Ontario

Pay Equity Office

Business Plan 2020–23

Title: Pay Equity Office Business Plan 2020–23

Ce document est disponible en français

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1. Introduction

Since its inception in 1987, the province's *Pay Equity Act* has been the leading piece of legislation in compensation for women in the workplace Ontario. The proactive Act was written to involve societal change to redress systemic economic bias against women by job class within their employment.

In addition to enforcement, the Pay Equity Office recognizes the need to support the proactivity of the law and will enhance its reach through assistive resources and availed connectivity to help practitioners and employers achieve and maintain pay equity.

The PEO will also collaborate with motivated stakeholders who have workplace insights and knowledge of best practices, as well as the desire to deliver change program outcomes, which are all imperative to creating opportunity and realizing meaningful growth.

2. Mandate, Strategic Priorities, and Key Activities

2.1 Mandate

The Pay Equity Commission (the Commission) was established by section 27 of the *Pay Equity Act*, R.S.O, 1990, c.P.7. Its purpose is to redress gender discrimination in the compensation of employees employed in female job classes in Ontario.

The Commission consists of two separate and independent parts: the Pay Equity Office (PEO), headed by the Commissioner, and the Pay Equity Hearings Tribunal (the Tribunal), headed by the Chair. Both the Commissioner and the Chair are appointed by the Lieutenant Governor in Council.

The Minister of Labour, Training and Skills Development represents the PEO and the Tribunal in Cabinet and its Committees, in the Legislative Assembly and before Committees of the Legislature. The Minister is accountable to the Legislature for the PEO's and the Tribunal's fulfillment of their mandates and their compliance with statutes and government administrative policies. The Minister is also responsible for the review and approval of their Business Plans and Annual Reports. This Business Plan has been prepared in accordance with the *Agencies and Appointments Directive,* the *Guide to Developing Business Plans for Provincial Agencies, Treasury Board Secretariat, June 2016,* and the *Guide to Developing Business Plans for Provincial Agencies, Ministry of Labour, Training and Skills Development, November 2019.*

The PEO offers information to help employers and employees understand their rights and responsibilities under the *Pay Equity Act*.

The PEO also investigates complaints alleging contravention of the *Pay Equity Act*. Staff of the PEO work to help parties resolve their dispute on their own; where the parties are unable to reach agreement, staff of the PEO will resolve the dispute by issuing an Order or Notice of Decision.

Where the PEO issues an Order or Notice of Decision, a party may appeal the Order or Decision to the Pay Equity Hearings Tribunal, which has exclusive jurisdiction to determine all questions of fact or law that arise in any matter before it. The decisions of the Tribunal are final and conclusive for all purposes.

2.2 Overview of Current and Future Activities

For 2020-2023, the PEO prepared a new three-year strategic plan which sets out a vision and mission based on a set of values, and outlines strategic directions and initiatives to achieve these goals.

2.2.1 Vision, Mission, and Values

Vision: A society where economic equality is the norm.

Mission: Promoting positive conversations, success stories of change, helpful resources, and mindfulness of equality.

Values:

Respect – The PEO values respectful and fair conversations around pay equity, both internally and externally.

Openness – The PEO is approachable and accessible in sharing its knowledge and expertise as a trusted resource with its stakeholders and clients.

Impact – The PEO connects with stakeholders and clients to educate, catalyze, change, and build an economy where economic equality is the norm.

Service Excellence – The PEO provides a professional, expert, constructive, and value-added service to its stakeholders and clients.

2.2.2 Strategic Plan and Key Directions

The PEO has identified three strategic directions that will drive it towards the achievement of its vision and mission:

A. Expand reach and relevance
Foster systemic change to narrow the wage gap and other related matters.

B. Build resource accessibility
Become an Ontario government resource centre on women in the workplace.

C. Strengthen service delivery
Modernize the PEO's customer service approach to facilitating the achievement of pay equity.

2.2.3 Key Activities, Service Delivery Enhancements, Efficiencies

The PEO will implement this strategic direction through a series of initiatives:

A. Expand reach and relevance
Foster systemic change to narrow the wage gap and other related matters.

1. Reframe the PEO
   - Reflect a positive tone and brand.
   - Modernize the messaging to encourage productive conversations and tangible action.
   - Ensure accessibility and approachability of the PEO.
2. Build the communications capacity of the PEO
   - Optimize existing technical resources and channels (e.g. website) to reach broader audiences more effectively.
   - Expand the Office's existing reach to help employers improve their understanding and practice of the law.
3. Build new, and deepen existing, stakeholder relationships
   - Support the Commissioner in building and expanding engagement with current and new stakeholders.
   - Establish strategies for engaging stakeholders in meaningful ways.
   - Boost external communications and promoted supporters for women in the workplace.

B. Build Resource Accessibility
Become an Ontario government resource centre on women in the workplace.

1. Explore new and expand existing opportunities to educate and train
   - "Train the trainer" to maximize the reach of the PEO's education efforts.

- Work alongside stakeholders to provide innovative training opportunities and education.
- Develop proactive resources for information seekers, to enable employers and employees to understand more about pay equity and related matters.

2. Build collaborative networks to disseminate the PEO's and others' resources
   - Expand the PEO's reach through collaboration and partnerships.
3. Tailor information to different audiences
   - Aggregate, consolidate, and curate information into a resource hub for economic equality.

C. Strengthen Service Delivery

Modernize the PEO's customer service approach to facilitating the achievement of pay equity.

1. Adopt the principles of a modern regulator
   - Expand the use of best practices and technology.
   - Foster continuous improvement in administrative practices and procedures, including a customer service approach that is assistive and approachable.
   - Leverage staff knowledge and experiences to enable operational and process-related improvements on an ongoing basis.

3. Environmental Scan and Risk Management

3.1 Environmental Scan

Ontario represents half of Canada's population, including more than seven million workers employed by half a million businesses. Of those businesses, more than 95% are small or micro, i.e. 1-99 employees, which represents more than 85% of the Ontario workforce. Ontario has the most linguistically diverse population in Canada – nearly half of the province's population speak one of about 200 languages as their first language.

The globally-connected economy that Ontario is a part of means that the PEO's day-to-day operations could be affected by unforeseen shifts that could happen on both short and long term horizons, and anywhere in the world. Therefore, this environmental scan and risk assessment are based on identifying categories of impacts on the PEO's operations, rather than on an attempt to predict specific events. As a result, the PEO has contingency plans to effectively mitigate risk regardless of the nature of any specific event.

3.2 Risk Identification, Assessment, and Mitigation

Environmental Scan Risk	Discussion	Risk Type	Mitigation Strategy
External Factors			
1. Unforeseen spike in its reactive caseload (i.e. complaints of contraventions of the Act)	With the rapidly changing workforce profile, triggers such as technological disruptors or labour force changes may lead to a sudden increase in the PEO's reactive caseload.	Delivery / Operational	• Streamline case intake and triage procedures • Explore early resolution techniques • Continually monitor caseload progress
2. Increase in inquiries and/or complaints due to new federal pay equity legislation	The new federal legislation is similar but not identical to Ontario's legislation, which may lead to confusion for employers and employees. The	Delivery / Operational	• Ensure staff are prepared with correct responses to inquiries and are equipped to expedite jurisdictional determinations

Environmental Scan Risk	Discussion	Risk Type	Mitigation Strategy
	confusion may in turn lead to an increase in the number of inquiries that the PEO receives, including an increase in the number of jurisdictional determinations that the PEO has to make.		
3. Changes in precedential caselaw from either the PEHT or the courts	Parties can appeal Orders issued by the PEO to the PEHT. Parties may also challenge PEHT decisions by applying to the courts for a judicial review. As of the time of this writing, a case with significant potential for change (*ONA v. Participating Nursing Homes*) is making its way through the courts.	Policy	• As a regulatory body, the PEO must wait until the court process has completely finished before determining an appropriate response strategy.
4. Break in business continuity	An unpredictable external event could make it difficult or impossible for the PEO to continue operations out of its current location.	Delivery / Operational	• Regular review of the Business Continuity Plan, and ensuring staff are familiar with the recovery plans • Rely upon the OPS' IT services to ensure technological resources have back-ups and contingency plans
Internal Factors			
5. Loss of human capital	Staff departures due to career progression and retirements are examples of ways in	Delivery / Operational	• Invest in knowledge management and transfer

Environmental Scan Risk	Discussion	Risk Type	Mitigation Strategy
	which the PEO could lose critical institutional memory to an extent that could affect regular operations. Pay equity enforcement is a highly specialized area of subject matter expertise. Expertise can only be developed through in-house training and experience.		• Maintain a succession plan for all positions

4. Financial and Human Resources

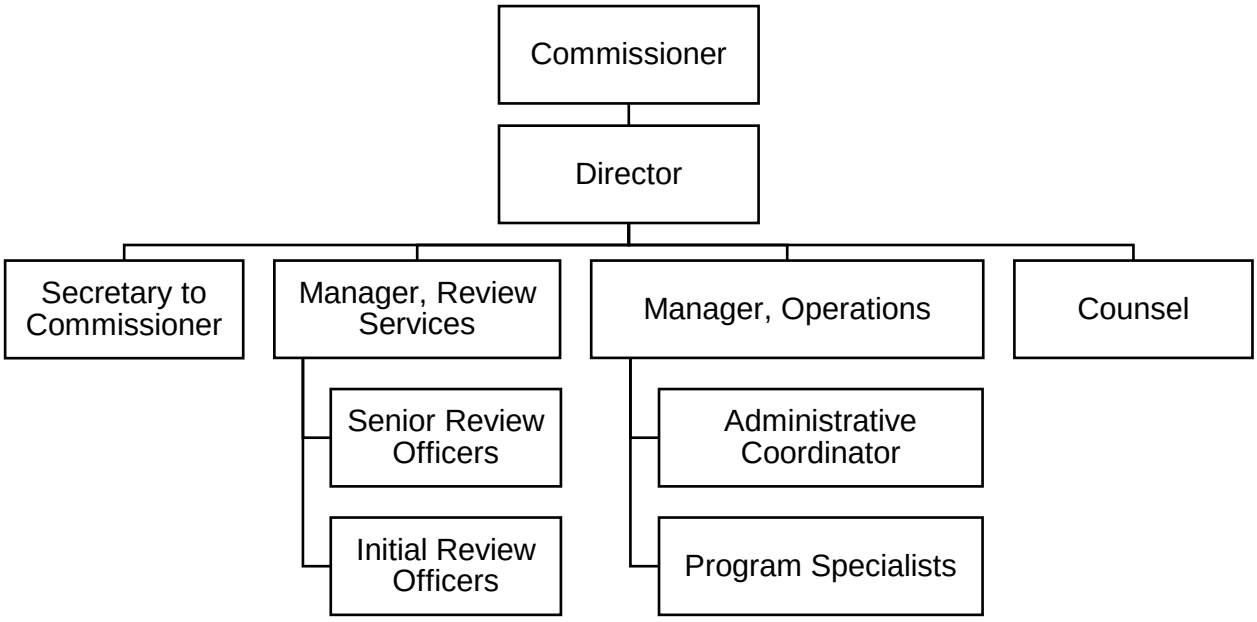
4.1 Three-Year Budget

The PEO's annual operating budget is part of the Ministry of Labour, Training and Skills Development's Estimates and reports quarterly on its expenditures and planned commitments.

Standard Account	2020-21 Expenditure Estimates	2021–22 Preliminary Planning Base	2022–23 Preliminary Planning Base
Salaries & Wages	2,347,100	2,347,100	2,347,100
Benefits	266,100	266,100	266,100
Total SWB	***2,613,200***	***2,613,200***	***2,613,200***
ODOE: Transportation & Communication	50,000	50,000	50,000
Services (Including Lease)	357,300	357,300	357,300
Supplies & Equipment	20,000	20,000	20,000
Total ODOE	***427,300***	***427,300***	***427,300***
Grand Total	**3,040,500**	**3,040,500**	**3,040,500**

4.2 Human Resources

The PEO consists of 25 Full Time Equivalents (FTEs). The Commissioner is the sole Order-in-Council appointee.



5. Performance Measures and Targets

In 2020–21, the PEO will report on performance measures and targets for its caseload responsibilities:

	Outcome	Measure	2020–21 Target	2021–22 Target	2022–23 Target
Efficiency	The PEO strives to ensure timely closure of files, taking into consideration the reality that pay equity matters often require analysis of large volumes of information.	Per cent cases resolved within 18 months	80%	80%	80%
Effectiveness	The PEO is able to facilitate consensus resolutions that comply with the Act, i.e. employers and employees are able to work together constructively, rather than adversarially.	Per cent cases resolved without an Order	85%	85%	85%

At the end of this three-year planning period, the PEO's strategic outcomes will include:

- Improved timeliness of case resolutions,
- Improved availability and usability of tools and forms,
- Increased ease of access to our services,
- Better engagement with stakeholders on solutions, and
- Creation of an online resource hub.

6. Communications Plan

The key features of the PEO's communications plan will flow directly from its strategic directions and initiatives, and include:

- Turning the PEO's website into a resource hub;
- Leveraging the PEO's website and social media account to promote success stories of change;
- Engaging with current and new stakeholders through speaking engagements for the Commissioner and special projects;
- Offering new, free tools for small employers, including free informational webinars.