



Coalition pour l'équité salariale
Coalition for Pay Equity

A FUNDAMENTAL HUMAN RIGHT

Canada ratified many international conventions and accords which clearly establish that pay equity – equal pay for work of equal value – is a fundamental human right.

1951 The *Equal Remuneration Convention, 1951* (also called *Convention 100*), passed by the International Labour Organization (ILO) and ratified by Canada in 1972.

1966 The *International Covenant on Economic, Social and Cultural Rights*, ratified by Canada in 1976.

1979 The *Convention against all forms of discrimination against women*, passed by the United Nations (UN) and ratified by Canada in 1981.

1985 *Nairobi Forward-Looking Strategies for the Advancement of Women* passed at the Third UN Conference on Women, ratified by Canada that same year.

1995 The *Beijing Platform for Action* and the *Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development*, ratified by Canada on that same year.

The federal government took measures to ensure pay equity. Section 11 of the *Canadian Human Rights Act*, which came into force in 1977, forbids wage discrimination between men and women doing work of equal value. The *Equal Wages Guidelines, 1986 (Guidelines)* describe the manner in which section 11 is to be applied.

However, these measures are considered inadequate because they are complaint-based instead of proactive, i.e. they do not require employers to demonstrate that they achieved pay equity. A federal working group has been formed to propose solutions. In 2004, the group recommended the adoption of stand-alone pay equity legislation.

Instead, in 2009, the federal government passed the *Public Sector Equitable Compensation Act*. This Act relegates pay equity to collective bargaining and to the market and imposes fines of up to \$ 50,000 for unions that encourage their members to file complaints for pay equity.

The provinces are also bound by the international conventions signed by Canada. However, only Ontario and Quebec have pay equity acts applying to both the public and the private sectors. Many other provinces have legislation applying only to the public sector. This is the same case for New Brunswick when the *Pay Equity Act, 2009* came into force in 2010.