

**Mr. Chair, Honourable Members of the Legislative Assembly.**

Thank you for providing me with the opportunity to offer some comments today as part of your consideration of Bill 77 – *The Pay Equity Act*.

My name is Debbie Lacelle and I am the President of the *New Brunswick Union of Public & Private Employees*, formerly known as the New Brunswick Public Employees Association. We will be commonly known as the *New Brunswick Union/Syndicat du Nouveau-Brunswick*.

My union represents 7000 workers in New Brunswick, most of whom work for the provincial government, but with a goodly number who work in the private sector. This Bill then, has an impact on all of us.

The New Brunswick Union/Syndicat de Nouveau-Brunswick has a strong commitment to human rights and to eliminating wage discrimination. The union has both negotiated pay equity and lobbied for legislative and policy changes that will end wage discrimination experienced by too many workers in our economy.

Honourable Members, I find it amazing that we are meeting here on this day in 2004 to discuss something as fundamental as resolving differences in the payment of wages to men and women in predominantly female occupations. We pride ourselves on being members of an enlightened society, but it would appear that when it comes to the issue of pay equity, our enlightenment is still rooted somewhere in the caves of Plato. We see the shadows of equality but the reality is much different outside.

I know that each of you agree this is an issue of considerable importance; otherwise, we wouldn't be here today. Let me express just a personal wish – that there would be more of a gender balance on your Committee.

Also, let me take this opportunity to publicly thank Elizabeth Weir for her commitment to equality in bringing forth this legislation. The MLA for Saint John Harbour deserves the thanks of workers throughout this province for providing the government with the opportunity to show its commitment to 21<sup>st</sup> century labour relations. I sincerely hope that it is an opportunity that will not be passed up. We are all aware of the statistics, but bear with me as I do a quick refresher of some current statistics.

In 2001, 46 percent of employed persons were women versus 37 percent in 1976. This indicates women's participation in the Canadian labour market has grown steadily. The characteristics of this growth are also remarkable. With respect to education, the percentage of women aged 25 and older with a university degree has increased sharply from 14 percent in 1991 to 21 percent in 2001.<sup>i</sup>

It is fair to say that the general profile of the female population is increasingly similar to that of the male population with respect to labour activity, education and experience.

Despite such remarkable progress, women continue to earn less than men as shown in the data from Canada's 2001 Census that indicate a substantial earnings gap between the sexes persists and has even widened slightly since the 1996 Census.

In 2000 for example, average employment income for full-time, full-year female workers was equal to 70.8 percent of average employment income for men, versus 70.9 percent in 1995. There was absolutely no progress.

This wage gap is found at all levels of education and, surprisingly, it has widened for the most educated, falling from 71 percent in 1995 for university graduates to 68 percent in 2000. This change reflects, in part, greater income growth for the most educated men, at 10 percent, between 1995 and 2000, compared with 5 percent for their female counterparts.<sup>ii</sup> Two to one.

As a woman and as President of one of New Brunswick's largest trade unions, I must say "SHAME"! This situation is clearly unacceptable.

Nearly 60 years ago, this discussion had evolved to the point that the **Universal Declaration of Human Rights** in 1948<sup>iii</sup> contained the provision that in

Article 23

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

There was no ambiguity in the minds of the authors of the *Universal Declaration of Human Rights* in 1948. Equal meant equal.

The commitment made by Canada to this proposition led, in the 1950s, to the enactment of equal pay legislation by most Canadian provincial governments.<sup>iv</sup>

As a participant in the international community through the United Nations and the International Labour Organization, Canada is a party to a number of legally binding international covenants and conventions respecting human rights, political and civil rights and economic, social and cultural rights. These international human rights instruments expressly commit Canada to eliminating sex-based discrimination in employment and, in particular, to eliminating sex-based wage discrimination.

In spite of this, Canada still has the 5<sup>th</sup> largest wage gap between male and female full-time workers out of the world's 29 most developed countries – only Spain, Portugal, Japan and Korea have larger wage gaps.<sup>v</sup> The relevance of this is undeniable. Canada's wage disparity for women is similar to that of Spain, Portugal, Japan and Korea.

New Brunswick's *Pay Equity Act*, not implemented until 1989, required some public employers to take steps to remove wage inequities. The New Brunswick statute does not even apply to the whole Public Service. The legislation requires that the employer negotiate with bargaining agents representing some employees in the Public Service with respect to a job evaluation process and the implementation of any wage adjustments.<sup>vi</sup>

I find it astounding that as we sit here today, a fundamental right agreed upon in 1948 still has not made it into the law books in New Brunswick. Do our legislators not agree that *equal means equal* for everyone?

As an example, would you find it acceptable that female Members of the Legislature could be paid less than their male counterparts, purely because of their gender? That is the reality facing far too many New Brunswick women today. If you and your colleagues in the Legislative Assembly reject this Bill, then you will be agreeing that a woman's labour is not worth as much as a man doing work that is considered of equal value. It is as simple as that.

Consider that in New Brunswick in 2002, women working full or part-time earned on average 81 cents for every dollar men earned.

Let me provide one further bit of historical evidence that indicates, without any doubt, what your position must be on this issue.

In 1951, The International Labour Organization (ILO), a tripartite agency of the United Nations which seeks to promote social justice and workplace rights, adopted the *Convention No. 100, Concerning Equal Remuneration for Men and Women for Work of Equal Value*.<sup>vii</sup>

Article 2.1 of the Convention reads as follows:

*1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women for work of equal value.*

The Convention was not ratified by Canada until 1972. Clearly, it is not only the Province of New Brunswick that drags its feet on such issues of equality.

In 1998, the ILO issued the *Declaration on the Fundamental Principles and Rights at Work and its Follow-Up*, which was characterized in the document as a “renewed, solemn political commitment by the ILO and its member States to respect, promote and realize” the rights of workers.

The ILO made particular mention of the principle of equal pay for work of equal value in this context:

*Equal remuneration for work of equal value is integral to the fundamental principle of the elimination of discrimination in employment and occupation and has been a concern of the ILO since its founding.*<sup>viii</sup>

Quite honestly, what could be more clear?

A news report in The Telegraph Journal from earlier this week gave some indication of the government’s position on the issue in this statement, “Margaret-Ann Blaney, the minister responsible for the status of women, said she disagreed with the idea of legislating pay equity on the private sector.”<sup>ix</sup>

The Minister is not here to defend herself, but again, let me point out that if she was to be paid less than the Attorney General simply because of her gender, her commitment to equality might be a bit more strenuous.

Some have suggested that pay equity legislation is an unwarranted intrusion by government into the private sector. Let me point out that virtually every important gain in human rights in Canada in the past century has come about because government legislated compliance. This is true of voting rights for women, Aboriginals and Asians; the minimum wage; workplace health & safety; maternity and parental leave; and many other pieces of legislation supporting the rights of individuals and workers.

Critics continue to insist that pay equity will be expensive and cause undue economic hardship. This was also an argument against increasing the minimum wage. The dire consequences predicted by business have not materialized.

In jurisdictions where pay equity exists, billions of dollars have been put into the pockets of women who for years have subsidized economic growth through their own wages. The price tag really reflects the price women themselves already have paid.

The complexity of the pay equity processes themselves is often exaggerated by employers who are unwilling to acknowledge or change wage discrimination. Job evaluation can be both simple and quickly accomplished provided employers are willing partners or are at least prevented, through strict legislated timelines, from unnecessarily dragging out the processes.

Some critics insist pay equity legislation will negatively affect their competitiveness. Well, where employers face competition, it is bad economic policy to permit them to continue to base their "competitive advantage" entirely on low wages. Like higher minimum wages, pay equity regimes require employers across entire sectors to compete on the basis of high skills, quality production or performance and innovation instead of competing on low wages. This is a much more sound basis for economic growth.

Honourable Members, the issue is not public versus private or Part I of the Public Service versus Part III. The question is whether people doing work of equal value should receive equal pay. Any decision to pay women less than men for work of equal value is discrimination, pure and simple.

In the 1940s and 1950s when the international equality legislation was being drafted, some people used the argument that the man, as the breadwinner for the family, deserved to be paid more. It suggested that although a woman was doing work of equal value, her labour was worth less. Consider if you will, the case of the armaments factories during the second world war. It was wrong then and it is wrong now.

Consider the example of fish plant workers, such as crab packers. As one writer pointed out, the same skills and similar efforts are required by both male and female workers. The men carry heavier objects and the women do more repetitive movements. In this example, women were paid \$1.50 an hour less than the men.<sup>x</sup>

Just last year, the Chairperson of the New Brunswick Advisory Council on the Status of Women, Mary Lou Stirling, pointed out that while young women are entering some non-traditional fields of study and occupation, the wage difference is still considerable - \$8.34 an hour for women and \$9.03 an hour for men.<sup>xi</sup>

You might ask "why do women bother"? The short answer to that is they work because they have to. They are single or widowed or divorced and must support themselves. Many are married to men earning less than the family needs to support itself.

It is a myth that married women don't need to work. Let's bury that right here and right now. In the case of nearly 40 percent of women in the labour force, her partner's income is less than the poverty line for a two-child family. She's working for frills? Tell that to the bank.<sup>xii</sup>

The fact is that women do not have to justify WHY they work. It is our basic right.

The bottom line?

As it says in the first paragraph of the Preamble to Bill 77

*Pay equity is a fundamental human right that has been recognized internationally<sup>xiii</sup>*

Honourable Members, you have an opportunity with this legislation to correct a serious injustice and "*redress differences in compensation that are due to systemic gender discrimination against persons who hold employment in predominantly female job classes.*"<sup>xiv</sup>

Speaking on behalf of the 7000 members of the New Brunswick Union of Public & Private Employees, I urge you to return to the Legislative Assembly with a recommendation that Bill 77 – Pay Equity Act be approved without amendment and proclaimed before this year ends.

You are being given an opportunity with this legislation to bring New Brunswick into the 21<sup>st</sup> Century. Please do not let it pass you by.

Justice is long overdue. The time to act is now.

Thank you.

## References

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- <sup>ii</sup> Pay Equity: A New Approach to a Fundamental Right. Public Works and Government Services Canada, Ottawa, ON K1A 0S5. 2004
- <sup>iii</sup> United Nations. G.A. Res. 217 (III), UN GAOR, 3d Sess., Supp. No. 13, U.N. Doc. A/810 at 71 (1948), Article 23, paragraph 2.
- <sup>iv</sup> Canada. An Act to Promote Equal Pay for Female Employees (1956), 4-5 Elizabeth II, Chapter 38.
- <sup>v</sup> National Union of Public & General Employees. *Give me one good reason why I should choose to vote for you people*. Ottawa. November, 2000.
- <sup>vi</sup> Public Works and Government Services Canada *Pay Equity: A New Approach to a Fundamental Right*. , Ottawa, ON K1A 0S5. 2004. pg 37
- <sup>vii</sup> International Labour Organization (ILO). General Conference, 34th Session (1951).
- <sup>viii</sup> International Labour Organization (ILO). International Labour Conference, 91st Session. *Time for Equality at Work: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 2003, para. 150, p. 87.
- <sup>ix</sup> Telegraph Journal. Saint John, NB. November 16, 2004.
- <sup>x</sup> Rosella Melanson. Telegraph Journal. Saint John, NB. July 2000.
- <sup>xi</sup> New Brunswick Advisory Council on the Status of Women. *N.B. Youth Day – March 21, 2003*. 2003.
- <sup>xii</sup> Edmonton Working Women *Women Working*. . Edmonton. 2001. pg 21.
- <sup>xiii</sup> Bill 77 Pay Equity Act. 2004. pg 1
- <sup>xiv</sup> *Ibid.*, pg 4