

# Closing the Gender Wage Gap

We Can Do it Through Collective Bargaining



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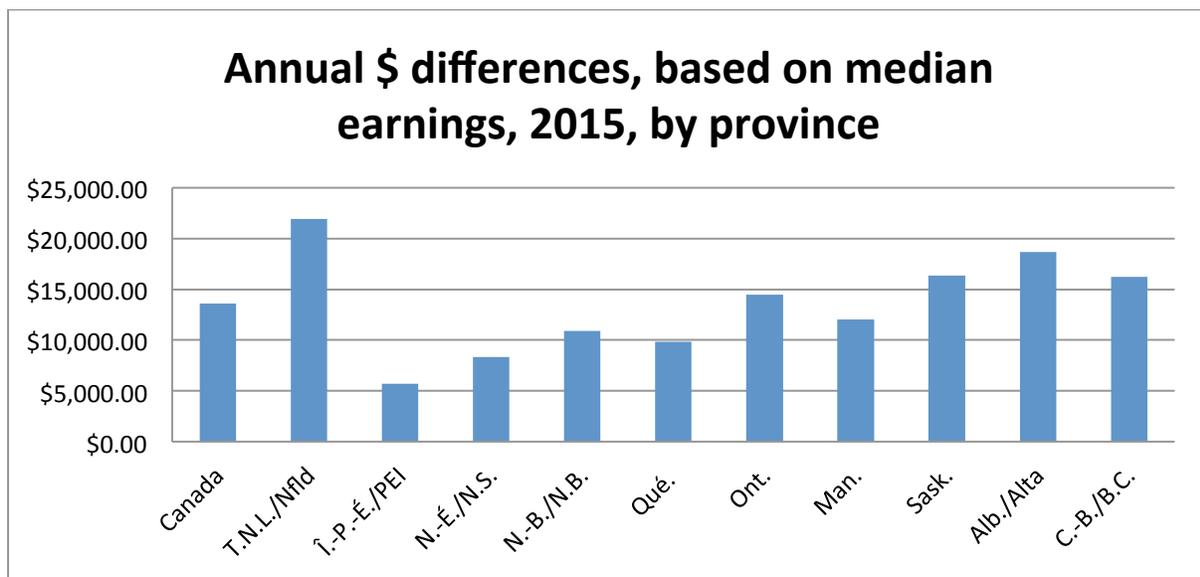
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## Closing the Gender Wage Gap – We Can Do it through Collective Bargaining

Regardless of where you live in Canada, there is a clear gender wage gap. If we look only at hourly wages, the gap is much lower than if we look at overall annual earnings.

We've made progress at eliminating some of the most glaring pay inequalities between men and women performing exactly the same job. But the work that women are more likely to perform (care work, for example) is still undervalued. And women are more likely to be employed part-time and to take time off (often unpaid) for family responsibilities. These are some of the factors that contribute to the gender pay gap in Canada.

### So, just how bad is it? Wage Gap by Jurisdiction:



Source: Statistics Canada, CANSIM Table 282-0073

The graph above shows the wage gap **for all women compared to all men**. The wage gap is *much higher* for Black and other women of color, Indigenous women, women living with disabilities, LGBTQ women and immigrant women. Newfoundland and Labrador and Alberta have the largest gaps (close to 40% based on annual earnings), while PEI has the lowest gap at roughly 20% based on annual earnings.

### What can we do about it?

There are legal remedies in *some* jurisdictions, but these are not enough!

### Equal pay for equal work vs. equal pay for work of equal value:

We often think that, because we're in a union and bargain a wage grid or wage rates, there's no gender pay gap because the same job will be paid at the same rate, regardless of the sex of the worker. Unions are often successful at ensuring **equal pay for equal work**. But that alone does not eliminate the gender pay and compensation gap. Despite the existence of wage grids, unionization does not automatically eliminate things like occupational segregation, where most

women work in certain job classifications and most men work in other classifications. The work that women are more likely to perform—whether it is in a single workplace or across the economy—is frequently undervalued. The concept of pay equity, or **equal pay for work of equal value**, seeks to eliminate the lower pay in female-dominated jobs or professions. This can be achieved through a formal pay equity process in jurisdictions where there is comprehensive legislation. In jurisdictions where there is no pay-equity legislation, it is often left to the employer and union (if a workplace is unionized) to identify and fix gender pay inequalities through job evaluation, collective bargaining and political action. Without an active push from women, this is unlikely to happen.

While pay equity may be a legal requirement, the union still plays an active role in the process, through involvement in job evaluation and ensuring that the employer is compliant with their pay equity obligations.

### **How can we use collective bargaining to reduce the gender *compensation* gap?**

Beyond formal pay equity legislation, we have significant power to reduce the gap through collective bargaining. We must always keep in mind that IF there is pay equity legislation, that will be a separate process from bargaining and it is not something we can bargain our way out of.

Even if there is pay equity legislation and a pay equity plan in your workplace, **that alone doesn't eliminate things such as occupational segregation, women's over-representation in part-time work, the loss of income arising from women's disproportionate family and care obligations, or disparities in pension and benefits entitlement.** These are some of the provisions we can address in bargaining.

### **Summary of contract areas to look to:**

#### **1. Wages**

- a. Job Evaluation
  - i. Gender neutral system
  - ii. Union involvement throughout the process
  - iii. Dispute resolution
- b. Bargaining Wages – Wage Audits
  - i. Identifying occupational and/or wage grid segregation
  - ii. Wage grid length
  - iii. Full-time and part-time work

#### **2. Leave Provisions**

- a. Improving on What the Law Provides
  - i. Compensation top-ups
  - ii. Job protection
  - iii. Flexible arrangements with no or minimal loss in pay
  - iv. Domestic violence leave
  - v. Sick days
  - vi. Vacation

### 3. Other Monetary Provisions

- a. Pensions
- b. Benefits
- c. Child care
- d. Housing and transportation

### 4. Language Provisions

- a. Part-time and full-time definitions
- b. Schedules and hours of work
- c. Job posting and recruitment
- d. Discrimination and harassment
- e. Health and safety

## 1. Wages:

### a. Pay equity (equal pay for work of equal value):

Depending on your jurisdiction, there may be legal pay equity obligations to ensure equal pay for work of equal value:

<i>Jurisdiction</i>	<i>Pay Equity Legislation?</i>	<i>Sectors Covered</i>
<b>BC</b>	<b>No - Policy Framework for Negotiating Pay Equity</b>	<b>Public Sector</b>
<b>AB</b>	<b>Neither legislation nor policy framework</b>	--
<b>SK</b>	<b>No- Policy Framework for Negotiating Pay Equity</b>	<b>Public Sector</b>
<b>MB</b>	<b>Yes – Full Legislation</b>	<b>Public sector excl. municipalities</b>
<b>ON</b>	<b>Yes – Full Legislation (Proactive)</b>	<b>Public and private</b>
<b>QC</b>	<b>Yes – Full Legislation (Proactive)</b>	<b>Public and private</b>
<b>NB</b>	<b>Yes – Full Legislation</b>	<b>Public service</b>
<b>NS</b>	<b>Yes – Full Legislation</b>	<b>Public sector</b>
<b>PEI</b>	<b>Yes – Full Legislation</b>	<b>Public sector</b>
<b>NL</b>	<b>No - Policy Framework for Negotiating Pay Equity</b>	<b>Public sector</b>
<b>Can.</b>	<b>Federal sector legislation (complaint-based)</b>	

In jurisdictions where there is proactive pay equity legislation, a pay equity plan is required. This is usually developed separately from bargaining. Even if there is a pay equity plan in place, there are still ways to reduce the gender wage and compensation gap through bargaining.

### b. Identifying gendered wage disparities:

Information needed and initial questions to ask:

- Data on bargaining unit **breakdown by sex**  
(You can also request information on age, start dates, ethnicity and so on if you suspect there are other compensation inequalities based on those factors; remember that women of color and Indigenous women, women living with disabilities, and LGBTQ women all face greater pay gaps than white women – if possible, we want to rectify as many of these inequalities as we can.)
- In which classifications are women employed?
- Are there female job classes (usually defined as jobs where more than 60% are women)?
- In those jobs, are the rates lower than for jobs that are either male-dominated (usually defined as 70%+ male) or gender-neutral?

- In the jobs where women are concentrated, is the length of the wage grid longer than for male or neutral jobs?
- Are there more women concentrated in part-time positions? Are those positions paid at the same rate as full-time positions on an hourly basis?

If there is evidence of systemic underpayment of women, there are several options:

### **Job Evaluation:**

#### **a) Relationship to pay equity:**

If there is strong pay equity legislation in your jurisdiction that covers the public and private sector, there will likely be a pay equity plan for your workplace. If there is a plan in place, this will include (or will have included) job evaluation for the purposes of achieving and maintaining pay equity. It is always worth checking to see that the employer is actually meeting its pay equity obligations. **Remember: if there is a legal pay equity obligation, this will be a separate process from collective bargaining.**

And it is important to know that neither party can bargain their way out of pay equity obligations. Check your collective agreement for any language or declaration that states that the parties have decided, through bargaining, that the employer has met its pay equity obligations or that the union will not bring a pay equity complaint forward during the term of a current collective agreement.

#### **b) As a separate process:**

However, if there is no formal requirement for a pay equity analysis, **job evaluation is still an invaluable tool to help identify and eliminate the systemic underpayment of women.**

#### **First Steps:**

- Negotiate language ensuring union involvement in the job evaluation process
- Negotiate SES (Simple Evaluation System) or another system
  - The USW has developed a gender neutral job evaluation system (SES) that exists in workplaces across the country. We are currently reviewing and updating the system, so it is worth inquiring through your staff representative to see if this is an option. **If not, we must negotiate the union's involvement in any job evaluation process and ensure that a gender neutral system is in place.**

What is job evaluation and why is it important for the union to be involved in the process?

Job evaluation provides a systematic process for analyzing jobs. It provides a process for identifying jobs that have been undervalued and mechanisms for rectifying any undervalued jobs. The process is not set in stone and requires negotiation and involvement from workers and management. It is essential that

members have a strong presence throughout to ensure that jobs are properly analyzed and valued.

**Work with your staff representative to propose language setting up the job evaluation process.** No one knows your job better than you do. If left only to the employer, there is a strong chance that the full duties and responsibilities of a job will not be reflected in the job descriptions and subsequent valuation of those descriptions.

**i. Job evaluation committees and process:**

- Negotiate language to set up a job evaluation committee. This ensures union participation, with time off to deal with evaluation, as it is a time-consuming task!
- Some elements of the committee's work:

**Planning** the process and setting up timelines

**Training** (receiving training and providing training on creating job descriptions, using a job evaluation system, and quantifying the descriptions)

**Analysis** of jobs and writing job descriptions:

Working with those performing the jobs and direct supervisors to get the most accurate descriptions and analysis

**Creating** or validating a job evaluation plan

**Rating jobs**

Evaluating the JOB and not the person performing the job

**Implementation**

Creating new wage grids that reflect re-evaluated jobs

**Maintaining** the job evaluation plan as jobs may change over time

Meeting with the employer throughout this process

Establishing timelines

Dispute resolution

**ii. The job evaluation tool – checklist:**

**Gender-neutral** (many job evaluation systems in the past systematically undervalued the type of work that women often perform, such as care or administrative work). Bias often appears in analysis and job descriptions, selecting the weight of the factors that give points to a job, in the rating itself or in the setting of wages.

**Skills, effort, responsibility, working conditions** – these will form the basis of any factors used to quantify a job

**Impact on women’s work** – the effect of the tool should not be to reduce the value of women’s work

**Workable for both union and management**

**Reflects the type of work performed** (for example, a JE system developed in a manufacturing plant may not work in health care or university setting)

*Important: This is only a rough guide designed to provide an introduction to job evaluation. Work with union staff to develop a joint process, negotiate language and a job evaluation process/system.*

**Monetary and Language Audit – Preparing for Bargaining**

**Bargaining wages:**

- If women are concentrated in the lower end of the grid, bargain:
  - Additional wage increases for those classifications
  - \$ increases rather than % increases

**Use a chart like this to track the information:**

<i>Classification</i>	<i>Grade/Pay Band</i>	<i>Number of Men</i>	<i>Number of Women</i>
	Total		
	%		

*(Note that this could be expanded if you want to check to see if there are further inequalities based on ethnicity, age, disability and so on]*

**Are women overrepresented in part-time work?**

	<i>Part-Time Workers</i>	
<i>Grade/Pay Band</i>	<i>Number of Men</i>	<i>Number of Women</i>
<i>Total</i>		
<i>%</i>		

**Calculating the average wage:** If you can obtain information for each member of the bargaining unit:

	Men's wage	Women's Wage
Total		
Average		

**By classification:**

Male Classification (with info from above on classifications that are majority male)	Low Wage	High Wage	# of Steps to get to highest wage	Female Classification (with information from above on classifications that are majority female)	Low Wage	High Wage	# of Steps to get to highest wage
Average				Average			

**Length of Grids**

- If grids are longer in female-dominated classifications than in male or neutral classifications, look to compress those grids

**Questions to ask based on results:**

- Are earnings for women lower than they are for men?
- Are women concentrated in classifications that are lower-paid?
- Are wage grids longer for men than for women?
- Are starting rates lower for men than for women?
- Who has the most access to overtime? Is it based on weekly hours, daily hours or shifts?
- Are part-time workers receiving the same pay as full-time workers (on an hourly basis)?
- Are women over-represented in part-time work?

The audit and answers to the questions above will help you identify where to focus your wage proposals and can strengthen arguments in favour of setting up a job evaluation process.

If wage grids are longer in female-dominate job classes, propose to compress the grid; if women are over-represented in part-time work, focus on ensuring benefits, pension, overtime and other provisions in the collective agreement that reduce the part-time compensation gap; if women are concentrated at the low end of the grid, it may make sense to propose a cents-per-hour wage increase rather than a percentage increase.

## 2. Leave Provisions

### Reviewing and improving leave provisions: protected flexibility AND income

#### Aims:

- To provide protection for those who need leaves to balance family responsibilities
- To reduce the pay penalties experienced by members who require leaves for family responsibilities (note that it is disproportionately women who take on these responsibilities)
- To equalize leave between men and women and to end the stigma of men taking leaves and to end the punishment women face for taking leaves (or even the assumptions that they will take leaves)

#### Leaves:

As a starting point, improve on basic provisions that exist in your jurisdiction. Under statutory legislation, there are numerous protected leaves, whether it is for sick leave, pregnancy and parental leave, compassionate care and so on; however, these leaves often offer no or little income replacement. **What good is a protected leave if you cannot afford to take it!**

#### Relevant Legislation you will want to be familiar with before bargaining:

Provincial labour laws and employment standards (provincial jurisdiction) or Federal labour laws and employment standards (federal jurisdiction):

#### What *might* be covered under legislation?

Sick days

Vacations

Statutory holidays

Personal emergency leave

Domestic Violence leave [recent]

#### Employment Insurance Leaves: What's covered?

Pregnancy and parental leaves

Compassionate Care leave

Leave for parents of critically ill children

Sick leave (long-term)

*Resources on statutory leaves: Employment and Social Development Canada; Service Canada; Provincial labour standards*

**How to improve on statutory leave entitlements?** (Remember, it's not just about protecting a job while on leave, but it is also about minimizing the loss of income that contributes to the gender wage gap)

1. Pregnancy **and** parental leave:
  - a. Top-ups above the 55% provided through EI
  - b. Top-ups for adoption leave
  - c. Inclusive definition of parents
  - d. Return-to-work policies – ensuring the same or an equivalent job is available on return (no reduction to a lower classification)
2. Sick days at full pay for full- and part-time workers
3. Paid personal emergency leaves or family emergency leaves
4. Paid domestic/family violence leaves
5. Top-up for compassionate care leaves (above the 55% provided through EI)
6. Vacations and vacation pay for part-time employees

*Note that the definitions of family members vary across jurisdictions. Make sure that your collective agreement has language that is as inclusive as possible to cover all family members (for compassionate care leave).*

**Other family responsibility provisions to review and improve:**

- Are there provisions for dealing with miscarriage and stillbirth?
- Are adoptive parents entitled to the same benefits as birth/biological parents?
- Are there benefits that cover women’s reproductive health?
  - Are there particular health and safety provisions for women dealing with chemicals that may affect reproductive health?
- Are there provisions for nursing and expectant mothers?
- Are there child and elder care leaves with wage replacement?
- Are there additional provisions for care responsibilities beyond biological family ties?

*(Check the applicable labour, employment and human rights laws to understand basic rights and entitlements, and then bargain to improve on these.)*

### 3. Other non-wage monetary provisions that help reduce the gender wage gap:

- **Pensions**

- Because pensions are typically tied to wages, improving women's pay equality will improve pension payments
- Are all employees covered, including part-time?
- What type of pension or retirement scheme is in place? (defined benefit, defined contributions, multi-employer plan or jointly-sponsored pension plan, group RRSP)
  - Defined benefit plans and the gender wage gap:
    - Is the pension tied to wages or is it a flat benefit?
    - If based on annual earnings, women likely receive lower payouts
    - Years of service: how are leaves accounted for?
      - Are there options to buy back service in order to receive a full pension?
  - Defined contributions and the gender wage gap:
    - Lower pay and fewer hours lead to smaller contributions to pension plans
    - Do contributions continue while an employee is on leave?
    - In capital accumulation plans (a common type of defined contribution), male life expectancy rates are often used to make assumptions on future income. If purchasing an annuity, this will lead to lower payouts for women
  - Multi-employer plans: these may be a better option for women, who are more likely to change jobs over their lifetime
- Eligibility – does it extend to both full-time and part-time workers?
- Definition of hours – if a pension is available for full-time workers only, how is full-time defined (for example, is it 37.5 hours per week? Or, 60 hours bi-weekly? Or even 24 hours per week?)
- Service accumulation while on leaves – does time while on a leave of absence count towards a plan member's years of service?

#### What are some provisions we can negotiate to reduce pension inequality?

- Equal pay
- Coverage for all workers, including part-timers
- Credits for time away from work, specifically for child rearing and family care
- Ability to buy years of service
- Continuing contributions to a plan while an employee is on leave
- Lowering the eligibility threshold (often based on years of service or hours of work)
- Looking into sector-wide multi-employer plans that account for job turnover
- **Health and welfare benefits**
  - **Who's covered?**

- Are part-time employees eligible for benefits? If not, is there an equivalent in lieu of benefits payment for part-time staff?
    - What about casual or temporary employees?
    - Family benefits – which family members are covered?
  - **What's covered?**
    - Work with your staff representative to obtain disclosure from the employer on benefits coverage
    - As an example of gender discrimination in benefits plan, some types of women's birth control or *in vitro* treatment may not be covered, while benefits primarily affecting men (such as for Viagra) will be covered
    - Are counselling and mental health services covered?
    - Is there coverage for paramedical benefits that help with long-term or gradual onset injuries (more likely to occur in health-care professions, for example)?
  - **Considerations for transgender employees**
    - Ensure that benefits adequately cover transgender employees as many provincial plans are lacking (hormone therapy, gender affirmation coverage, counselling, etc.)
- **Child care benefits:**
  - Reimbursement for child care costs
  - Coverage for costs resulting from non-traditional hours of work/shifts
- **Housing benefits**
- **Transportation benefits** (especially for non-traditional hours or shifts]
- Look at **bonuses or performance-related incentives**
  - Who do they benefit? How are they determined? Who has access to them?
- **Education and development**
  - What are the requirements? Are higher wages in female-dominated jobs more likely to require a certain educational attainment (such as a dietary certification to obtain the top rate if working a long-term care home)
  - Are there subsidies or reimbursements for voluntary courses?
  - Mandatory trainings:
    - When are they held?
    - Are employees paid for them?
    - Where are they held
    - Is child care offered?

## 4. Language Provisions and Other language items:

- **Use of gender-neutral language throughout the collective agreement**
- **Part-time/Full-time definitions**
  - Lower threshold to be considered full-time (for benefit and pension eligibility if part-time employees are not covered)
- **Schedules:**
  - if variable, post at least two weeks in advance
  - Choice of scheduling increases with seniority
- **Hours of work:**
  - Sufficient hours of work and sufficient time off between shifts
  - Preventing employer ability to move employees back and forth between full- and part-time status
  - Call-in pay: minimum of four hours of pay at one's regular rate
  - Provisions for non-traditional hours (to co-ordinate with child care and transportation benefits, etc.)
  - Night work: in care professions, ensure adequate compensation for night work. (For example, domestic caretakers working overnight are exempt from the minimum wage in Ontario. Negotiate night pay and premiums. In male-dominated jobs, night shifts are often paid at a premium, even if they can involve sleeping hours, such as for firefighters.)
- **Job postings, hiring and equity language:**
  - Moving away from word-of-mouth hiring practices and towards mandatory postings with clear criteria
  - Union right to obtain any job postings with right to grieve violation of posting and hiring process
  - Gender-neutral language
- **Additional training opportunities:**
  - Who has access to them? When are they held? Where are they held?
- **Health and safety:**
  - Anti-harassment language and training (inclusive)
  - Workplace violence/ Domestic violence training
    - Workplace-based peer support
    - Domestic-violence first responders in the workplace
    - Social stewards
  - Mental health
    - Standard language proposed by the union
  - Joint health and safety committee
    - Are women on the committee? Ensure women's participation
    - Recognition of the differential impacts of risks and hazards on women
  - Space for women
    - Bathrooms and change rooms, especially in male-dominated workplaces
    - Personal protective equipment that fits women's bodies
  - Better recognition of psycho-social injuries

- Workers' compensation for long-term injury. (Women are often in physical jobs; however, the injuries resulting from such jobs are more likely to be gradual onset injuries than as a result of a specific accident and are less likely to be covered or claims are more likely to be denied)
- **Education:**
  - Domestic violence
    - Recognition of warning signs, tools to deal with it, access to resources, on-the-job support people
  - Workplace harassment
    - Tools to recognize and deal with harassment, along with mechanisms to deal with it (both in the workplace and in the union)
  - Discrimination
    - Ensure a strong knowledge of rights and recourse
  - Workplace-based peer support
  - Equal access to training for negotiations or other union roles
- **Women's committees:**
  - The USW Constitution requires a women's committee in each local
  - What is the role of the women's committee both in relation to bargaining and between rounds of bargaining?

## 5. Prioritizing the Elimination of the Gender Wage and Compensation Gap

### Get involved in bargaining:

**Work with the negotiating committee, staff representative and members on priorities.**

It is unlikely that you will achieve all of the collective agreement changes that are needed in one round of bargaining.

**Identify the areas that have the most impact on members – set up a women’s committee, ensure women get elected to the bargaining committee and reach out to women in the workplace.**

- **Audit results**
- **Surveys** (these can be especially important for women who may be afraid to be vocal)

### Prioritizing equity:

In some workplaces, equity issues can be seen as “secondary.” Women, people of colour and other members who are frequently marginalized are often expected to suppress any demands aimed at redressing inequities “for the good of the whole.”

Or, when a negotiating committee does focus on closing the gender wage/compensation gap in a round of bargaining, it may SEEM that women are gaining more than men. Remember that the people who appear to benefit more in a single round have historically lost out, over and over again, and that **by focusing on bargaining equality, we are working to bring everyone up to the same level.**

We must work on communicating, educating and organizing within our workplaces to gain the support needed to prioritize bargaining equality.

**Continuous Communication** about which collective agreement provisions are in need of improvement, along with continual tracking of statistics

### Continuous education

**Promotion of successes** (for example USW’s gains on domestic violence leave language)

### Resources:

Staff representatives and district and national offices (work with Research, Education and Equality, etc. for sample/best language, comparators)

*Bargaining Guide: Addressing Domestic Violence in USW Collective Agreements.*  
(Available for download at [www.usw.ca/act/campaigns/anti-violence-campaign-2016/resources/bargaining-guide](http://www.usw.ca/act/campaigns/anti-violence-campaign-2016/resources/bargaining-guide))

*United Steelworkers Guide for Advancing Aboriginal Rights* (Available for download at [www.usw.ca/act/activism/human-rights/resources/bargaining-guide-for-advancing-aboriginal-rights](http://www.usw.ca/act/activism/human-rights/resources/bargaining-guide-for-advancing-aboriginal-rights))

## 6. Feedback and further bargaining to reduce the compensation gap

How can this guide be used or expanded to ensure that we are closing the compensation gap for all women? How can it better reflect the conditions that exacerbate the wage gap for women facing multiple inequalities? What is being overlooked in terms of impacts on and solutions for women of colour, women living with disabilities, Indigenous women, LGBTQ women, and so on?

What are some internal barriers in our union for women who want to get involved at the local, district, or national levels? How can our union ensure better women's involvement and participation? How can our union support women in leadership positions at various levels?

What is the role of the women's committee at the local level?

Gathering language: We would like to gather examples of bargained equality provisions in order to create a resource to assist bargaining committees. **If you have some collective agreement language you would like to share, please send it to [info@usw.ca](mailto:info@usw.ca).**

### **Some tips from the International Labour Organization on the importance of bargaining gender equality**

Gender-equality bargaining is important because:

- Women's issues are union issues
- Women's contributions at work have been undervalued
- Women make up an increasing proportion of the paid workforce
- It helps change attitudes towards women in employment
- Women's concerns have traditionally been overlooked in bargaining
- Legislative coverage may be inadequate
- Where there is legislation, it must be implemented in a practical manner
- It addresses some non-pay issues that may be easier to bargain in difficult economic times
- It is a means of attracting more women to the union. It shows the union is committed to women

*Adapted from: Gender Equality: A guide to collective bargaining. Shauna Olney; Elizabeth Goodson; Kathini Maloba-Caines; Faith O'Neill. International Labour Organization. 2002.*

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