

**GUIDE FOR ACHIEVING PAY EQUITY
IN ENTERPRISES WITH
10 TO 49 EMPLOYEES**

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This document is based on the legislation currently in force. It is designed to explain the Act in accessible, non-technical language and does not constitute a legal interpretation.

INTRODUCTION

The Pay Equity Act applies to enterprises that employ 10 or more employees. In force since November 21, 1997, it aims to redress differences in compensation due to systemic gender discrimination.

Under the Act, the remuneration afforded in your enterprise to people who occupy positions in predominantly female job classes must be equal to that which you pay for work of equal value to people who occupy positions in predominantly male job classes.

For enterprises already in existence on November 21, 1996, the time limit for achieving a pay equity procedure and beginning to pay compensation adjustments was November 21, 2001.

If you have not yet started your procedure, you should do so without delay as compensation adjustments will have to be paid retroactively to November 21, 2001 with interests. Moreover, you must ensure that the work will be done with the data (remuneration, job description, etc.) of November 21, 2001.

For the enterprises created after November 21, 1996, the time limit for complying with the Act is five years from the beginning of their activities. The compensation adjustments are therefore due as of that date and bear interest.

The present guide is intended for employers like you whose enterprise employs 10 to 49 employees and who are required to achieve pay equity¹.

It contains information on your legal obligations and suggestions on how to achieve pay equity in a manner that is exempt from gender discrimination.

General in scope, this guide contains examples that you may wish to apply in your enterprise, taking its particular situation into account.

For assistance or other tools, please contact the Commission de l'équité salariale.

¹ Consult the documents provided by the Commission de l'équité salariale to find out how to determine the size of your enterprise within the meaning of the Pay Equity Act.

AIM OF THE PAY EQUITY ACT AND SYSTEMIC GENDER DISCRIMINATION

The Pay Equity Act aims to redress differences in compensation, within enterprises, that stem from the systemic gender discrimination suffered by people who occupy positions in predominantly female job classes.

Systemic gender discrimination is a very subtle phenomenon that can colour the way we do things. It is not the result of deliberate intention but of historical, economic and cultural factors. Owing to such discrimination, the importance of tasks performed by women may have been overlooked in the past in determining remuneration. In certain cases, for example, importance has been attached to the physical strength associated with predominantly male job classes but not to the digital dexterity associated with predominantly female job classes. Consequently, it is important to take some precautions to ensure that the pay equity exercise is exempt from gender discrimination.

The Pay Equity Act provides you with an opportunity to take a fresh look at the female jobs in your enterprise with a view to remunerating them according to their true value.

Achieving pay equity means remunerating jobs traditionally held by women at the same rate as those traditionally held by men, provided the value of the jobs concerned within a given enterprise is equal or comparable. The jobs in question may nonetheless be different.

Some documents provided in French by the Commission de l'équité salariale: *Info-Équité : Le contrôle des biais sexistes* and *Info-Équité : Prendre en compte les caractéristiques des emplois féminins*.

YOUR OBLIGATIONS UNDER THE PAY EQUITY ACT

As an employer whose enterprise employs 10 to 49 employees, you must ²:

- determine the compensation adjustments needed to achieve pay equity;
- ensure that the procedure you apply for this purpose is exempt from discrimination based on gender;
- post adjustments in compensation or, where applicable, a notice indicating that no such adjustments are necessary.

The posting must also include information on the rights and remedies available to employees and must be located in prominent places easily accessible to your staff members.

Once this posting has been effected, your employees may request additional information or make comments. They may also file a complaint with the Commission de l'équité salariale, in which case you must be able to demonstrate that:

- the remuneration you afford employees who belong to a predominantly female job class is at least equal to that you grant for work of equal value to employees who belong to a predominantly male job class;
- pay compensation adjustments. You may spread the compensation adjustments needed to achieve pay equity over a four-year period.³
- maintain pay equity. The Act stipulates that you have to maintain pay equity within your enterprise once adjustments in compensation have been determined. Certified associations must also ensure that pay equity is maintained when collective agreements are negotiated or renewed.

Pay equity plan

Under the Pay Equity Act, employers whose enterprise employs 50 or more employees are required to establish a pay equity plan. This is not the case, however, of employers whose enterprise employs 10 to 49 employees.

You may nonetheless decide to implement a pay equity plan. In that case, you must send a notice announcing your decision to the Commission de l'équité salariale and post a copy in a prominent place easily accessible to your employees.

If you choose to establish such a plan, you will be subject to the same obligations as those applicable in this regard to enterprises employing 50 or more employees. To find out

² At the latest November 21, 2001 for enterprises that were already in existence on November 21, 1996 and at the latest five years after the beginning of activities for enterprises created after this date.

³ For enterprises already in existence on November 21, 1996, compensation adjustments may not be spread beyond November 21, 2005.

what these obligations are, consult the documents prepared for enterprises of that size by the Commission de l'équité salariale.

THE PAY EQUITY PROCEDURE IN YOUR ENTERPRISE

What are the steps to be followed to achieve the objectives of the Act?

In this guide, we propose a pay equity procedure that may be applied in enterprises with 10 to 49 employees and that includes the following steps:

1. Determine the size of your enterprise
2. Identify the job classes in your enterprise
3. Compare your predominantly female job classes with your predominantly male job classes
4. Determine the value of differences in compensation
5. Define the terms and conditions of payment of compensation adjustments
6. Post the results
7. Pay compensation adjustments
8. Maintain pay equity

1. Determine the size of your enterprise

You must first determine the size of your enterprise within the meaning of the Pay Equity Act, given that obligations under the Act vary depending on the size of enterprises.

The Pay Equity Act excludes certain employees from the pay equity exercise and specifies the reference period that must be used to calculate the number of employees and thus determine the size of the enterprise.

Some documents provided in French by the Commission de l'équité salariale: *Info-Équité : Déterminer le nombre de personnes salariées* and *Questions-Réponses : Déterminer le nombre de personnes salariées*.

2. Identify the job classes in your enterprise

First and foremost, it is important to know and understand well all the facets of the different jobs in the enterprise. The identification of job classes will thus be easier and exempt from discrimination. One must also consider the fact that jobs undergo transformation, change and evolve with time. The information in this respect will have to be complete and up-to-date, and failing that, gathering the missing information will become essential.

Grouping jobs by job classes

Job classes mean a grouping of jobs that have the following three characteristics in common:

- **similar duties or responsibilities;**
AND
- **similar qualifications** (training and experience);
AND
- **same remuneration**, that is the same maximum rate or same maximum rate of compensation. (The remuneration in a job class is the highest rate of compensation or the maximum in the compensation scale applicable to the positions within the class. In cases where there is a compensation scale, the maximum in the scale is the normal maximum. In other words, the maximum level reached at the end of a normal progression up the scale.)

Here are two examples:

- a) Two people occupy the position of messenger and one person that of commissioner. Both positions involve the same responsibilities, require the same qualifications and afford the same remuneration. They may thus be grouped under the same job class.

- b) In a food market, one person occupies the position of vegetable clerk and another person occupies the position of fruit clerk. Both positions seem to have similar duties and responsibilities (they answer questions from clients, place and check fruits and vegetables), similar qualifications (secondary school diploma), but not the same remuneration (their maximum rate is \$10 and \$9 respectively). One of the criteria is not met, therefore these positions cannot be grouped in only one job class. They will thus constitute two job classes; the “vegetable clerk job class” and the “fruit clerk job class”.

Therefore, if a position does not share the three characteristics described earlier with other positions, it constitutes a job class by itself.

If you have doubts about the similarity of positions, it is preferable to establish distinct job classes.

Remember that to group positions in the same job class, it is mandatory that the 3 criteria be shared by all positions, that is, similar duties and responsibilities **and** similar qualifications **and** the same remuneration.

The predominance of job classes

Once you have grouped positions in job classes, you must determine the predominance of each one of them.

Section 55 of the Pay Equity Act stipulates that a job class may be considered predominantly female or male:

- if at least 60% of the positions in that class are held by employees of the same sex;
or
- if the historical incumbency of the rate of representation of women or men in the job class in the enterprise confirms a predominance of one or the other (over a period deemed to be representative);
or
- if owing to gender-based occupational stereotypes, the job class is commonly associated with women or men. For example, the following jobs are commonly associated (in general, is this job occupied by a majority of women or of men in society?):
 - with women: cashier, dental assistant, waitress, librarian, clerk, seamstress, secretary, medical laboratory technician, telephone operator, receptionist, translator, sales clerk;
 - with men: ambulance attendant, butcher, bricklayer, stone mason, carpenter, truck driver, heavy vehicle operator, roofer, electrician, security guard, crane operator, labourer, mechanic, plumber;or

- if there is a significant difference between the rate of representation of women or men within this job class and their rate of representation in the total workforce of the enterprise.

All the indicators of predominance must be considered since predominance can change depending on the application of one factor or another. None of the indicators is more determining than the others; therefore a mixed class, feminine or masculine according to the quantitative indicator (proportion of women and men) could turn out to be a predominantly female class according to another indicator. It is in fact a matter of asking oneself which gender is more likely to have influenced the salary of the job class.

For a job class comprising only one job, one must be doubly careful and consider all the criteria in order to determine the gender predominance of the class.

You will therefore identify job classes that are (A job class is always predominantly female or male):

- predominantly female: they will benefit from compensation adjustments, if necessary;
- predominantly male: they will be used as comparators to determine differences in compensation;
- and that very rarely, mixed (that is classes without predominance): exceptionally, this job class could be considered as mixed, if **none** of the four indicators allows you to determine gender predominance (either female or male). In such a case, this class is excluded from the pay equity exercise. Be very careful, however, not to unduly exclude a job class from the pay equity exercise.

Here are four concrete examples:

1. In your enterprise, the job class of telephone operator comprises two positions each of which is occupied by a man. Even though the job class consists entirely of men, it is considered predominantly female because it is commonly associated with women owing to gender-based occupational stereotypes.
2. A man and a woman occupy two positions of telephone operator. Despite the equal rate of representation of men and women (a proportion of 50%) in this job class, the latter is considered predominantly female because it is commonly associated with women on account of gender-based occupational stereotypes.
3. Women occupy two positions of engineer. Even though at first glance this job class seems to be predominantly female, you might conclude, after looking into the history of your enterprise, that it is predominantly male, given that in the past, men always occupied these positions.
4. If women represent 55% of the total workforce in a job class, but account for only 5% of your enterprise's total workforce, the job class might be considered predominantly female on account of the disproportionate rate of representation of women in that class.

Assessing your situation at the end of step 2

If, after identifying your predominantly female job classes and predominantly male job class, you note:

No PFJC in your enterprise:	You have completed the exercise and must post the results as stipulated in the Pay Equity Act. This posting must specify that no compensation adjustment is required and indicate the rights and remedies available to employees.
No PMJC in your enterprise allowing you to compare your PFJC:	• The procedure is temporarily suspended until the adoption of a regulation by the Commission de l'équité salariale. Indeed, the Act confers to the Commission de l'équité salariale the power to develop a regulation in order that enterprises without a predominantly male job class may all the same correct differences in compensation by using job classes outside the enterprise for the purpose of comparison. Under the Act, enterprises without predominantly male job classes, have a time limit of two years of the coming into force of the regulation to determine adjustments in compensation. • An enterprise that, at the time its exercise should have been completed did not have predominantly male job classes, is required to complete the exercise if such a class is created before the adoption of the Commission's regulation. In this case, the compensation adjustments will have to have been determined within two years of the creation of the predominantly male job class in the enterprise.

Some documents provided by in French the Commission de l'équité salariale: *Questions-Réponses : Identifier les catégories d'emplois à prédominance féminine et les catégories d'emplois à prédominance masculine.*

3. Compare your predominantly female job classes with your predominantly male job classes

You have identified predominantly female job classes and predominantly male job classes in your enterprise. In order to determine the compensation adjustments, you must now compare your job classes.

Choosing a job class value determination method

A value determination method is a tool that can allow you to compare your predominantly female job classes and predominantly male job classes and to attribute a relative value based on the four main factors:

- Required qualifications
- Responsibilities

- Effort required
- Working conditions

The Act does not impose the use of a particular value determination method to compare predominantly female job classes with predominantly male job classes. However, the value determination method selected must:

- be exempt of gender-based discrimination (Section 51);
- highlight the specific characteristics of predominantly female job classes and those of predominantly male job classes (Section 56);
- allow the predominantly female job classes to be compared with predominantly male job classes (Section 56);
- comprise the four main factors under the Act, that is required qualifications, responsibilities, effort required and the conditions under which the work is performed (Section 57).

Even if the Act affords some latitude in selecting the value determination method of the job classes in regard to a pay equity exercise, preference is generally given to a point and factor method that allows a reduction of subjectivity because of its analytical and systematic character.

The value determination method must have a link with the mission and values of the enterprise, without being discriminatory for the predominantly female job classes.

Job class value determination

Choosing an appropriate job class value determination method does not automatically guarantee that the valuation procedure will be exempt from gender discrimination. The way the method is implemented has an equally determining impact in this regard.

Tips

- The value determination method must be applied with the same rigor for all job classes.
- The training of evaluators also plays an important role in identifying and eliminating gender bias. It is important that these persons understand matters relative to pay equity and gender bias and be aware of the possible effects of stereotypes associated to job classes on decisions to be taken during the valuation.
- The valuation must deal with the content of the job classes, not with jobholders, job titles, the hierarchical level or the present remuneration.
- A complete and up-to-date knowledge of the content of job classes is indispensable. It may therefore be necessary to gather information with job holders. Whether this is

done using a questionnaire, by an interview, by observation or a combination of these techniques, it must be consistent for all job classes and allow the gathering of the same level of information specific to each.

- In order to ensure the consistency, validity and precision of the valuation, it is common practice to review the results. In fact, it is a question of paying particular attention to predominantly female job classes and making sure that the rating or weighting do not have adverse effects on them.

Despite the rigor of the valuation, the results obtained still hold some degree of approximation. It is therefore common practice to consider of equal or comparable value jobs with very close valuation results. In practice, job classes are of comparable value when they are within the same point interval. However, some caution is necessary when establishing point intervals so that the latter do not have a discriminatory effect on predominantly female job classes.

Some documents provided in French by the Commission de l'équité salariale : *Info-Équité : Choix de la méthode, des outils d'évaluation et élaboration d'une démarche d'évaluation des catégories d'emplois à prédominance féminine et à prédominance masculine* and *Info-Équité : Prendre en compte les caractéristiques des emplois féminins*.

4. Determine the value of differences in compensation

The results obtained during the job class value determination will enable you to compare the remuneration for predominantly female job classes with that for predominantly male job classes of equal value in your enterprise.

If the remuneration for predominantly male job classes is higher than that for predominantly female job classes of equal or comparable value, you must evaluate the differences in compensation (remuneration) in order to make the required compensation adjustments.

To evaluate differences in compensation, you must first calculate the remuneration in the job classes to be compared. The method used for this purpose is explained below.

Calculating the remuneration in a job class

Sections 65 and 66 of the Pay Equity Act specify what is included in the remuneration for a job class:

- The highest rate of compensation or the maximum in the compensation scale (basic salary);
- Flexible pay;
(Merit and performance pay (premiums, commissions), tips, income from gain-sharing schemes)

- Benefits having pecuniary value;
(Meal allowances, holidays, sick leave, family-related leave, indemnities, the supply and maintenance of tools and uniforms or other clothing, except where required under the Act respecting occupational health and safety or except where the uniforms or other clothing are a job requirement, payment of professional dues, rest and meal periods, low-interest loans, bonuses, health and disability insurance, retirement plans, reimbursement of tuition fees, parking privileges, vacation, the supply of vehicles and other benefits of that nature.)

When benefits having pecuniary value and flexible pay are the same for all job classes, the difference in compensation that must be eliminated is that which exists between the highest rate of compensation or the maximum in the compensation scale applicable to predominantly female job classes and that of predominantly male job classes.

When one compares two job classes of equal value and they do not have access to the same remuneration (flexible pay and/or benefits having pecuniary value), two options are possible:

- Making the remuneration equally accessible to these same classes;
Or
- Determining the value of the part that is not equally accessible and adding it to the remuneration of the job class (that did not have access to this remuneration).
(When a benefit or flexible pay is not accessible to all job classes, you must determine the remuneration of the job classes to be compared by adding the value of this benefit or of the flexible pay to the maximum in the compensation scale or to the highest rate.)

Case #1:

For example, in the ABC Company, there are two job classes (one female and one male) of equal value. The predominantly male job class has the same salary rate and the same flexible pay as the female class of equal value. On the other hand, the male job class is entitled to insurance whereas the female job class of equal value is not. The employer decides to make the remuneration available to the job class of equal value and to provide it with insurance. The remuneration then becomes available to both job classes of equal value.

Case #2:

There are two job classes (one female and one male) of equal value at the “The Small Tummy” restaurant, the female job class “cooks” and the male job class “waiters”. We note that the salary rate and the benefits having a pecuniary value are equal. On the other hand, the job class “waiters” is entitled to tips. Not wanting to extend tips to the job class “cooks”, the employer determines the value of this part of the remuneration. He then bases his calculation on the waiters who give a fully satisfying performance and on a representative period (for example, one year). Once this is done, he adds to the remuneration of the female class the determined value with regard to tips and adds it to the “cooks” class.

Authorized differences in compensation

Under the Pay Equity Act, certain situations can justify the existence of differences in compensation between predominantly female job classes and predominantly male job classes of equal value.

Thus, for the purpose of valuating differences in compensation (or once such differences have been determined), you may not take into account those based on any of the following factors:

- Seniority, unless this factor is applied so as to discriminate on the basis of gender;
- An assignment of fixed duration;
- The region in which the employee works, unless this factor is applied so as to discriminate on the basis of gender;
- A shortage of skilled workers;
- Red circling (following a reclassification, demotion or special arrangement for the handicapped);
- Non-enjoyment of benefits having pecuniary value by reason of the temporary, casual or seasonal nature of a position;

For example, if according to the compensation structure an employer intends to pay a programmer-analyst (male job class affected by a shortage) \$50,000 and that due to a shortage of candidates on the market, he has to offer \$70,000 to fill the position, he deducts the additional \$20,000 when determining differences in compensation.

Calculating differences in compensation between job classes of comparable value

Once you have determined the remuneration to be considered, you must calculate the differences that must be eliminated between the predominantly female job classes and predominantly male job classes.

Section 73 of the Act stipulates:

- that you may not, in order to achieve pay equity, reduce the remuneration payable to other employees, (including benefits having pecuniary value, flexible pay and basic salary).

To calculate differences in compensation between predominantly female job classes and predominantly male job classes, you may use the methods provided in the Pay Equity Act for enterprises with 50 or more employees:

- individual valuation method, commonly known as the “job-to-job method of comparison”
- overall valuation method

Individual valuation method

Valuation on an individual basis consists in calculating the difference between the remuneration for a predominantly female job class and that for one or more predominantly male job class of equal value. The individual valuation method, or job-to-job method of comparison, can be used in small businesses where there are few job classes.

If, in applying the job-to-job method of comparison, there are two or more predominantly male job classes of equal value but with different remuneration, comparisons are made on the basis of the average remuneration for those job classes.

In situations where there is no comparator of equal value, the valuation of the remuneration of the predominantly female job class must be established proportionately to the remuneration of the predominantly male job class the value of which is closest to its value.

The Act does not prescribe a particular modality for valuating the remuneration of a predominantly female job class proportionately to the remuneration of the predominantly male class the value of which is closest to its value. Using the rule of three is not contrary to the Act. It turns out however that in numerous cases, its use can produce results that do not follow in the same lines as the objectives of the Act. In fact, this technique can lead one to conclude that a job class has a salary that is double that of another class if it obtains twice as many points.

It is recommended to use, if possible, the valuation on an overall basis in reference with the earning curve of the male job classes.

It is also possible to determine the monetary value of a valuation point from the difference in remuneration between the male class the low value of which is closest and the male class the high value of which is closest.

Example:

Female job class	350 points
Closest male job class	325 points / \$13.25 per hour
Closest male job class to the one with 325 points used as a variable necessary to determine the monetary value of a valuation point	380 points / \$15.00 per hour
Monetary value of each point between 325 and 380 points	$\$1.75 \div 55 \text{ points} = \0.0318
Value of the female job class	$350 \text{ points} - 325 \text{ points} =$ $(25 \text{ points} * \$0.0318) + \$13.25 = \$14.04$

The use of this method is recommended especially:

- In cases where the predominantly female job class falls between the values of two male job classes that are not too far from one another;

- When, although outside the value of the two male job classes, the female job class is very close to them in terms of value.

It is possible to use concurrently this valuation method of differences and the rule of three within the same pay equity procedure.

Overall valuation method

The Act makes clear that the overall valuation method of differences in compensation consists in the first place in tracing the earning curve of all predominantly male job classes subject to a pay equity procedure or program. This method makes it possible to determine if the remuneration of each predominantly female job class is below the point corresponding with its value on the male curve.

Example:

Data for tracing a curve using all predominantly male job classes

Male job classes	Value of classes in points	Remuneration: hourly rate \$
A	130	12.10
B	150	12.25
C	275	15.25
D	350	16.00
E	375	18.00
F	525	26.00
G	525	24.50
H	550	28.00
I	575	32.00

With this data, it is possible to position each of the predominantly male job classes on a graph. It is thus possible to obtain an overall view of all predominantly male job classes.

One finds, in looking at this graph, that there is a difference in compensation between the predominantly female job class “A” and the earning curve of predominantly male job classes. The predominantly female job class will therefore be subject to an adjustment.

Calculating compensation adjustments

Once you have determined the differences in compensation between job classes, you must calculate the compensation adjustments to which each employee in the predominantly female job classes is entitled.

Under the Act, there is no specific way of calculating the compensation adjustments. It is however necessary to ensure that the calculation of compensation adjustments is done on a gender-neutral basis.

Thus, when there are salary scales, the compensation adjustments of a predominantly female job class will generally apply on the basis of the increments in the pay scale of the predominantly male job class used for the comparison.

Characteristics specific to job classes can sometimes justify the existence of different salary scales, for example a salary structure for jobs in sales and another one for professional and technical jobs. It is a matter of ensuring that the implementation of salary structures is not linked to gender predominance of job classes and that it is free from gender-based discrimination.

Differences in compensation noted or part of those can also be due to the value of flexible pay components or of benefits having pecuniary value that are not available equally. It is possible to harmonize these components or to correct differences in compensation by a combination of adjustments on the basic salary, flexible pay or benefits having pecuniary value.

Some documents provided in French by the Commission de l'équité salariale : *Info-Équité : L'estimation des écarts salariaux* and *Questions-Réponses : Estimer les écarts salariaux*.

5. Define the terms and conditions of payment of compensation adjustments

When the salary of a female job is less than that of a male job of equal value, the employer must make the compensation adjustments necessary to correct this difference.

- For enterprises in existence on November 21, 1996, payment of the compensation adjustments were to begin no later than November 21, 2001. Amounts due to people entitled to the adjustments bear interest at the legal rate as of that date.

- For enterprises created after November 21, 1996, payment of the compensation adjustments must begin no later than five years after the beginning of business activities.

The compensation adjustments defined may be paid all at once or spread over a maximum of four years. If the adjustments are spread over time, the instalments must be annual and in equal amounts.

The employer may decide how to spread adjustments for each job class, for example, he may decide to spread them over three years for class X or not to spread them for another class.

Here are some examples of how compensation adjustments may be paid, with or without instalments.					
Method of payment	Nov. 21, 2001	Nov. 21, 2002	Nov. 21, 2003	Nov. 21, 2004	Nov. 21, 2005
Without instalments	\$11.00				
Over 1 year	\$10.50	\$11.00			
Over 2 years	\$10.33	\$10.66	\$11.00		
Over 3 years	\$10.25	\$10.50	\$10.75	\$11.00	
Over 4 years	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00

It is important to understand well that the job classes compared will have to obtain the same rate (same remuneration) at the end of the chosen spread period. One must therefore take into account annual wage increases and of course the need to maintain pay equity.

Some documents provided in French by the Commission de l'équité salariale : *Questions-Réponses : Déterminer les modalités de versement des ajustements salariaux - Procéder au versement des ajustements salariaux.*

6. Post the results

- ✓ Posting the results is an obligation under the Act.
- ✓ The employer must post the results (differences in compensation) in prominent places easily accessible to employees.
- ✓ The Act does not specify the duration of the posting. However, it is essential that people have enough time to find out about the information and make comments if necessary.

The posting must contain the following information:

- for each predominantly female job class, the amount and dates of each of the compensation adjustments instalments or a notice setting out that no compensation adjustments are required;
- information concerning the rights and remedies of employees.

Employees have 60 days from the first day of the posting to request additional information or make observations in writing to the employer. The latter, upon receiving comments or observations must, within 30 days following the 60th day, effect a new posting with any amendments clearly indicated or an indication that no amendments are needed.

An employee or a certified association representing employees in the enterprise may file a complaint with the Commission de l'équité salariale if the employee or association is of the opinion that the employer has not determined the required compensation adjustments. Such a complaint may be filed at any time from the first day of posting.

Some documents provided in French by the Commission de l'équité salariale: *Info-Équité : L'affichage*, *Info-Équité : Comment lire l'affichage sur l'équité salariale* and *Questions-Réponses : Afficher les résultats*.

7. Pay compensation adjustments

For enterprises in existence as of November 21, 1996, the time limit to begin paying compensation adjustments was November 21, 2001 and for enterprises created after that date, the time limit was five years from the beginning of business activities.

Compensation adjustments identified bear interest at the legal rate as of the time they should have been paid.

However, the Act provides that the instalment period may be extended by a maximum of three years beyond November 21, 2005 with the authorization of the Commission de l'équité salariale if your enterprise is experiencing financial difficulties.

Some documents provided in French by the Commission de l'équité salariale: *Questions-Réponses : Définir les modalités de versement des ajustements salariaux -Procéder au versement des ajustements salariaux*.

8. Maintain pay equity

After implementation of equity, the employer is required by the Act to maintain pay equity. Maintaining equity is therefore a logical follow-up of pay equity in the enterprise.

Maintenance begins as soon as the pay equity exercise is finished or should have been finished, that is November 21, 2001 for enterprises in existence on November 21, 1996.

As the Act does not impose a specific procedure for achieving pay equity in enterprises of 10 to 49 employees, the same latitude remains during pay equity maintenance operations. What is essential is that the procedure selected to maintain pay equity be exempt from gender-based discrimination.

HOW TO CONTACT THE COMMISSION DE L'ÉQUITÉ SALARIALE

For more information, one can refer to other documents produced by the Commission de l'équité salariale. All these documents are also available on the Internet.

To contact us	
Telephone information Service: From anywhere in Quebec (toll free):	1-888-528-8765
Quebec City and surrounding region:	(418) 582-8765
Internet site:	www.ces.gouv.qc.ca
E-mail:	equite.salariale@ces.gouv.qc.ca
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Appendix 1

Simple value determination method

A value determination method is a tool that will enable you to systematically determine the value of the predominantly female job classes and the predominantly male job classes in your enterprise.

This appendix contains information that will help you to develop a simple point factor value determination method that you can use in your pay equity procedure.

The following steps are involved in developing or adapting a value determination method:

- Choosing factors
- Defining factors
- Choosing the number of levels and defining them if necessary
- Weighting factors and levels

Choosing factors

The value determination method used for pay equity purposes usually takes four main factors into account:

- Required qualifications
- Responsibilities
- Effort required
- Working conditions

Defining factors

You must first define each of the four factors based on the characteristics of the job classes in your enterprise and the values and distinctive traits of your organization.

It is up to you to define the factors. Bear in mind that there is no universal definition. You must consider all the important features of a job and take care not to measure the same feature more than once since this will distort the results.

Appendix 3 presents the different features that may be included in each of the four main factors and lists characteristics of female jobs that are often overlooked.

For example, we present factor definitions. You may decide to define them differently or in greater detail to reflect the specific characteristics of your organization.

Thus, you could use only training and experience to measure the “required qualifications” factor and to leave responsibility for other people’s health out of the “responsibilities” factor since this feature does not reflect the reality of your enterprise. You may also decide to measure interpersonal skills under the “required qualifications” factor and dexterity under “effort required”.

Sample factors and their definition:

Required qualifications

This factor measures the level of knowledge and expertise that must be acquired to perform routine tasks. It measures necessary training, minimum previous experience, the training or adaptation period required to satisfactorily perform a given job and the muscular coordination and dexterity needed to carry out certain tasks.

or

This factor measures the level of knowledge and expertise that must be acquired to perform routine tasks. It measures necessary training, minimum previous experience, interpersonal skills and the training or adaptation period required to satisfactorily perform a given job.

Responsibilities

This factor measures the level of responsibilities assumed in performing routine tasks. It measures the level of responsibility related to the consequences of decisions and actions, to the oral and written communications needed to do a given job, to the precautions and degree of care required to prevent injury and harm to oneself and others and to the level of supervision and management of the work of others.

Effort required

To reflect what often occurs in practice, we have divided the “effort required” factor into its two main components, namely, mental effort and physical effort.

Mental effort required

This factor measures the level of mental effort required to perform routine tasks. It measures the level of effort needed for concentration and sensory attention, the complexity of tasks, the initiative and judgment required to do a given job. It also measures the effort needed to exercise the self-control and thus prevent emotional reactions from interfering with the satisfactory performance of tasks.

Physical effort required

This factor measures the level of physical effort required to perform routine tasks. It measures the level of effort required by the movements made and positions taken in doing a given job by taking the frequency and duration of the effort into account.

or

This factor measures the level of physical effort required to perform routine tasks. It measures the level of effort required by the movements made and positions taken in doing a given job by taking the frequency and duration of the effort into account. It also measures muscular coordination and dexterity by taking the precision and speed required to do the job into account.

Working conditions

This factor measures the level of physical or psychological inconvenience associated with a working environment by taking the nature, duration and frequency of the inconvenience(s) into account.

Choosing the number of levels for each factor

You must then decide how many levels each factor will have.

These levels represent perceptible differences between the various job classes in your enterprise. There must be enough of them to reflect all the subtle distinctions that may be made but not so many that distinctions are hard to perceive. In fact, such levels allow you to properly evaluate job classes that are quite different with regard to a particular factor.

Each factor does not have to have the same number of levels. Similarly, it is not necessary that each factor include six or seven levels, which is generally the maximum number.

For example, once you have defined the various factors and levels, you might obtain a method that looks something like this:

	Levels						
Factors							
Required qualifications	1	2	3	4	5	6	7
Responsibilities	1	2	3	4	5	6	
Mental effort required	1	2	3	4	5	6	
Physical effort required	1	2	3	4	5		
Working conditions	1	2	3	4	5		

You may now evaluate your job classes by noting and compiling your results on the tables provided in Appendix 2.

Weighting factors and levels

Weighting factors

Weighting represents the value or importance given to each of the factors. Weights generally vary from one factor to another and reflect, without gender-based discrimination, the values and mission of your enterprise.

For example, one enterprise may decide to assign more weight to responsibilities, while another will emphasize effort.

For pay equity purposes, the weight assigned to each of the four main factors generally falls within the following ranges:

Required qualifications	20 to 35%
Responsibilities	25 to 30%
Effort required	20 to 40%
Working conditions	5 to 15%

It does not really matter how many points you allocate to your job valuation method. Instead, it is how you distribute these points among each of the factors and levels that may affect your method's neutrality.

To determine the number of points that should be allocated to each factor, you must multiply the total number of points by the weight, expressed as a percent, that you have assigned to each factor.

For example, if you decide to allocate a total of 1,000 points to your method and assign a weight of 35% to the “required qualifications” factor, this factor will account for a maximum of 350 points out of 1,000.

Weighting levels

An arithmetic or geometric progression is usually used to determine the number of points that should be allocated to each level associated with each factor. These two types of progression make it possible to establish differences between levels in a consistent, rigorous fashion.

Level	1	2	3	4	5
Arithmetic progression	25	50	75	100	125
or					
Geometric progression	10	20	40	80	160

You may decide to use either type of progression, but in general, value determination methods employ arithmetic progression. This type of progression has been used in the following examples.

It is up to the people who do the valuation to decide whether the progression accurately reflects the differences between the requirements associated with each level.

Examples of weighting:

First example

You have chosen a value determination method involving five factors with different numbers of levels and have assigned the following percentages to each factor:

Required qualifications: 35%

Responsibilities: 30%

Effort required: 29% (24% for mental effort and 5% for physical effort)

Working conditions: 6%

You decide to weight the factors and levels using an arithmetic progression, such as the following:

Levels									
Factors									
	1	2	3	4	5	6	7	total	%
Required qualifications	50	100	150	200	250	300	350	350	35%
Responsibilities	50	100	150	200	250	300		300	30%
Mental effort required	40	80	120	160	200	240		240	24%
Physical effort required	10	20	30	40	50			50	5%
Working conditions	10	20	30	40	50	60		60	6%
								1,000	100%

Second example

You might also decide to use the same five factors and assign the same number of levels to each one. In addition, you might weight the factors in a way that better reflects the values of your enterprise. For example, you might attach less importance to qualifications and place more emphasis on such factors as effort and working conditions, taking care not to discriminate against predominantly female jobs.

Required qualifications: 25%

Responsibilities: 28%

Effort required: 35% (25% for mental effort and 10% for physical effort)

Working conditions: 12%

Your weighting might be as follows:

Levels							
Factors							
	1	2	3	4	5	total	%
Required qualifications	50	100	150	200	250	250	25%
Responsibilities	56	112	168	224	280	280	28%
Mental effort required	50	100	150	200	250	250	25%
Physical effort required	20	40	60	80	100	100	10%
Working conditions	24	48	72	96	120	120	12%
						1,000	100%

Weighting plays a very important role in a job valuation exercise. As demonstrated by the following example, the weighting models presented above produce different valuation results for job class Y.

Title of job class: Class Y

Predominance: F

Factor	Level	Results of weighting model 1	Results of weighting model 2
Required qualifications	3	150	150
Responsibilities	3	150	168
Mental effort required	3	120	150
Physical effort required	2	20	40
Working conditions	2	20	48
Total		440	556

You may decide to establish the weighting of the valuation method and of the various levels before or after valuating your job classes.

Regardless of what you decide with respect to the various factors and their weighting, you must bear in mind the aim of the Pay Equity Act and ensure that you take the characteristics and requirements of female jobs into account when you develop and use your valuation method.

For this purpose, you may refer to the list provided in Appendix 3.

Limits of the job valuation process

- No matter how rigorous a valuation method is, its results will be somewhat approximate. Therefore, jobs whose valuation results are very similar are usually considered to be of equal or comparable value. In practice, job classes are of comparable value when their valuation results fall within the same point range. For example, job classes that obtain between 460 and 464 points might be deemed of equal or comparable value.
- However, caution must be exercised in establishing point ranges to ensure the latter do not discriminate against predominantly female job classes.

Appendix 2

Examples of tables that may be used to compile ratings during the valuation process

Example 1: Table for compiling by factor:

Factor: _____

Title of job class	Level	Reasons for your choice

Example 2: Table for compiling ratings by job class title:

Title of job class: _____ Predominance: F ☐ M ☐

Factors	Level	Reasons for your choice
Required qualifications		
Responsibilities		
Mental effort required		
Physical effort required		
Working conditions		

Example 3: Summary table

FACTORS

[illegible]

Appendix 3

Examples of different job features related to the four main factors recognized for pay equity purposes and of female characteristics that are often overlooked.

To provide you with a better understanding of each main factor, we have prepared, for your guidance, a non-exhaustive list of job features usually associated with these factors.

On the other hand, to prevent wage discrimination, you must avoid the most common pitfall, namely, that of overlooking certain characteristics of different job features because they are associated with female jobs. Such omissions are at the root of wage discrimination.

The following list presents job features that should be taken into account for each of the four main factors and emphasizes characteristics of those features that are often overlooked on account of their association with female jobs.

Job features related to the four main factors

Female characteristics of these features that are often overlooked

Required qualifications

- Education
- Work experience
- Knowledge of the language(s) of work
- Ability to do team work
- Initiative
- Knowledge of machinery, tools and materials
 - Ability to operate and maintain various devices: photocopiers, computers, manufacturing equipment, packaging equipment, etc.
- Knowledge of software
 - Formatting documents, doing graphic design, using databases or computerized forms.
- Knowledge of computer languages
- Writing skills
 - Writing, proofreading, revising and correcting texts.
- Learning time
- Interpersonal skills
 - Working with children or adults in difficulty or with aggressive or impatient people.
- Creativity
- Manual dexterity and coordination
 - Fine motor skills, entering data into computers, using a keyboard, rapid execution inherent to the job, giving

injections with syringes, making poster drawings, eye and hand coordination, using sewing machines, cash registers, etc.

- Files management

Implementing and maintaining classification systems; follow-up, management and elimination of documents within the organization, etc.

Responsibilities

- With regard to results and resources on three levels:

- Equipment

- Assuming responsibility for computers, photocopiers and other pieces of office equipment.

- Financial and budgetary matters

- Work of others

- With regard to information

- Protecting confidential information, sensitive data, etc.

- Product quality

- Providing customer services.

- Staff supervision

- Staff coordination, allocation and training

- Standards, policies and methods

- Communications

- In-house communications and communications with people at all hierarchical levels, both inside and outside an organization.

- Health and safety of others

- Caring for the sick, ensuring cleanliness and safety of premises, etc.

- Autonomy and judgment

- Staff assistance and support

- Coordinating agendas, making reservations, taking charge of emergencies in the absence of authorities, looking after meeting and conference logistics, welcoming and integrating new employees, including managerial personnel, etc.

Effort required

- Physical effort

- Dealing with elements causing fatigue, such as lack of movement, uncomfortable working stations (standing or sitting in the same position), repeated use of a limited number of muscles, and fine, rapid digital dexterity.

Handling or moving light objects on a regular basis and transporting or moving people.

- Mental effort
- Concentration and sensory attention
 - Maintaining the level of concentration required to rapidly alternate between several different tasks (i.e.: looking at a computer screen, consulting documents, answering the telephone, responding to customers or clients at the desk, etc.), focusing sustained concentration on a document or other object for long periods.
- Judgment
- Analysis and effort required by tasks, depending on their complexity
- Effort related to creativity
- Psychological effort
 - Exercising self-control in difficult interpersonal relations, in helping relationships, etc.

Working conditions

- Physical environment
 - Dealing with noise while working in open plan offices, with the presence of blood, vomit and other substances encountered in working with sick people, and with the presence of cleaning products.
- Psychological environment
 - Working in an environment where children, the dying, the mentally disabled, hostile or violent individuals or other difficult client groups are present.
- Pace of work
 - Coping with stress caused by multiple and often unpredictable tasks, meeting short deadlines and peak workload periods.
- Frequent travelling
- Irregular and unpredictable working hours