

Coalition of Women's groups to argue for pay equity at the Supreme Court of Canada ^[1]

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EXCERPTS

On June 22, 2017 the Supreme Court of Canada granted the Ontario Equal Pay Coalition, the New Brunswick Coalition for Pay Equity and the Women's Leaf Education and Action Fund (LEAF) status to intervene in a pay equity case that is significant for women across Canada. At issue is women's access to pay equity in female-dominated workplaces such as childcare centres.

The constitutional challenge was brought by unions representing childcare workers, and others, in Quebec. The case challenges sections of Quebec's pay equity law that denied women in female-dominated workplaces access to pay equity for a five year period. The law also denied retroactive pay as a remedy for the wage discrimination the women experienced during that five year period. The Quebec unions representing the women workers say the Quebec law violates the right to equality guaranteed in the Canadian Charter of Rights and Freedoms.

The intervener coalition agrees. "This Coalition brings together two well-recognized pay equity expert organizations representing English and French language constituencies at both the provincial and federal levels, along with LEAF with its long-standing equality rights expertise," said Fay Faraday, a lawyer representing the Coalition.

"We want to ensure the Court applies a robust equality analysis that recognizes how systemic discrimination structures women's work," said Faraday. "There is a very direct connection between our gender-segregated labour market and women's lower wages."

"Women's access to pay equity, particularly in female-dominated workplaces, is a question of women's economic justice," said Patty Coates, Secretary-Treasurer of the Ontario Federation of Labour. As an active member of the Equal Pay Coalition, the Ontario Federation of Labour and its affiliates are very pleased by the Court's decision to enable the voices of women to be heard.

The Supreme Court of Canada will hear the case on October 31, 2017. Fay Faraday and Jan Borowy are counsel representing the Coalition.

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