2015) p.13

<sup>33</sup> Canadian Labour Congress (CLC) 2008, "Women in the Workforce: Still a Long Way from Equality. March, 2008. Available at <http://canadianlabour.ca/sites/clc/files/womensequalityreportEn.pdf>.

Segregation of work by gender has been deeply imbedded into our society, thus an equally robust strategy to dismantle those barriers will be required.

To aid in the reshaping of the public's "mental models" of traditional gender roles, we must start with the recognition and support for the right of workers, regardless of their gender, to choose the jobs or careers they wish to pursue. To ensure unfettered access to jobs and career paths, business, labour and government must be required to do so by mandatory, pro-active employment equity legislation.

As noted above, access to affordable, quality child care, affordable education and training and development opportunities will have an enormous impact on women's ability to participate in the labour market. Governments must take a pro-active approach to ensuring that women have the supports and access to services that will allow them to fully participate in the economy.

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*3. Do the current laws (pay equity, equal pay for equal work, human rights) protect women from gender-related workplace discrimination and harassment? If not, how can these laws be improved? Can the operation of these laws be improved from the perspective of employers?*

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Protecting women from gender-related workplace discrimination and harassment requires a dynamic whole-scale procedural shift from a complaint-based structure toward a compliance structure. That is to say that we must be proactive, rather than reactive.

On-going monitoring, reporting processes and follow up that occurs within a defined time frame are necessary in order to ensure the practical implementation of *Pay Equity measures, or Equal Pay for Equal Work and Human Rights legislation*.

Improving on delivery outcomes requires a strong mandate of enforcement, with dedicated and appropriate staffing levels and dedicated financial resources to ensure compliance.

Provincial and local governments in Ontario, businesses and other organizations rely on the undervaluation of women's work and the persistent gender pay gap – staying where it is. Far too often they depend on access to cheaper, undervalued women's work and pay realities in the provision of public services, such as long term care, social work, or education. Just as the public sector has come to undervalue the contribution of women, so to does the private sector. A tertiary look at minimum wage jobs, characteristics and precarious employment data – particularly in retail and the service sectors of the economy – shows with alarming preponderance the over representation of women, and specifically racialized women, and new immigrants.<sup>34</sup>

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<sup>34</sup> Vosko, Leah F and Lisa F Clark (2009). Canada: Gendered Precarious Employment and Social Reproduction. Gender and the Contours of Precarious Employment, Routledge.

Governments and businesses have resisted paying women's work what it is worth and have used the uncertain economic times to either “freeze in” women's pay inequality or to make matters worse for women by creating more precarious and low paid work.

These are the dynamics we need to name and break out of.

Indeed, there are business and economic benefits to closing the gender pay gap. However, governments and businesses must understand that they are not free to decide to act only when they are persuaded of the benefits – when someone has presented a good “business case for change.” Not only does it make good business sense, it is also the right thing to do. Whether or not to provide the human right of women to access labour markets “free of discrimination”, is non-negotiable. Inaction is not an option – to decide that gender equality is not affordable or that it can wait till other priorities are dealt with, will not suffice.

The needs of women need to be put at the head of the line when determining priorities. Ontario needs to stop leaving women to languish in lower paid, inferior jobs or without jobs at all because of their care responsibilities, or as the result of the barriers they face in gaining decent work.

Ensuring Ontario women have pay equality with men is first and foremost a matter of human rights and redressing discrimination. Given the rising workforce participation and higher education rates for women, that goal is clearly achievable.

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#### *4. How could government, business, unions and individuals support caregiving responsibilities?*

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Support for caregiving responsibilities starts with valuing the work of caregivers. For far too long and too often, this important work has been undervalued. Home care and child care work is one of the most precarious employment forms and it has seen virtually no inflation-adjusted increase in average hourly pay in the past two decades.<sup>35</sup>

Unions support caregivers through representation and collective bargaining. However, while we applaud the current Liberal government for restoring some measures of fairness for workers – we acknowledge that restoring successor rights for public sector workers has been a crucial improvement – we note that workers employed in some of the most precarious employment, in female dominated sectors of the economy like food services, cleaning, security, home care and personal support services, were excluded from such protection, even though these are workers most in need of supportive legislation.

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<sup>35</sup> UNIFOR. “Submission to the Ontario Changing Workplaces Consultation Process”. September 2015.

To cast the greatest safety net, governments must also commit to stable funding for public services. Simply put, the creation of an affordable, universal public, non-profit child care system will greatly improve the lives of women in Ontario.

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*5. What types of workplace programs and policies could address the barriers that prevent women from being hired, being promoted and achieving leadership positions?*

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Recent trends in declining union density underscore the need to ensure that workers can freely exercise their rights to form unions. This is a critical step to ensuring that fair hiring practices, transparent promotion processes and leadership development opportunities are available to women in Ontario.

Unions have long been the guardians of equity and equality in workplaces throughout the province, across Canada and indeed, around the world. Further, reinstating Employment Equity Legislation in Ontario is of paramount importance.

Championing equity in the workplace requires planned structural changes and deliberate approaches within the labour market. It is critical that equity be integrated at the core of all organizations and practiced in their daily work, at every level. This includes equitable governance structures, programs and human resources.

It has taken considerable energy to overcome the road blocks but the Ontario Federation of Labour, and affiliated unions have an equity lens and inclusive objective at the heart of their organizations. Creating more accessible opportunities for leadership training and development is a crucial practical step toward making our organizations more inclusive.

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*6. What actions could employers take to ensure that women receive equal opportunities for training and advancement?*

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The fact that inequity is a systemic issue within our society is well document in study after study. Despite years of work by unions to negotiate equity plans and programs, many workplaces do not reflect the diversity of the communities in which we live. Groups that are traditionally not represented – or underrepresented – include women, workers of colour, Aboriginal workers, workers with disabilities, lesbian, gay, bisexual and transgender workers. It is important to ensure that our workplaces are open to everyone in our communities, including groups that have historically been marginalized in the labour market.

Employers have a responsibility to ensure that workplaces are inclusive and free from discrimination. However, inequalities often exist as a result of years of hiring practices

that have excluded certain groups, usually unintentionally. For example, an employer may require unnecessary educational qualifications for certain jobs which act as a barrier for people who have difficulty accessing higher education.

### **EXAMPLES OF POSITIVE MEASURES THAT EMPLOYERS CAN IMPLEMENT**

- Provide funding for training and apprenticeship positions.
- Select a member of a marginalized group when qualifications and seniority are relatively equal in a job competition.
- Target outreach to marginalized group communities.
- Provide sensitivity courses related to marginalized groups.
- Establish bridging positions to enable marginalized group members to gain the qualifications and experience needed to advance.
- Implement work-family balance policies such as child care or elder care.
- Implement flexible work programs.
- Implement mentoring programs.
  
- Implement anti-harassment programs and policies.
- Implement accommodation measures.
- Recognize that there is more than one way of doing things.

Employers could take these measures. In reality most will not unless legislation requires them to do so.

Clearly, systemic discrimination calls for systemic remedies such as pay equity and valuing of “women’s work” in addition to mandatory employment equity legislation that ensures the removal of barriers to full participation in the work force.

The goal of employment equity is to change representation in the workplace to better reflect the community. Through employment equity programs, designated group members not only get fair access to jobs, they also have a work environment that encourages them to stay and advance within their workplaces. Special measures such as training and career development opportunities for all designated group members and accommodations for persons with disabilities, are important. These measures do not mean that people would be placed in positions for which they are not qualified, nor would performance expectations be different.

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7. *Some jurisdictions require workplaces to report on their progress on addressing workplace gender imbalances and gender wage gaps. What would the effect be if Ontario required this?*

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As noted throughout this Submission, the Ontario Federation of Labour fully supports the monitoring and enforcement of mandated pay equity measures. Until such time as systemic labour market discrimination is eradicated, the province has no choice but to

take an active and visible role in ensuring pay equity measures are enforced and universally applied throughout Ontario, regardless of the size of the employer.

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8. *Are some groups of women and men (e.g., Aboriginals, immigrants, those in low-income families, women with disabilities), more affected than others? In what way? How could these negative impacts be prevented?*

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The earnings pay gap is much greater for Aboriginal women, racialized and immigrant women and women with disabilities. Racialized women earn 19% less than non-visible minority women and 24% less than racialized men. First-generation immigrant women earn 18% less than non-immigrant women and 27% less than immigrant men. Aboriginal women's median income is 17% less than those of non-Aboriginal women, and lags 25% behind the earnings of Aboriginal men and 40% behind the earnings of non-Aboriginal men. Women with disabilities earn 75% of women without disabilities, which produces a pay gap on top of a pay gap.<sup>36</sup>

The OFL recognizes that Indigenous people, people with disabilities, members of racial minorities and women, experience higher rates of unemployment than other people in Ontario. In addition, we recognize that people in these groups experience more discrimination than other people in finding employment, in retaining employment and in being promoted. As a result, they are underrepresented in most areas of employment, especially in senior and management positions, and they are overrepresented in those areas of employment that provide low pay and little chance for advancement. The burden imposed on the people in these groups and on the communities in which they live is unacceptable.

Compounding these issues, some provinces like Ontario, have abandoned employment equity legislation. A first step in tackling this mounting inequality is for the provincial government to establish an Ontario Anti-Racism Directorate. In addition, the government of Ontario must ensure the Anti-Racism Secretariat outlined in the *Human Rights Code Amendment Act* is assigned adequate resources and that the mandate to advance racial justice is a prerequisite throughout Ontario.

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<sup>36</sup> M. Cornish, *A Growing Concern Toronto: Canadian Centre for Policy Alternatives Gender Equality report*. 2014.

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9. *Societal attitudes can create barriers. Please give examples of how government, business, labour, advocacy groups, individual leaders or others could help change attitudes about women's roles, value and contributions in the workplace.*

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It is important to embed a gender-based analysis to closing the gender pay gap across all government and business decision-making strategies, policies, practices and laws. Given the embedded nature of Ontario's persistent gender pay gap, government and business must transform Ontario's economy and workplaces so that they can begin to deliver fair pay to all women and their families.

Preliminary issues to consider include:

- the development of new strategies, policies, programs and laws, or the modification of existing ones to ensure government and business actions serve to close and not widen Ontario's gender pay gap;
- assess whether current government and business strategies, policies, programs or laws have a differential impact on the earnings or ability to earn of Ontario men and women and the future earnings of girls and boys;
- whether women facing discrimination on multiple or intersecting grounds experience a greater impact on their earnings or ability to earn;
- reflect and address the lived unequal compensation experiences of men and women in Ontario; and
- government and business must take a pro-active approach to including mechanisms in strategies, policies, programs and laws to ensure that women's work is not undervalued and is compensated properly and free of discrimination.

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10. *The gender wage gap will not be closed by a single solution. It will require a variety of approaches. What ideas or best practices can you share? (e.g., educational or awareness campaigns, economic incentives or penalties, income supports, social programs, partnership development, etc.)?*

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Minimum wage laws are a key pay equity measure. Women account for two-thirds of the minimum wage earners. Aboriginal women, immigrant and refugee women, women with disabilities and racialized women are even more likely to be working at the minimum wage. Without the benefit of a union, their employers have ignored their obligations to

make sure that women's work is paid equal to men's work of comparable value. Low minimum wage policies ensure that women and their children remain poor.<sup>37</sup>

Increasing the minimum wage will have a significant impact on closing the gender pay gap and reducing women's poverty.

Given that the majority of women work in a non-standard employment relationship, the *Employment Standards Act* (ESA) should be amended to ensure part-time, part-year, contract and temporary agency workers are paid the same rate as full-time workers.

## Conclusion

What should be abundantly clear is that closing the gender wage gap in Ontario will require a multi-faceted and targeted strategy. Ensuring that the strategy is formulated through a gender and equity lens and addresses the systemic and structural root causes of the existent pay gap is essential. The Ontario Federation of Labour will endorse an action plan that expresses meaningful action and that at its core will seek to remedy the ongoing discriminatory practices and human rights violation that women in Ontario are subject to.

Anything short of meaningful and progressive measures that seek and succeed to put an end to the practice of the undervaluation of the work of women in Ontario and inequality under the law, and throughout the economy, will be an opportunity lost.

RH/ss/cope343

January 15, 2016

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<sup>37</sup> Equal Pay Coalition. "Equality, Fairness and Transparency in Ontario Workplaces" Submission to the Changing workplace review. (2015) p.21



