

# Ontario urged to tackle gender pay gap with transparency law <sup>[1]</sup>

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## EXCERPTS

Ontario must urgently introduce pay transparency laws to tackle a gender wage gap that has remained virtually unchanged for 30 years – the legacy of inadequate enforcement and funding, according to equal pay advocates.

The changes proposed by the Toronto-based Equal Pay Coalition would require employers to report and post hourly wage and pay arrangements, including the breakdown of part-time, contract and temporary agency employees as women increasingly bear the brunt of precarious work.

“Canada and Ontario are no longer on the leading edge on this. Canada’s standing in global ranking has been falling because of the failure to address women’s economic inequality,” said Fay Faraday, co-chair of the Equal Pay Coalition.

“The reality is that having discrimination-free wages is a non-negotiable. There is no other starting point for this discussion.”

The gender pay gap in Ontario is 30 per cent, according to the Equal Pay Coalition’s calculation – a gap that narrowed by just 6 per cent since the late 1980s. To put the figure in perspective: if a man were to retire today at 65, a woman would have to keep working until she was 79 to quit with the same earnings.

The gap sharpens considerably based on race and origin. The pay gap for indigenous women is 57 per cent, for immigrant women it is 39 per cent, and for racialized women it is 32 per cent. Women also make up the majority of minimum-wage earners and part-time workers.

Recently, Iceland became the first country in the world to force employers to prove they pay men and women equally. Advocates want Ontario to follow suit – and on Monday sent the Ministry of Labour a ready-draft piece of legislation as a template.

“I think there’s consensus amongst experts in this area that pay transparency – knowing what women are paid compared to what men are paid – is really critical,” said Jan Borowy, a Toronto-based lawyer and fellow chair of the coalition.

“It imposes an obligation to actually expose what you’re doing,” Faraday adds.

But amongst equal pay advocates, there is frustration at perceived foot-dragging.

Ontario’s Pay Equity Act, instituted in 1987, was once hailed as trailblazing the world over. But after its establishment 30 years ago, the Pay Equity Commission budget has decreased by half – from around 6 million to about 3 million, according to its annual reports.

Many of the cuts came under Mike Harris’s Conservative government – including the elimination of the publicly funded pay equity legal clinic, which helped low-income, non-unionized women enforce their rights. Commission staffing has dropped from around 70 employees in the early ’90s to 25.

“Employers and parties need to know the act exists. Without having resources to do massive education campaigns, that puts people at a disadvantage,” said Emanuela Heyninck, who heads the Pay Equity Office.

Kathleen Wynne’s government has ordered the Ministry of Labour to tackle the gender wage gap and in the fall of last year, it appointed a working group on the topic – but it has taken until this week to mobilize its first ever meeting, according to the Equal Pay Coalition.

Meanwhile, critics say female-dominated sectors such as caregiving continue to be systematically undervalued. Nancy John, a caregiver from Tillsonburg, Ont., says it took the threat of legal action to get her employer to settle a longstanding pay equity dispute – and at the rate the wage adjustments will now be paid, she will never reach full pay equity with equivalent male-dominated jobs in her lifetime.

“You don’t feel as valued as if someone says, that’s just not right,” she told the Star.

“People see caregiving done by women as something that at one point in time it was expected of us. There is still some connotation that women are just natural caregivers. People don’t necessarily see it as a career.”

Even though pay equity is a legal obligation in the province, Borowy calls the commission’s enforcement system “woefully inadequate” despite “widespread” employer non-compliance. (According to the Commission’s own statistics, more than half of employers probed in

2013/2014 were in violation of pay equity laws.)

Heyninck says her team has done its best given limited resources – but says a lean staff can make robust enforcement difficult.

“If you want robust enforcement, obviously the more folks you have the better,” she told the Star.

Stronger measures, Faraday says, must zero in on precarious work, which research shows is more likely to impact women. Advocates say they are disappointed that an ongoing government review of workplace standards, the so-called Changing Workplaces Review, has not been focused on gender inequities.

In a statement to the Star, Minister of Labour spokesperson Michael Speers said the government “believes that considerations of gender are an essential component of our policy development process.”

“In their Interim Report on the Changing Workplaces Review, the Special Advisors noted the widespread agreement that a growing number of women are ‘working in low-wage jobs, many of them temporary, many of them unstable with little or no security, and mostly without benefits,’” Speers added.

“We are committed to creating laws in this province that help address this, and truly advance women’s equality in the workforce.”

That task is essential, according to Faraday, because “the cult of flexibility in the workplace is about making work more precarious. And women – racialized women in particular – overwhelming predominate precarious work.”

“This is a once generational opportunity to look at our legislative protection for decent work and decent lives. To not have that deep equity based analysis of who is impoverished in our society is inexcusable in this day and age,” she added.

“There’s still real resistance to taking this seriously,” Faraday said.

“Because it’s just cheaper to pay discriminatory wages.”

-reprinted from Toronto Star

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