

INTRODUCTION TO THE PAY EQUITY RESOURCE GUIDE: BIBLIOGRAPHY WITH SELECTED ANNOTATIONS

Jan Kainer

Labour Studies Programme, York University, Toronto, Ontario, Canada

Rosemary Warskett

Department of Law, Carleton University, Ottawa, Ontario, Canada

In the fall of 1999 The Centre for Research on Work and Society (CRWS) solicited a bibliography on pay equity to serve as a resource guide for trade unionists, students and scholars engaged in research on gender pay inequality. Anyone tracking pay equity developments knows that important political and legal action on this issue continues to find fertile ground in Canada. In Québec in 1995 the Women's March Against Poverty culminated in nine demands for economic justice; this protest march moved the Québec government to pass pay equity legislation in 1996. In 2000 the Fédération des femmes du Québec in Montreal initiated the World March Of Women a protest march demanding the elimination of women's poverty and violence against women. The Fédération des femmes du Québec inspired protest marches in dozens of countries around the world.

In 1999 the Saskatchewan Union of Nurses (SUN) engaged in an illegal strike; a key demand was to obtain pay increases equivalent to public health nurses in the federal

civil service who had received a pay equity adjustment. The SUN was subsequently charged with contempt of court and fined for their actions. The strike in Saskatchewan was strongly supported by the women's movement and the Pay Equity Coalition of Saskatchewan. Currently teachers in Québec are engaged in a dispute with the Québec government over the application of the *Pay Equity Act*. During the 1990's a series of pay equity complaints resulted in a flurry of court decisions, many at the federal level. After 14 years of litigation, the Public Service Alliance of Canada finally achieved pay equity adjustments for an estimated 200,000 members, past and present. While this was a very important union victory, the federal Treasury Board refuses to accept that adjustments should be paid for all eligible employees, in all circumstances. An example where adjustments are not being applied is severance pay for laid off employees. As a result the PSAC has filed further complaints.

Pay equity complaints against Air

Canada and Canadian Airlines, which began in the early nineties over the meaning of the term 'establishment' as defined in the *Canadian Human Rights Act*, have yet to be successfully concluded and promise to continue for some time to come. A complaint against Bell Canada was recently reactivated; litigation of the Bell case suspended all hearings at the Tribunal until an appeal at a higher court reversed the lower court's decision. In December 2001, the Supreme Court of Canada agreed to hear Bell Canada's case that the Canadian Human Rights Tribunal is neither institutionally independent nor impartial, and cannot offer a fair pay equity hearing.

Following on the heels of *Treasury Board v. PSAC* and other decisions, the government announced in June 2001 the formation of the Bilson Task Force, whose responsibility is to review the equal value provision (section 11) of the *Canadian Human Rights Act*. In response to this initiative the Canadian Labour Congress (CLC) launched a Pay Equity Think Tank and developed a plan of action aimed at using the opportunity of the Pay Equity Task Force to rekindle discussion, refocus attention and renew commitment to equality struggles. In particular the CLC will urge the replacement of the complaint-based approach with a pro-active model at the federal level. The CLC's plan of action has two main thrusts: an education mobilization campaign component

and a research review that will develop proposals for legislative change. In spite of all the legal activity and attention around gender-based pay inequalities, employment law and other public policy has not significantly improved the plight of women. A recent study by Karen Hadley documenting the gender pay gap in Canada shows that in 1998 (the most recent data available) women's median after tax income was \$13,806 as compared to men's income of \$22,673. Hadley reports that although the gender gap has decreased since 1970, the narrowing of the gap is the result of men's lowering incomes. The data presented by Hadley points to the consequences of economic restructuring on women and men's earnings. However, women are located in areas of the labour market where work restructuring and downsizing are particularly evident. As has been shown by many labour market analysts, an outcome of restructuring is an increase in contingent or casualised labour - and women are far more likely than men to be inserted into the labour market as contingent or flexible workers. Meanwhile, provinces such as Ontario, have implemented employment laws that are contributing to labour 'flexibility' and weakening pay levels. The developments in Canada around public policy and restructuring are echoed in other parts of the world in which neo-liberal governments are

deregulating labour markets and enabling corporations to maximize the use of contingent labour. We hope the Annotated Pay Equity Bibliography offers a list of academic, government and pay equity advocacy resources that will be useful to anyone interested in the problem of unequal pay for women.

Note:

The *Pay Equity Resource Guide: Bibliography with Selected Annotations* can be accessed via CRWS's web-site at: www.yorku.ca/crws/payequity.htm. The bibliography has also been published in the Centre for Research on Work and Society's Working Paper Series. Contact CRWS via e-mail: crws@yorku.ca or telephone (416-736-5612) to order hardcopies.

References:

- Canadian Labour Congress 2001. CLC Pay Equity Think Tank: Report of the Meeting and Plan of Act, March. Ottawa, CLC.
- Hadley, K. 2001. *And We Still Ain't Satisfied: Gender Inequality in Canada, A Status Report for 2001*. Toronto: National Action Committee on the Status of Women/Centre for Social Justice Foundation for Research and Education.
- Kainer, J and R. Warskett 2001. *Pay Equity Resource Guide: Bibliography with Selected Annotations*. Centre for Research on Work and Society Working Paper no. 25. Toronto: CRWS, York University.