Ontario

Pay Equity Commission Annual Report 2022–23

Title: Pay Equity Commission Annual Report 2022-2023

Date: June 22nd, 2023

ISSN 1929-3720 (Online) Pay Equity Commission Annual Report 2022–2023

Ce document est disponible en français

ISSN 1929-3747 (En ligne) Rapport annuel 2022-2023 de la Commission de l'équité salariale

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Table of Contents

Part I Pay Equity Office Annual Report 4
Part II Pay Equity Hearings Tribunal Annual Report 32

Pay Equity Office

Table of Contents

1. Message from the Pay Equity Commissioner 5
2. About the Pay Equity Office 7
   - **2.1 The Organization** 7
   - **2.2 Understanding the Gender Wage Gap** 7
   - **2.3 Ontario's *Pay Equity Act*** 9
   - **2.4 PEO Mandate** 9
   - **2.5 PEO Mission, Vision, and Guiding Principles** 10
   - **2.6 Commitment to Accountability and Transparency** 11
3. Report on Activities 12
   - **3.1 Highlighted Achievements** 12
4. Performance Measures 16
5. Caseload Information 19
   - **5.1 Caseload Volume** 19
   - **5.2 Caseload Age** 24
   - **5.3 Complaint Files – Applicant Profile** 25
   - **5.4 Closing the Gap** 27
   - **5.5 Compliance and Appeals** 28
   - **5.6 General Inquiries Service** 28
6. Finances and Human Resources 30
   - **6.1 Financial Report** 30
   - **6.2 Human Resources** 30

1. Message from the Pay Equity Commissioner

Updated Labour Force Survey 2022 revealed that the average hourly gender wage gap widened by 1%, putting the gender wage gap in Ontario at 13% in 2022. The widening of the gap illustrates the long-term impact of the much reported and researched "she-cession" that resulted from early pandemic lockdowns.

The economic impact of closing the gender wage gap cannot be overstated. Moody's Analytics (2023) estimates that closing gender gaps in labour force participation and representation in management positions could raise global economic activity by approximately 7%, or about $7 trillion in today's dollars. In Canada, it has been estimated supporting women's participation in the workforce could add between $100-150 billion to the national annual Gross Domestic Profit (GDP).

With this in mind, in fiscal 2022-2023 the PEO saw a renewed focus on proactive compliance, centred on providing employers with the tools they need to achieve pay equity. These tools include the "Pay Equity Solution for Small Businesses Do-It-Yourself Toolkit" (PESSB) and the "Selected Case Reference Guide", an annotated version of the *Pay Equity Act* with a curated selection of relevant tribunal and court caselaw. To meet the demands of compliance, the team implemented several in-house process efficiencies. The PEO also engaged directly with those who are best positioned to implement pay equity across Ontario through various events and workshops. We far surpassed our outreach goals, demonstrating HR and compensation specialists' increasing interest in achieving pay equity requirements.

While we continued to build significant and relevant partnerships across the Ontario government and with local stakeholders, the PEO maintained its position as a trusted expert globally. The office was invited to participate in the United Nation's 67th Conference on the Commission on the Status of Women. The wide array of events enabled our office to connect with provincial and national counterparts where Ontario's pay equity model was promoted while we learned about best practices for governance, efficiency, and outreach.

Finally, we know that what gets measured gets managed. As such, we engaged in important research this fiscal to measure and highlight some of the variables connected to the gender wage gap. Our Gender Pension Gap (GPG) report garnered much attention as did our collaboration with the Public Policy Forum to deliver a paper examining the labour and wage gaps in childcare.

In this annual report you will see many more highlights and details about what our small and effective team were able to achieve. Many thanks to Ayumi Bailly, PEO Director, Erin McCloskey, Operations Manager, and Samantha Olexson, Legal Manager of Review

Services, for supporting our team in reaching our many accomplishments. Together, the team that makes up the Pay Equity Office is committed to making the world a more equitable place for women to work, live, and thrive… starting right here in Ontario!

Sincerely,

Kadie Ward

Commissioner and Chief Administrative Officer

2. About the Pay Equity Office

2.1 The Organization

The Pay Equity Commission (the Commission) was established by Section 27 of the *Pay Equity Act*, R.S.O, 1990, c.P.7 (the Act). Its purpose is to redress gender discrimination in the compensation of employees employed in work stereotyped as female[1] 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, Immigration, 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.

2.2 Understanding the Gender Wage Gap

The gender wage gap is the difference between wages[2] earned by men and wages earned by women. The most recent Statistics Canada data (2022) shows that the average hourly gender wage gap in Ontario is 13%. The gap documented in 2022 has widened by 1% compared to 2021 gender wage gap data. The 2022 gap includes both full and part-time workers who are 15 years old and over. A 13% gap means that for every $1.00 earned by a male worker, a female worker earns 87 cents. The average annual salary gap is 25% as of 2020, i.e. women earned $0.75 for every dollar earned by men. Measuring the gap by hourly wage better reflects the differences in the number of hours worked (people in waged jobs tend to have different patterns of hours worked, rates per hour, and socio-economic characteristic than salaried jobs), whereas annual earnings better reflect total employment income, including performance-based pay like commissions and bonuses. Researchers frequently use both measures together, as well as both average and median figures, in order to paint the clearest picture possible of the gender wage gap.

[1] According to the *Pay Equity Act*, a "female job class" is defined as a job in which 60% or more of the incumbents are female.
[2] Based on hourly wages, not annualized salaries. For more information on gender compensation differences, visit the PEO's Gender Wage Gap webpage.

The average hourly gender wage gap in Ontario shrank by 5% between 1998 and 2022. Statistics Canada noted the reduction was largely explained by changes in the distribution of men and women across occupations, women's increased educational attainment, and the decline in the share of men in unionized employment. The average annual earnings gender wage gap in Ontario narrowed by 12% from 1998 to 2020.

More than two-thirds of the gap remains unexplained. The unexplained portion of the gap includes two kinds of effects: measurable and unobservable wage-related characteristics. Measurable effects are those that could be measured but are not, such as total work experience (the higher prevalence of work interruptions among women is strongly linked to caregiving responsibilities) and field of study, which may help to explain the impacts of education level on occupation. Unobservable wage-related characteristics are factors that are recognizable but are difficult to measure, such as gender differences in behaviours (e.g., wage negotiation), societal expectations, constrained choices resulting from gender roles in paid work, and the impact of explicit or implicit gender-based wage discrimination.

Beyond the substantial economic impact of closing the gender wage gap, supporting women's equitable participation and representation in the labour market drives multiple positive outcomes. There are significant opportunity costs to all forms of workplace discrimination and gender-based workplace discrimination is no exception. Evidence shows that diverse and inclusive companies are more likely to make better, bolder decisions — a critical capability in times of crisis.[3, 4] For example, gender-diverse teams are more likely to radically innovate and anticipate shifts in client needs and consumption patterns — helping their organizations to gain a competitive edge. Companies in the top quartile of gender diversity on executive teams were 25 percent more likely to experience above-average profitability than peer companies in the fourth quartile and these numbers continue to grow.[5] Diversity is a key driver of an organization's talent pipeline. A recent Glassdoor survey found that over three out of four (76%) of job seekers look at workforce diversity when evaluating an offer.[6] The most talented individuals go to places that do better with diversity, and this may be what is also driving diverse firms in certain contexts to outperform their peers. Employers risk missing out on top talent if they aren't diverse,

[3] Rock, D. and Grant, H. (2016). "Why Diverse Teams Are Smarter." Harvard Business Review. Retrieved from: Why Diverse Teams Are Smarter (hbr.org). Accessed: June 13, 2023.
[4] Bourke, J. (2018). "The diversity and inclusion revolution: Eight powerful truths." Deloitte Review. Retrieved from: Eight truths about diversity and inclusion at work | Deloitte Insights. Accessed: June 13, 2023.
[5] McKinsey & Company. (2020). "Diversity Wins: How Inclusion Matters." Retrieved from: Diversity wins: How inclusion matters (mckinsey.com). Accessed: June 13, 2023.
[6] Glassdoor. (2021). "What Job Seekers Really Think About Your Diversity and Inclusion Stats." Retrieved from: https://www.glassdoor.com/employers/blog/diversity/. Accessed: June 13, 2023.

equitable and inclusive. Simply put: identifying and addressing workplace discrimination isn't only the right thing to do, it's also critical to organizational success

2.3 Ontario's *Pay Equity Act*

Pay equity (or equal pay for work of equal value) addresses the undervaluation of women's work. The Act applies to all public sector organizations and to private sector employers with ten or more employees and requires them to have compensation practices that provide for pay equity.

The Act sets out the criteria to be applied by employers to identify systemic gender discrimination in compensation and how it is to be corrected. To meet the minimum requirements and to show that pay equity has been achieved, all employers covered by the *Act* are required to undertake the following at each of the employer's establishments:

1. Determine job classes, including identifying the gender of the job class and job rate;
2. Determine the value of job classes based on factors of skill, effort, responsibility and working conditions;
3. Conduct comparisons for all female job classes using the job-to-job, proportional value or proxy method of comparison (proxy is for public sector only and of limited application);
4. Adjust the wages of underpaid female job classes so that they are paid at least as much or equal to a comparable male job class or classes within the establishment;
5. Maintain pay equity for female job classes to ensure that new pay equity gaps are not created or do not re-emerge.

2.4 PEO Mandate

The PEO promotes gender economic equality by enforcing pay equity rights and obligations through effective case management; understanding gender wage gaps through research; and promoting awareness to advance economic equality for Ontario's working women.

The PEO fulfills its mandate by:

- Providing information and educational resources to employers and employees about pay equity and pay equity processes;
- Conducting information sessions with a variety of audiences;
- Investigating and resolving complaints through alternative dispute resolution methods, or issuing Orders for compliance;

- Referring Orders to the Tribunal for enforcement;
- Monitoring establishments for compliance with the provisions of the Act;
- Researching and disseminating information about pay equity and gender wage gaps to the public and workplace parties;
- Responding to requests from the Minister and preparing reports and recommendations to the Minister about pay equity and related matters such as the gender wage gap.

2.5 PEO Mission, Vision, and Guiding Principles

In 2021-22, the PEO team carefully developed and adopted a new multi-year Vision, Mission, and Guiding Principles through an iterative, collaborative process.

Vision: Make the world a more equitable place for women to work, live, and thrive.

Mission: Closing the gender wage gap.

Guiding Principles:

Listen First
Seek first to understand and genuinely respect others' perspectives.

Serve with objectivity and empathy
Serve one another and the public with intent and awareness.

Welcome the new and different
Seek effective and innovative approaches to deliver our work.

Grow together
We are resilient and overcome hurdles together while keeping our sights set on a better tomorrow.

Engage with passion
Our dedication to our mission is apparent to all.

Demonstrate leadership
We show others the way.

2.6 Commitment to Accountability and Transparency

The PEO remains steadfastly committed to respecting public sector accountability expectations. These include but are not limited to:

- Directives issued by Management Board of Cabinet *(Agencies and Appointments Directive*; *Travel*, *Meal*, *and Hospitality Expenses Directive; Internal Audit Directive;* among others);
- All statutes governing the public sector (*Freedom of Information and Protection of Privacy Act*; *Archives and Recordkeeping Act*; *Accessibility for Ontarians with Disabilities Act*; *French Language Services Act;* among others);
- Ontario Public Service's "Common Service Standards" for phone inquiries and correspondence.

3. Report on Activities

3.1 Highlighted Achievements

The PEO team built on momentum in 2021-22 with yet more achievements guided by our three-year strategic plan.

The 2022-23 fiscal year saw workplaces continue to emerge from a disruptive first two years of the COVID-19 pandemic. Return to physical workplaces and the at times shaky recovery of the services sector, which disproportionately employs women, presented new challenges to enabling women's equal workforce participation and related impacts on equitable pay. In the shadow of the Great Resignation, discussions around Diversity, Equity, and Inclusion (DEI) rose to prominence, and the PEO capitalized on this conversation, pursuing targeted outreach and education opportunities to maximize our impact by focusing on those in the best position to help close the gender wage gap. In reviewing the PEO's approach to proactive investigations under the *Pay Equity Act*, our Review Services and Operations teams collaborated to develop a targeted, evidence-based approach with an eye toward digitization, modernization, and gaining ever more insight on what approaches improve the efficiency, efficacy, and impact of Ontario's pay equity legislation.

This year, the PEO met or exceeded over 95% of the targets from our 2022-23 Business Plan. A few select achievements in 2022-23 are highlighted under each objective of the strategic plan.

Objective #1: Be a reputable and trusted voice for women's economic empowerment

This past year, the PEO increased our public engagement, reaching more audiences from non-profits, colleges and universities, human resources (HR) focused organizations, and beyond. Commissioner Ward's collaborations across ministries, jurisdictions, and the public and private sector revealed valuable opportunities to highlight the importance and value of women's economic empowerment. The PEO pursued both in-person and virtual events to maximize engagement and build awareness of the PEO's work across a wide variety of audiences, managing 15 events in this fiscal year alone.

The PEO's targeted outreach to human resources professionals, who are front and centre in compensation and job classification discussions, included Commissioner Ward leading a session on "Advancing DEI with Pay Equity" at the Human Resources Professionals Association (HRPA) Summer Conference in July. This session examined the strategic advantage of taking a proactive stance on pay equity to close pay gaps and

create equitable and just compensation policies. In October, Commissioner Ward shared insights and guidance on pay equity to human resources and finance leaders at ADP, a company which provides payroll solutions to tens of thousands of Canadian businesses. Commissioner Ward was also a featured speaker at the Economic Developers Council of Ontario's (EDCO) 2023 "Time for TransformatiON" conference. The panel discussion, which was opened by the Honourable Charmaine Williams, Associate Minister of Women's Social and Economic Opportunity, was the top-rated session at the conference.

In November, Commissioner Ward was pleased to address attendees at the Catalyst Honours Conference. Catalyst, a key partner of the PEO, is a global non-profit aimed at helping companies build workplaces that work for women. As a guest on the "Requiring Pay Equity" panel, Commissioner Ward and her fellow panelists reached hundreds of business leaders attending in-person and online to discuss the importance of government involvement in pay equity and what goals should be set going forward.

In March 2023, Commissioner Ward joined the Canadian delegation to the United Nations' 67th Conference on the Status of Women (UNCSW 67) at the UN's headquarters in New York City. The conference convened leaders in women's empowerment from across the globe and provided invaluable opportunities for in-person connections with some of the PEO's valued global partners. The wide array of side events also allowed for new introductions to expand the PEO's network of pay equity governance collaborators. In addition to attending a spate of in-depth sessions on pay equity, feminist responses to crises, and gender-inclusive innovation and investing, Commissioner Ward was featured as a speaker at the Czech Republic's "New Opportunities to Reduce the Gender Pay Gap in the Digital Age" event, co-sponsored by the European Commission and the Permanent Mission of Costa Rica to the UN. Commissioner Ward also served as a member of Canada's Rapid Response Group which supported Canada's negotiation team in determining Canada's commitments following UNCSW 67.

Objective #2: Close the policy, knowledge, and gender wage gaps

The PEO aims to understand the gender wage gap and its drivers by conducting ongoing, high-quality research. By broadly disseminating our findings, the PEO has made great strides toward closing the existing policy, knowledge, and gender wage gaps.

This year, the PEO made significant progress in our research agenda, expanding our scope to examine not only the drivers of the gender wage gap, but also its long-term compounding impacts. In partnership with the Public Policy Forum, the PEO supported

important work on the need for ample, affordable, and quality childcare, a key driver of women's workforce participation. The PEO also published the first in a series of educational reports on the Gender Pension Gap (GPG), which demonstrated that from 1976 (the earliest year for which data is available) to 2020 the gap between the income men and women collect in retirement had grown from 15% to 18%. Though the Gender Wage Gap (GWG) has been narrowing, the persistence of the Gender Pension Gap reflects the compounding effect that lower wages have on women's workforce participation, particularly because the household member who earns lower wages is more likely to be the person who takes on caregiving for children or elders over paid work. These findings highlight how crucial it is to improve women's economic circumstances, particularly early in their careers, to ensure their long-term financial security. This pension gap report garnered considerable attention by domestic and international partners, in mainstream media, and via social media channels.

The PEO continues to build communities of practice across jurisdictions, liaising with policy makers within and across provinces and nations to share best practices and gain further insights on pay equity issues in different contexts. Commissioner Ward continues to be a regular contributor to the OECD Forum Network, and the PEO works closely with the Equal Pay International Coalition (EPIC) and Women and Gender Equality Canada (WAGE) on education, outreach, and peer-to-peer knowledge sharing, gaining and sharing valuable insights and lessons learned. The PEO has also built a solid working relationship with our counterparts at the newly created federal Pay Equity Commission, and the two agencies meet frequently to promote joint professional development.

Following the success of the Gold Quill award-winning Level the Paying Field podcast, the PEO produced a second season of the series, Level the Paying Field II: Explaining the Unexplained, to uncover the hidden biases that contribute to gendered pay gaps. By the time this report is published, the PEO will have released all six episodes, featuring guests with experience in researching, analysing, creating, and adapting policies to help address stereotypes underlying the gender pay gap. Many of the interviewees partner with the PEO on an ongoing basis, expanding our reach via intermediary partners and supporting our efforts to educate businesses on pay equity. The PEO hopes Level the Paying Field Season Two can build upon the first season's success, which saw an increase in the PEO's website traffic by over 50%, Twitter profile visits by over 600%, and LinkedIn followers by more than 2000%. The Level the Paying Field podcast continues to advance the conversation on examining and designing around gender bias in employment, career advancement, and compensation.

Objective #3: Deliver with excellence

This year saw a renewed focus on proactive compliance, centred on supporting employers with the tools they need to achieve pay equity as part of their regular compensation practices. In September, the PEO unveiled the "Pay Equity Solution for Small Businesses Do-It-Yourself Toolkit" (PESSB), which includes an interactive PDF calculator with explanatory infographics, frequently asked questions (FAQs) and explainer videos for every step of the process. The PEO hopes that this toolkit will make it easier, faster, and more cost effective for small to medium businesses to achieve pay equity independently. As of March 2023, uptake of the beta release of the toolkit increased more than 250% in the first four months it was available, and became one of the PEO's most visited webpages, with continued growth expected.

In January, the PEO released a new resource for compensation specialists, unions, legal professionals, and anyone interested in learning more about pay equity law in Ontario. The Selected Case Reference Guide is an annotated version of the *Pay Equity Act* with a curated selection of relevant tribunal and court caselaw, with each example presented alongside the related section of the *Act*. The Guide will act as a living document, being updated periodically as more relevant caselaw emerges, and serving as an efficient reference tool to assist employers in creating and maintaining their pay equity plans in accordance with the law. News of the Guide's release was picked up and reported by more than a dozen media outlets across the financial and legal communities in Ontario.

Over the course of the fiscal year, the PEO continued to modernize our case management practices through a variety of special projects. This included digital tools like an electronic approvals system and improvements to our internal case management system, ensuring that Review Officers had more efficient tools for managing ongoing files, and reducing the time required to close files.

Overall, the PEO experienced many successes this year through a culmination of hard work, passion, and perseverance. By advocating for gender and pay equity as imperative to economic prosperity, the PEO continues to demonstrate the importance of our mission of closing the gender wage gap in Ontario.

4. Performance Measures

Objective #1: Be a reputable and trusted voice for women's economic empowerment

Intended Activities	*2022-23 Target*	*2022-23 Actual*
Public education events	♦ 8 events ♦ 60% of respondents rate "Useful" or "Very Useful"	♦ Exceeded target ♦ N/A[7]
Public addresses by Commissioner	♦ 8 addresses	♦ Exceeded target
Establish a stakeholder engagement strategy with partnership metrics	♦ Establish strategy, define metrics	♦ Met target
Optimize the use of digital channels (website, social media)	♦ Use 2021-22 data and information to define measures	♦ Met target
Outbound thought leadership contributions across a diversity of publications and media	♦ 12 contributions published ♦ Publications reflect target audiences identified in stakeholder engagement strategy	♦ Met target ♦ Met target
Develop media relations strategy	♦ Develop media relations strategy	♦ Met target
Collaborate with Ontario ministries, other Canadian jurisdictions, internationally	♦ At least 3 government collaborations (e.g. MEDJCT, MCCSS, MLITSD)	♦ Exceeded target

[7] The PEO has no control over our hosting partners' collection of feedback and historically receives too few responses to be meaningful. The PEO has removed this performance measure going forward for this reason.

Objective #2: Close the policy, knowledge, and gender wage gaps

Intended Activities	*2022-23 Target*	*2022-23 Actual*
Provide thought leadership to optimize policy, program, and legislative instruments to close the gender wage gap	♦ Seek out 3 request or submission opportunities	♦ Met target
Help HR professionals be equipped to comply with the Act	♦ At least 3 training sessions	♦ Met target
Partner with intermediaries serving small and micro businesses	♦ 3 new intermediary partners approached	♦ Exceeded target
Promote deeper understanding of the factors causing persistence of the gender wage gap, and the most effective tools and instruments to address the factors	♦ Steady increase in digital engagement rates, number/reach of partners ♦ Seek out 3 request opportunities	♦ Met target ♦ Met target
Adopt evidence-based approach to deliver legislated mandate, targeting sectors where research shows the highest potential for impact	♦ Pilot new self-serve compliance tool for small and micro businesses, use pilot results to define baseline and targets	♦ Met target
Order employers to comply with the Act as needed	♦ 90% of payment Orders are fulfilled without requiring the PEO to refer matters to the Tribunal	♦ Met target

Objective #3: Deliver with Excellence

Intended Activities	*2022-23 Target*	*2022-23 Actual*
Investigate and resolve complaints under the Act	♦ Review case management practices, procedures, and tools for resolving complaints ♦ 80% of complaints are resolved within 18 months ♦ 90% of Orders appealed to the Tribunal are found to be correct in law	♦ Met target. Ongoing commitment to continuous improvement. ♦ On track. Backlog of ageing cases nearly eliminated. ♦ Met target.
Design new proactive compliance programs based on behavioural insights	♦ Establish baseline and targets based on pilot results of new self-service tool	♦ Met target
Invest in ongoing professional development	♦ All staff have learning plans ♦ All staff complete planned learning activities	♦ Met target ♦ Met target
Demonstrate commitment to Guiding Principles	♦ 100% of staff performance plans include commitment to PEO Guiding Principles	♦ Met target
Demonstrate commitment to equity and inclusion in the workplace	♦ 100% of staff performance plans include commitment to equity and inclusion in the workplace ♦ Develop collaborative anti-racism action plan tailored to PEO; begin implementation	♦ Met target ♦ Met target

5. Caseload Information

The tables and graphs included in this section present only a snapshot, which in turn is only a partial picture of the full scope of the PEO's enforcement work.

This section presents information about our overall caseload volume (section 5.1) and turnover (section 5.2) in both data table and graphical form, a high-level profile of applicants (section 5.3), the monetary value of upholding pay equity rights and obligations (section 5.4), parties' agreement or disagreement with PEO Orders (section 5.5), and the PEO's public information service (section. 5.6).

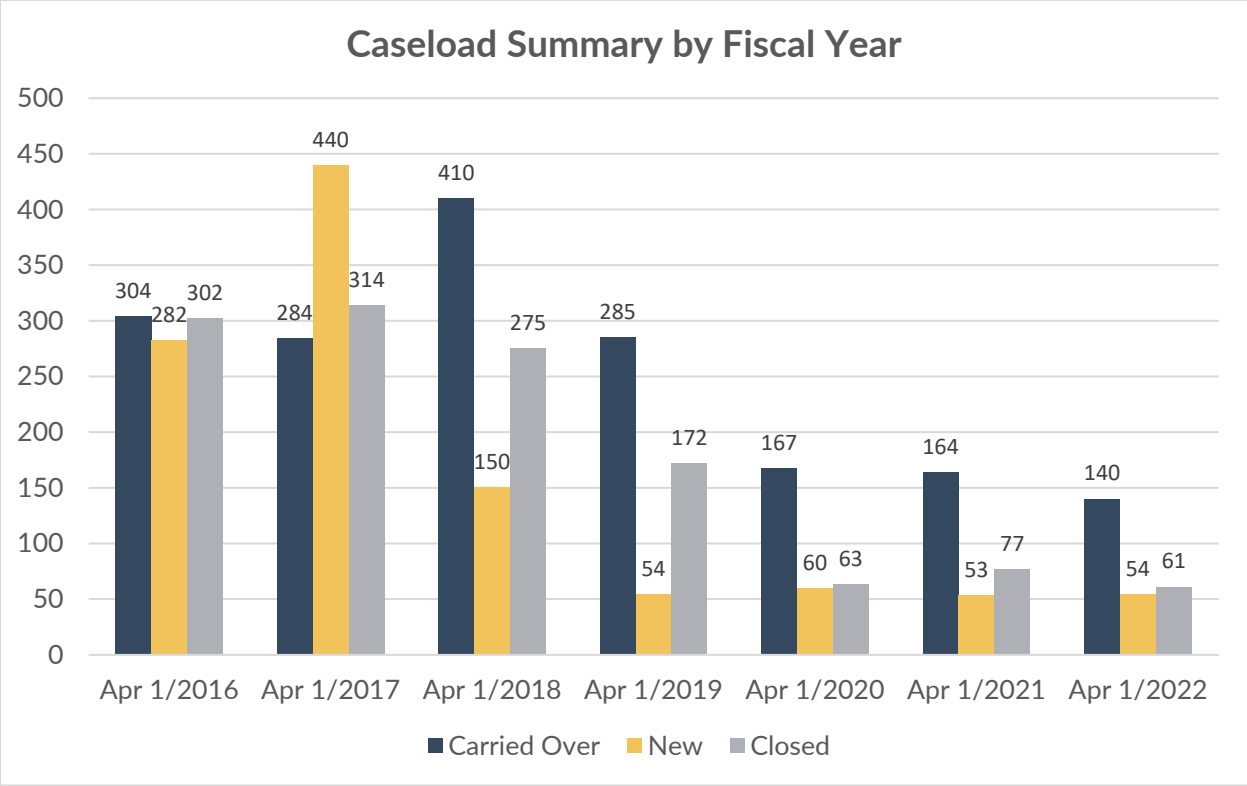
5.1 Caseload Volume

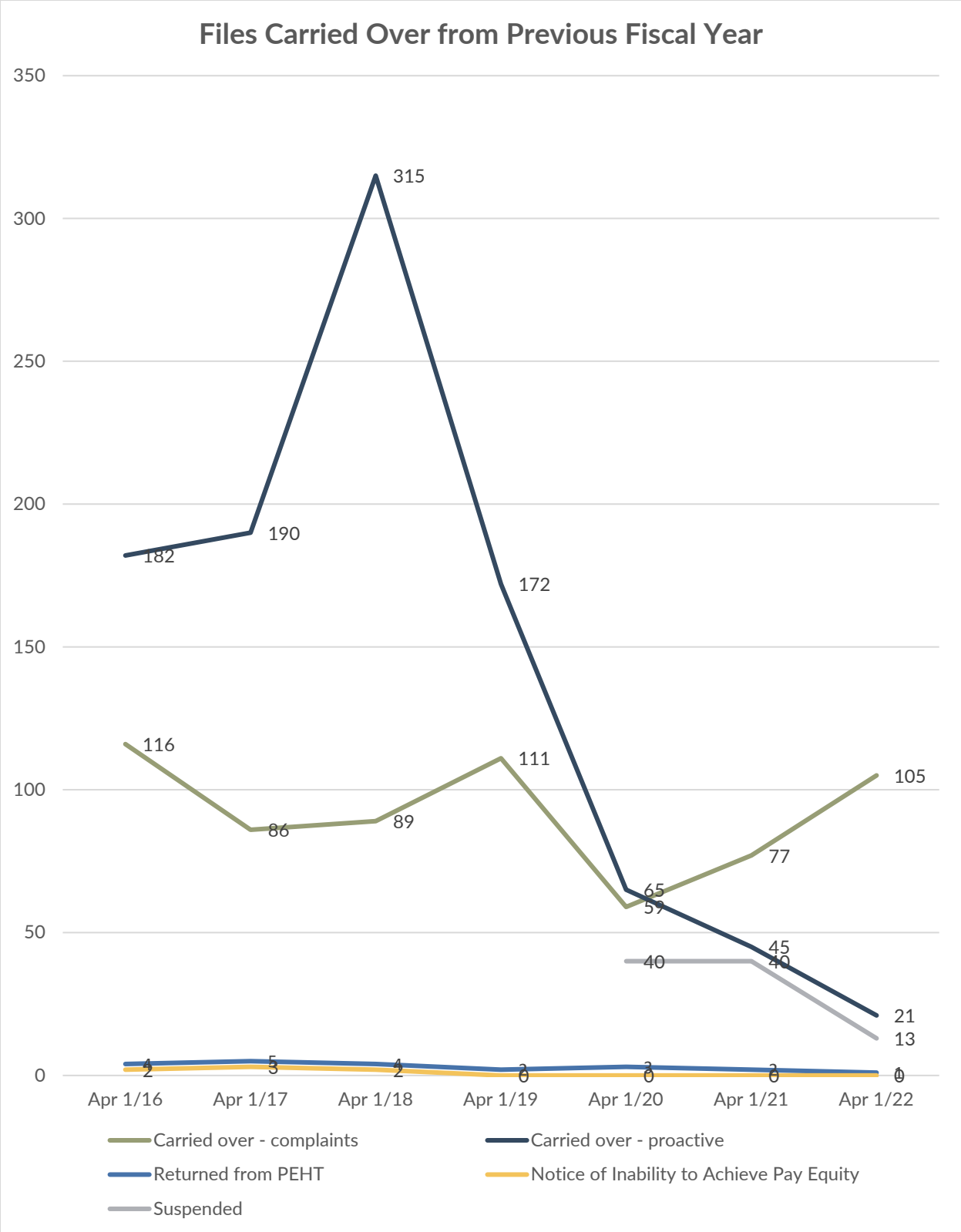
Below is a bird's-eye view of the volume of the PEO's, showing the sources of the PEO's cases (only the "proactive" portion of which is within the PEO's control), and the types of dispositions during each fiscal year.

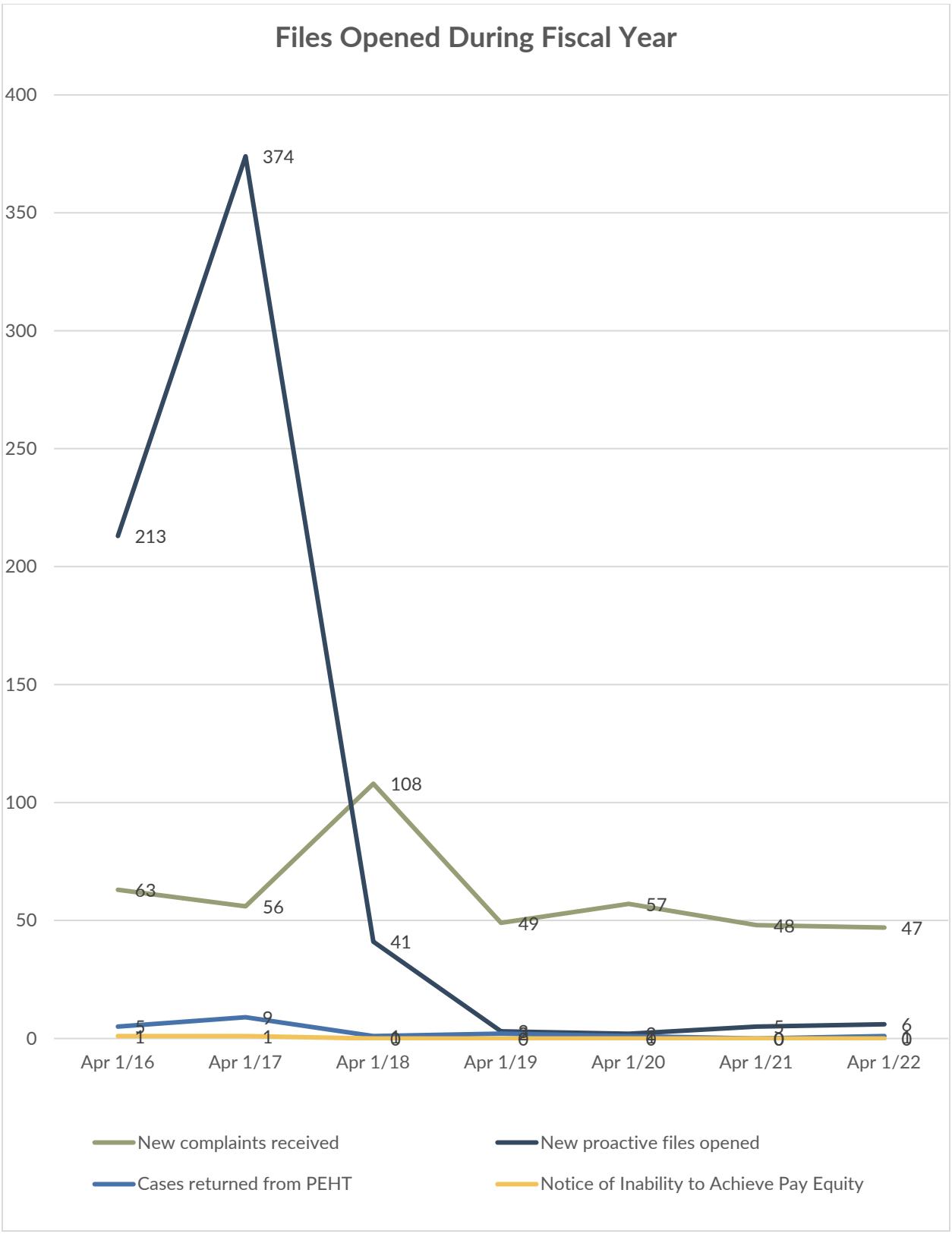
Caseload Volume by Fiscal Year

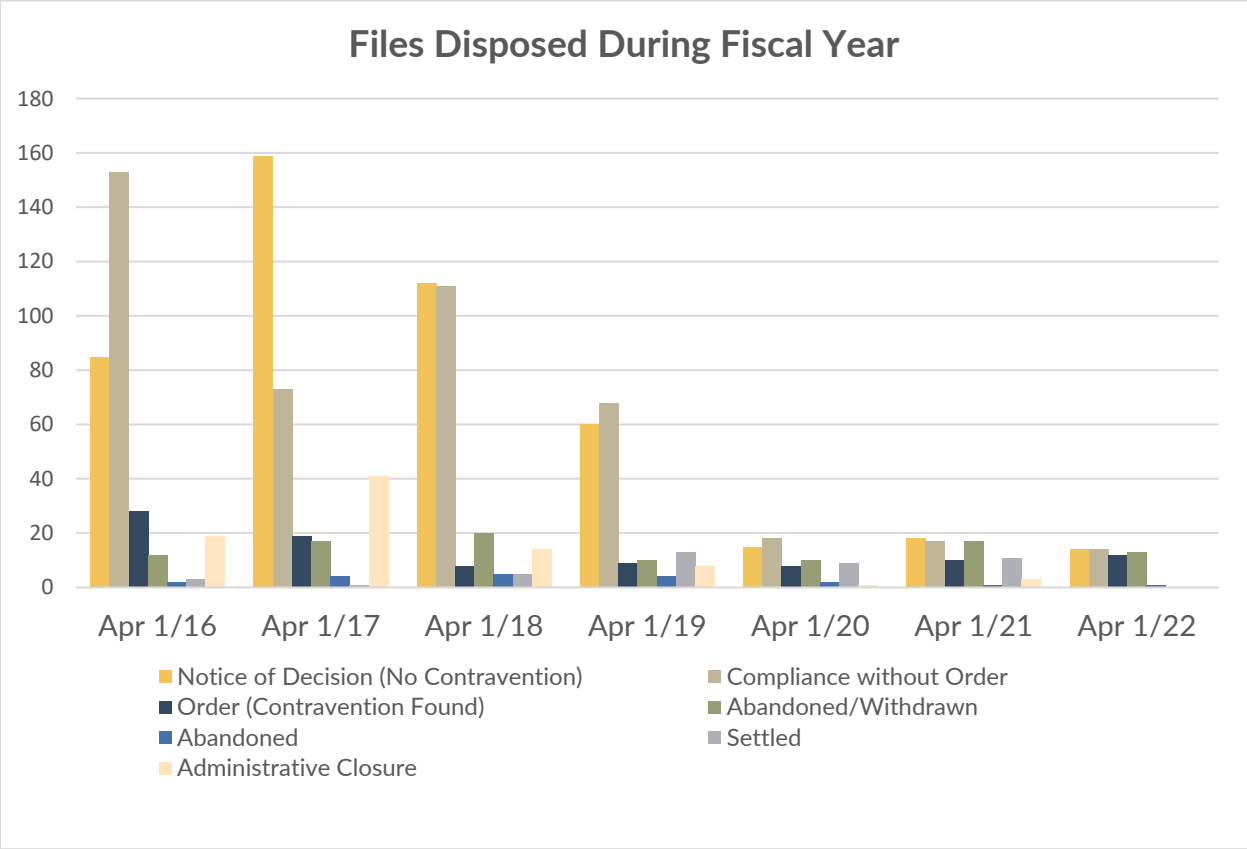
	22-23	21-22	20-21	19-20	18-19	17-18
Apr 1: files carried over from previous fiscal						
Open complaints[8]	105	77	59	111	89	86
Open proactive[9]	21	45	65	172	315	190
Cases returned from Tribunal	1	2	3	2	4	5
Notice of Inability to Achieve Pay Equity[10]	0	0	0	0	2	3
Suspended[11]	13	40	40[12]	n/a	n/a	n/a
Sub-total open carried over	**140**	**164**	**167**	**285**	**410**	**284**
Apr 1 – Mar 31: files opened						
New complaints received	47	48	57	49	108	56
New proactive files opened	6	5	2	3	41	374
Cases returned from Tribunal	1	0	1	2	1	9
Notice of Inability to Achieve Pay Equity	0	0	0	0	0	1
Sub-total new opened	**54**	**53**	**60**	**54**	**150**	**440**
Apr 1 – Mar 31: TOTAL files open during fiscal year	**194**	**217**	**227**	**339**	**560**	**724**
Apr 1 – Mar 31: files disposed						
Notice of Decision (no contravention found)	14	18	15	60	112	159
Compliance without an Order	14	17	18	68	111	73
Order[13] *(contravention found)*	12	10	8	9	8	19
Withdrawn	13	17	10	10	20	17
Abandoned	1	1	2	4	5	4
Settled	6	11	9	13	5	1
Administrative Closure	1	3	1	8	14	41
Sub-total files disposed	**61**	**77**	**63**	**172**	**275**	**314**
Mar 31 – files carried over to next fiscal	**133**	**140**	**164**	**167**	**285**	**410**

[8] Also referred to as "reactive" files. Complaint files are opened when an Applicant submits an "Application for Review Services".
[9] "Proactive" cases include cases described as "monitoring" files in previous annual reports. Proactive cases are files that the PEO open without waiting for a complaint to be filed.
[10] These are files opened in response to an application from an employer where the employer requests the PEO's assistance by submitting a formal "Notice of Inability to Achieve Pay Equity".
[11] This category was introduced in 2020-21.
[12] This figure includes three files suspended due to extenuating circumstances related to the global pandemic, and 37 Participating Nursing Home files that were suspended while being litigated in the court system. In 2021-22, the PEO reactivated the 37 Participating Nursing Home files, which are now tracked as "open" files.
[13] Excludes interim Orders.


Caseload Summary by Fiscal Year
500
450
400
350
300
250
200
150
100
50
0
304
282
302
284
440
314
410
150
275
285
54
172
167
60
63
164
53
77
140
54
61
Apr 1/2016
Apr 1/2017
Apr 1/2018
Apr 1/2019
Apr 1/2020
Apr 1/2021
Apr 1/2022
Carried Over
New
Closed


Files Carried Over from Previous Fiscal Year
350
300
250
200
150
100
50
0
315
190
182
172
116
111
105
86
89
77
65
59
45
40
40
21
13
Apr 1/16
Apr 1/17
Apr 1/18
Apr 1/19
Apr 1/20
Apr 1/21
Apr 1/22
Carried over - complaints
Carried over - proactive
Returned from PEHT
Notice of Inability to Achieve Pay Equity
Suspended


Files Opened During Fiscal Year
400
350
300
250
200
150
100
50
0
374
213
108
63
56
41
49
57
48
47
9
6
5
1
1
Apr 1/16
Apr 1/17
Apr 1/18
Apr 1/19
Apr 1/20
Apr 1/21
Apr 1/22
New complaints received
New proactive files opened
Cases returned from PEHT
Notice of Inability to Achieve Pay Equity



5.2 Caseload Age

This section presents a snapshot of the rate of turnover of the PEO's files. The proportion of the PEO's caseload that is greater than two years old at the end of the 2022-23 reporting year reflects several realities:

- Starting in the 2019-20 fiscal year, the global pandemic significantly delayed or halted progress on many pay equity files. The PEO made a commitment to accommodate employers directly affected by the pandemic, e.g. employers in the restaurant industry, even though such accommodations would lengthen the duration of these cases. As of the end of 2022-23, the PEO had closed many of these files. However, some employers require more time to complete the necessary steps for compliance, and Review Officers continue to make every effort to take into account each workplace's circumstances.
- The inherent nature of pay equity means that PEO's investigations are unusually time-consuming. Since pay equity is about ensuring that positions, or groups of positions (called "job classes") are impartially assessed for the value that they contribute to the company's overall success, a complaint about a single employee or a single position or job class cannot be evaluated in isolation – the Review

Officer must evaluate the full organizational context of the complaint.

- To evaluate the treatment of a job class, the Review Officer must obtain documentation from the employer. Sometimes the employer provides a substantial level of documentation, while other employers struggle to find records. Review Officers do their best to tailor timelines that are reasonable for each employer's unique circumstances.
- Where a Review Officer issues an Order directing a party to carry out specific actions in order to comply with the Act, the file is kept open until the party/ies provide proof that they have fulfilled their obligations. Since many of these Orders direct employers to update pay equity calculations and pay out adjustments, employers often need an additional 2-3 months to process everything through their payroll systems; very large employers often need a longer period.

Age of files at time of disposition						
Fiscal Year	**< 6 months**	**6 – 12 months**	**1 - 1.5 years**	**1.5 – 2 years**	**> 2 years**	**Total # of Files Disposed**
2022-23	14	9	8	12	18	61
2021-22	20	11	7	9	30	77
2020-21	10	8	8	3	34	63
2019-20	17	17	15	27	96	172

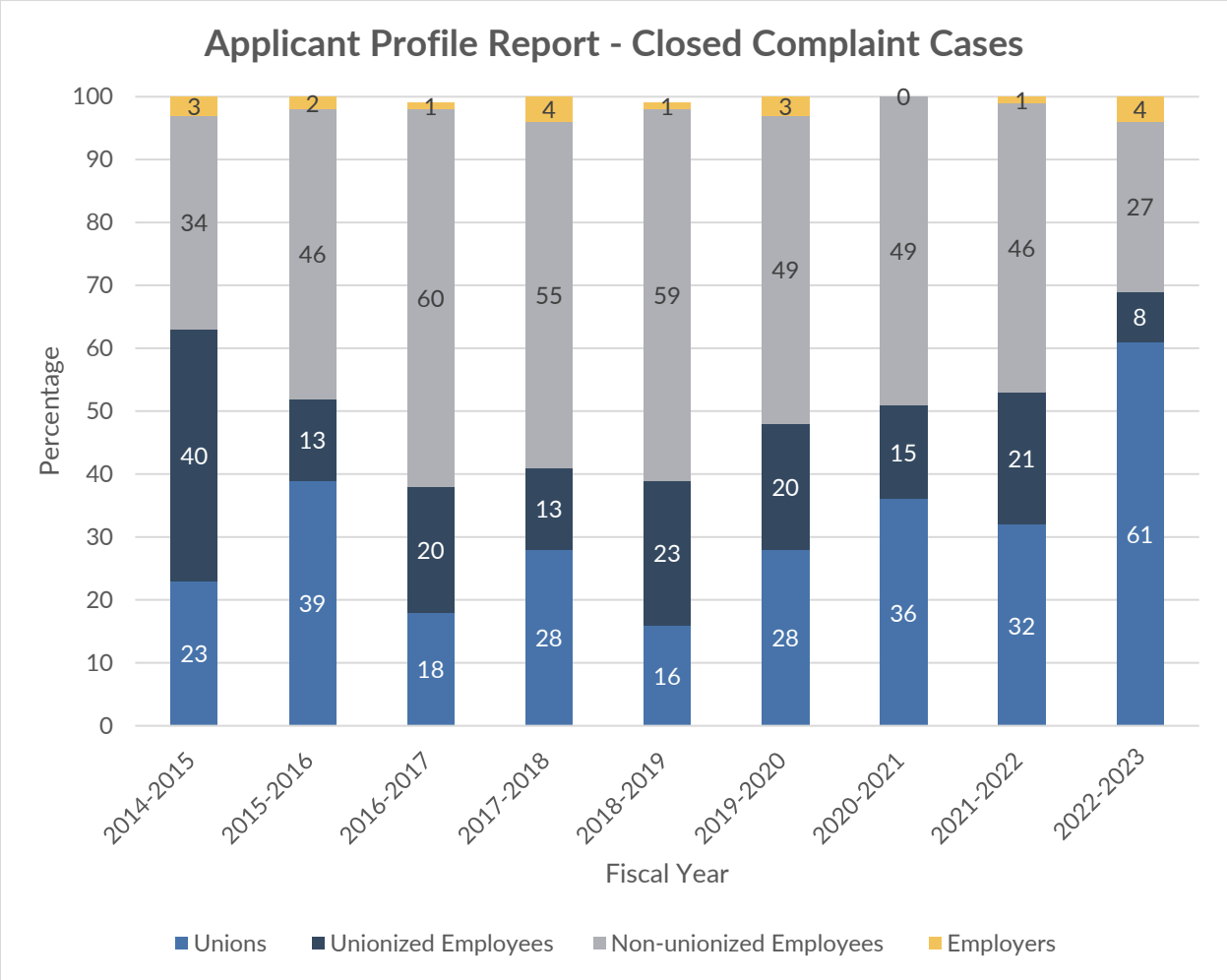
5.3 Complaint Files – Applicant Profile

The *Pay Equity Act* permits any employee (current or former), bargaining unit, or employer to file an Application for Review Services.

Applicant Profile Report – Based on complaint cases closed during the fiscal year[14]				
Fiscal Year	**Unions**	**Unionized Employees[15]**	**Non-unionized Employees**	**Employers**
2022-23	61%	8%	27%	4%
2021-22	32%	21%	46%	1%
2020-21	36%	15%	49%	0%
2019-20	28%	20%	49%	3%
2018-19	16%	23%	59%	1%

[14] Values expressed as percentages may not add to 100% due to rounding.
[15] Unionized employees may file an Application on their own, without their union.

Applicant Profile Report – Based on complaint cases closed during the fiscal year[14]				
Fiscal Year	**Unions**	**Unionized Employees[15]**	**Non-unionized Employees**	**Employers**
2017-18	28%	13%	55%	4%
2016-17	18%	20%	60%	1%
2015-16	39%	13%	46%	2%
2014-15	23%	40%	34%	3%



[16] Values expressed as percentages may not add to 100% due to rounding.

5.4 Closing the Gap

Since the goal of the *Pay Equity Act* is to remedy inequitable compensation, a natural question that follows is "how much does it cost to bring one or more female job classes in line with their male comparator(s)?" The following table provides a high-level answer to that question. In reality, the size of payments varies considerably from one employer to another based on factors such as the number of affected employees, the time period involved (and whether interest is owed), and the dollar value of the difference in compensation.

Fiscal Year	Total Value of $ Adjustments Paid Out			# Employees Who Received Payment Adjustments		
	Complaint Files	Proactive Files[17]	Total	Complaint Files	Proactive Files	Total
2022-23	$137,222.18	$5,535.21	$142,757.39	16	4	20
2021-22	$691,499.14	$2,701,997.86	$3,393,497.00	103	1,613	1,716
2020-21	$1,958,542.39	$1,209,622.43	$3,168,164.82	1,423	378	1,801
2019-20	$1,197.97	$1,200,420.38	$1,201,618.35	4	343	347
2018-19	$1,503,774.71	$742,388.50	$2,246,163.21	262	215	477
2017-18	$2,749,122.23	$550,078.42	$3,299,200.65	775	146	921
2016-17	$1,899,082.94	$2,787,875.36	$4,686,958.30	444	597	1,041
2015-16	$1,399,253.12	$4,913,692.09	$6,312,945.21	467	1,345	1,812
2014-15	$2,067,607.51	$255,538.69	$2,323,146.20	1,144	95	1,239

Fiscal Year	2022-23	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16	2014-15
% Cases Resulting in Pay Adjustments[18]	8%	22%	29%	19%	15%	9%	19%	23%	21%

[17] Includes files categorized as "monitoring" files in previous annual reports.
[18] Calculated based on number of files closed in the fiscal year

5.5 Compliance and Appeals

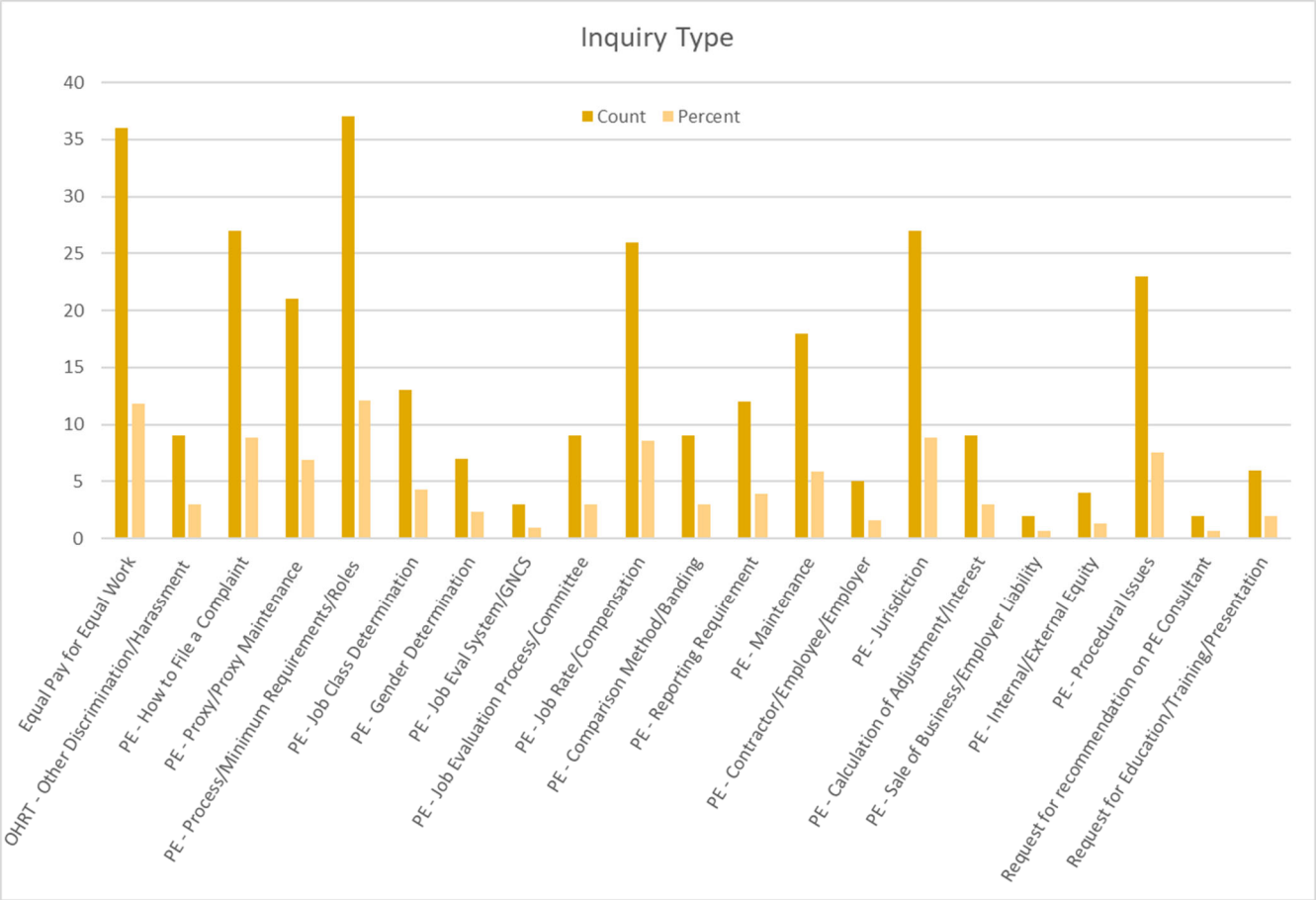
The *Pay Equity Act* gives the PEO the ability to refer cases of non-compliance to the Tribunal for enforcement. In the spirit of the Act, Review Officers make every attempt to exhaust all other resorts before referring a matter to the Tribunal. The Act also permits parties who disagree with the PEO to appeal an Order to the Tribunal.

The PEO strives to ensure that all Orders are correct in law and carefully reviews the Tribunal's findings to inform future Decisions.

Appeals 2022-23	
Type	**Number of Cases**
Cases referred to Tribunal by PEO	1
Cases appealed by a party to the Tribunal	6
Cases where Tribunal upheld PEO order	2 Notice of Decisions upheld

5.6 General Inquiries Service

The PEO also serves the general public by operating a General Inquiries service that receives questions via email, telephone, fax, or TTY. This service is for general information only to explain the provisions of the *Pay Equity Act* or the steps required to do a pay equity analysis. The PEO cannot provide legal advice, nor can the PEO provide advice on specific situations. To assist any workplace party with their particular circumstances, the PEO would have to open a file to ensure that all questions are addressed through a comprehensive review of all relevant information.



Inquirers utilize email and telephone in roughly equal proportion. The majority (40%) of questions relate to one of three themes:

- Equal pay for equal work, including the common confusion between the *Pay Equity Act* and the *Employment Standards Act* (these inquiries are usually referred to the Ministry of Labour, Immigration, Training and Skills Development);
- Questions about the process of pay equity, including roles and responsibilities; and
- Job rate/compensation.

6. Finances and Human Resources

6.1 Financial Report

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

Fiscal Year 2022–23 (in thousands of dollars)

Account	2022-23 Expenditure Estimates	2022-23 In-year Board Approvals	2022-23 Year-end Budget	2022-23 Year-end Actuals	Variance	% Variance
Salaries & Wages	2,215.3		2,215.3	2,012.2	203.1	9.2%
Benefits	246.5		246.5	280.6	-34.1	-13.8%
ODOE :						
Transportation & Communication	42.8		42.8	28.5	14.3	33.3%
Services (Including Lease)	308.1	25.0	333.1	422.9	-89.8	-26.9%
Supplies & Equipment	20.0		20.0	15.3	4.7	23.5%
Total ODOE	370.9	25.0	395.9	466.7	-70.8	-17.9%
Grand Total	**2,832.7**	**25.0**	**2,857.7**	**2,759.5**	**98.2**	**3.4%**

6.2 Human Resources

The PEO consists of 23[19] Full Time Equivalents. The Commissioner is the sole Order-in-Council appointee.

[19] This figure is provided annually by the Ministry.

Section 3.5.1 of the *Agencies and Appointment Directive, April 2020*, requires that remuneration for appointees be included in the annual report. The annualized remuneration (salary not including benefits) for the Commissioner in the 2022-2023 fiscal year was $186, 621.

As required by the *Public Sector Expenses Review Act, 2009*, the Commissioner's expenses have been posted quarterly on the Pay Equity Office website commencing April 1, 2015.

ISSN 2562-8275

The Pay Equity Hearings Tribunal

Annual Report 2022-2023

PEHT Annual Report 2022-2023

Table of Contents

Message from the Presiding Officer 34
Overview 34
Organizational Structure 35
Operations During the Pandemic 35
Tribunal Processes 36
Key Activities 37
Caseload Processing 39
Caseload Statistics 40
Key Decisions 41
Court Activity 42
Performance Measures 43
Financial Performance 45
Appendix A 46
Accountability Statement 47

Message from the Presiding Officer

I am pleased to present the 2022-23 Annual Report for the Pay Equity Hearings Tribunal. The 2022-23 year was a fantastic year for the Tribunal. This year the Tribunal resolved 71% of all outstanding cases, which includes the eleven new or reopened files that came to the Tribunal.

The Tribunal continues to operate remotely and the Tribunal has not experienced any issues with technological issues. No hearings were canceled or adjourned because of technological issues, and the Tribunal's experience is that managing the large volume of documents that are typical in a PEHT file is much easier using the electronic filing system as compared to requiring multiple hard copies of multiple volumes of documents to be filed with the Tribunal. Based on this experience, the Tribunal has provided notice to the community that it will continue hearing cases electronically for the foreseeable future.

In 2022-23, the Tribunal also underwent a review as it does every six years pursuant to the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. This process provided the Tribunal with the opportunity to review its processes to ensure it continues to operate efficiently and transparently.
In 2023-2024, the Tribunal expects to continue to receive increased case load as a result of the Court of Appeal's direction to the Tribunal to determine how parties are to use the proxy method in their maintenance processes.

Overview

The Pay Equity Commission (the "Commission") was established by section 27 of the *Pay Equity Act, 1987*, c.34 and is continued by subsection 27(1) of the *Pay Equity Act*, R.S.O. 1990, c.P.7 as amended (the "*PEA*"). The Commission consists of two separate, independent parts: the Pay Equity Hearings Tribunal (the "Tribunal") and the Pay Equity Office. The purpose of the *PEA* is to redress systemic gender discrimination in compensation for work performed by employees in female job classes. Its implementation contributes to a fairer and more productive workplace.

The Tribunal is an adjudicative agency of the Government of Ontario responsible for adjudicating disputes that arise under the *PEA*. Pursuant to section 28(1) of the *PEA*, the Tribunal is a tripartite board, composed of the Presiding Officer, Alternate Presiding Officer, a number of Deputy Presiding Officers and Members, representative of employers and employees (Appendix A).

The Tribunal deals exclusively with issues arising under the *PEA*. The Tribunal has exclusive jurisdiction to determine all questions of fact or law that arise in any matter before it. Tribunal decisions are based on the evidence presented and

submissions received and on the panel's interpretation of the facts in dispute, legislation and jurisprudence. The Tribunal is committed to a hearing process that balances the need to be fair, accessible, economical and efficient. It deals as expeditiously and fairly as reasonably possible in processing, settling or adjudicating all matters that come before it. The decision of the Tribunal is final and conclusive for all purposes. Decisions of the Tribunal cannot be appealed but may be judicially reviewed. The Tribunal encourages co-operation among employers, bargaining agents and employees and is committed to encouraging settlement among the parties.

The Tribunal is entitled to determine its own practices and procedures and has the authority to make rules and forms governing its practices and the conduct of those appearing before it. The Tribunal's Rules, Forms and Information Bulletins are available on its website at http://www.peht.gov.on.ca or from its offices at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1.

Organizational Structure

The Ontario Labour Relations Board (the "OLRB") provides administrative and institutional support to the Tribunal. The Tribunal benefits from the OLRB's sophisticated administrative and legal support, as well as information technology and the potential to take advantage of the expertise of its mediators. While the Tribunal has its own complement of Deputy Presiding Officers and Members, the Tribunal Presiding Officer is currently cross-appointed to the OLRB, the Alternate Presiding Officer, Deputy Presiding Officer and one member are cross-appointed from the OLRB and two of the current Members are cross-appointed from another tribunal ensuring that the Tribunal is staffed with experienced decision-makers at a cost that is shared with other tribunals (full-time appointments only). (Appendix A)

The Tribunal also participates in a broader, shared-services arrangement with the OLRB and the Workplace Safety and Insurance Appeals Tribunal. These adjudicative agencies share printing and production, mail services and common library services.

Operations During the Pandemic

OLRB staff returned to the office in May 2022, working a combination of remote and in-office days. Front desk staff are now available for in-person filing as well as continuing to take calls and provide information to the public and stakeholders.

PEHT adjudicators and members continued to hear cases remotely. All hearings and pre-hearings in 2022/23 were held by video or teleconference where appropriate and no in-person hearings took place. The PEHT notified the community that video conference will continue to be the presumptive method of hearing. Parties may write to the Tribunal to request an alternative to video hearing and such requests will be considered on a case by case basis. Electronic filing of applications, responses and all other material remains available and the space size for documents was increased to

allow for increased accessibility Some of the other changes which took effect during the pandemic remain in place, and include:

- Changes to how parties may deliver documents to each other, namely, delivery by email with confirmation provided so that the email can be relied upon for effective notice;

- An electronic summons to hearing form;

- The filing of a large volume of documents through the use of a third party cloud tool (such as Drop Box, Google Drive or Microsoft OneDrive).

Tribunal Processes

Upon receipt of an application, the Tribunal sends a Confirmation of Filing to the parties confirming that the application has been filed, providing the Tribunal file number and advising the parties of the date by which a response must be filed.

With respect to the adjudication of disputes, the Tribunal continues to encourage the parties to resolve their disputes without the need for adjudication. Once the response has been filed, many cases which involve more than a single party are scheduled for a Pre-Hearing Conference with the Presiding Officer, Alternate Presiding Officer or Deputy Presiding Officer where one of the objectives is to explore with the parties opportunities to settle all or a part of the dispute.

In order to increase its efficiency and reduce the parties' costs, the Tribunal continues its efforts to reduce the number of days it takes to adjudicate a matter. The Tribunal proactively identifies preliminary issues and directs the parties to address them, and encourages the parties to raise any issues they may identify well in advance of the hearing with a view to determining these matters on the basis of written submissions. The Tribunal continues to use Pre-Hearing Conferences and/or case management hearings to organize and streamline the issues in dispute so that a matter can be adjudicated as efficiently as possible. In addition, parties are routinely asked to exchange detailed submissions and documents well in advance of a hearing in order to make better use of available hearing time. It has been the Tribunal's experience that requiring the exchange of detailed submissions and documents in advance of the hearing not only serves to reduce hearing time but also facilitates the parties' ability to resolve some or all of the dispute.

In the past, the parties frequently agreed to extend the time limits for the filing of submissions and/or agreed to adjourn set hearing dates. This practice led to applications remaining outstanding for unacceptable periods of time. The Tribunal now discourages adjournments except where compelling circumstances arise and requires parties to offer substitute dates within 72 hours.

Key Activities

The Tribunal's key activities are adjudication and dispute resolution in the area of Pay Equity. These two functions are the foundation for the Tribunal's objective of adjudicative and dispute resolution excellence.

Adjudication

The Tribunal is tripartite in nature, comprised of neutral Presiding Officers and member representatives of employers and employees/trade unions. The Members are expected to bring the perspective and concerns of their community to the task of adjudication. All of the Presiding Officers have cross-appointments to or from at least one other adjudicative agency. The Tribunal holds hearings where evidence is presented and oral arguments are made. Pay equity issues are often complex; hearings can take multiple days to complete. Tribunal decisions are issued in writing and posted on accessible websites (www.canlii.org). Parties are encouraged to seek independent legal advice before coming to the Tribunal.

Mediation

Almost every case is scheduled for a pre-hearing conference before a presiding officer, other than the one who will hear the case. The goal of the pre-hearing conference is to identify and narrow the issues in dispute, organize the litigation to ensure that it is ready for hearing and explore opportunities to settle some or all of the issues. Pre-hearings are more informal than a hearing and provide an opportunity for parties to ask questions about the Tribunal's hearing procedures. Pre-hearings reduce hearing time, saving time and expense for both parties and the Tribunal. In addition, in March 2023, the Tribunal initiated a pilot project to explore the use of mediators in resolving or narrowing issues in the litigation as a further means of improving the efficiency and dispute resolution excellence for the parties and the Tribunal. Experienced mediators with the Ontario Labour Relations Board will be engaged as part of the pilot project.

IT Initiatives and Electronic Filing

The Tribunal's forms, in French and English, are available electronically on its website and are hosted by Ontario Shared Services. A total of seven forms are currently available to be submitted electronically, and parties can file correspondence, submissions and other material electronically. In 2022/23, 97.4% of the total number of forms and submissions filed with the Tribunal were filed electronically as electronic filing became mandatory during the pandemic.

All OLRB staff and PEHT presiding officers and deputy presiding officers were issued laptops and VPNs at the beginning of the pandemic. Members too were given laptops and VPN during the pandemic to allow them electronic access to files while working remotely.

The OLRB has begun to build its statistical data and reporting capabilities on a Power BI platform allowing for future access to real-time data, which the PEHT may also access.

Caseload Processing

The total caseload for the fiscal year 2022/23 amounted to 34 applications, which was a combination of 23 pending applications carried over from the previous year, 2 files re-opened and 9 new applications. The Tribunal's caseload each year is made up of two parts: the cases carried over into the year from the previous year and the cases filed during the current year.

During the 2022/23 fiscal year, the Tribunal disposed of 24 applications. Six applications were granted, two were dismissed, 11 were terminated, and three were settled. Two were closed pending the disposition of other cases for a total of 10 files pending at year-end.

The Tribunal has made a practice in its Annual Report of providing caseload data of the kind set out in the preceding paragraphs and in the Caseload Statistics table. These numbers alone do not always provide a meaningful picture of the demand that those cases place on adjudicative resources, principally because that demand varies significantly from one application to another. A more nuanced understanding emerges from statistics relating to the number of pre-hearing conference dates scheduled (11) and held (7), hearings scheduled (5) and held (3), and number of written decisions issued this year: interim decisions (28) and final decisions (12). Even then, of course, there is considerable variation in the complexity of the decisions and the amount of time required to generate the reasons.

Caseload Statistics

	Caseload				Disposed of						
Fiscal Year	Total	Pending April 1	Received Fiscal Year	Re-Opened	Total Disposed	Granted	Dismissed	Terminated	Settled	Pending Other Case	Pending March 31
2022-23	**34**	23	9	2	**24**	6	2	11	3	2	**10**
2021-22	**31**	20	9	2	**8**	2	1	2	3	0	**23**
2020-21	**27**	21	6	-	**7**	1	4	1	1	0	**20**
2019-20	**39**	29	10	-	**18**	1	13	0	1	3	**21**
2018-19	**36**	31	5	-	**8**	3	0	2	3	-	**29**
2017-18	**44**	37	7	-	**13**	4	2	2	5	-	**31**
2016-17	**46**	25	21	-	**13**	3	0	2	8	-	**37**
2015-16	**45**	13	32	-	**21**	5	3	1	12	-	**25**
2014-15	**30**	18	12	-	**17**	3	2	2	10	-	**13**
2013-14	**31**	20	11	-	**14**	5	2	4	3	-	**18**
2012-13	**35**	21	14	-	**11**	0	4	4	3	-	**23**
2011-12	**39**	21	18	-	**21**	3	4	3	11	-	**21**
2010-11	**35**	13	22	-	**16**	4	3	5	4	-	**21**
2009-10	**50**	28	22	-	**37**	8	4	1	24	-	**13**
2008-09	**48**	25	23	-	**20**	0	4	0	16	-	**28**
2007-08	**34**	12	22	-	**9**	2	1	0	6	-	**25**
2006-07	**25**	10	15	-	**13**	3	4	0	6	-	**12**
2005-06	**16**	5	11	-	**6**	3	2	0	1	-	**10**
2004-05	**5**	0	5	-	**0**	0	0	0	0	-	**5**

Definition of Terms:

1) Granted means that the application was, in whole or in large part, successful.
2) Dismissed means that the application was, in whole or in large part, not successful.
3) Terminated means that the application was not granted, dismissed or settled but was terminated at the parties' request or abandoned.
4) Settled includes all cases where the parties, either with or without the assistance of the Tribunal, settled the dispute, as well as cases that were adjourned.

Key Decisions

Objection to pay equity plan – Respondent did not create pay equity plan in accordance with *Pay Equity Act* because it believed it did not have enough employees to require one – Respondent informed by Pay Equity Commission in 2013 that it had to create a plan – Plan completed in 2020 – incomplete plan was filed with the Tribunal which was missing fundamental information such as identification of comparators or method of comparison – Evidence and documentation supporting plan unclear – Plan only implemented pay equity back to 2016, apparently based on information from Review Officer – Respondent could not explain many of the key elements of the plan, such that Applicants had discharged their onus to demonstrate that the plan did not comply with the *Pay Equity Act* – Tribunal concluded that proxy method of comparison was appropriate and that Respondent should have filed a Notice of Inability to Achieve Pay Equity – No basis for concluding at this point that pay equity obligations prior to 2016 could not be met based on documentation that was available to the Respondent – No delay or abuse of process by Applicants in this case – Tribunal ordered that a Review Officer prepare a pay equity plan for Respondent pursuant to section 25(2)(a) of the Act

Suzanne Piché, Denise Dumais and Clarice Wilcox, Applicants v **Kapuskasing Indian Friendship Centre**, Respondent; Tribunal File Nos. 0841-21-PE, 0957-21-PE and 0972-21-PE; November 15, 2022 (2022 CanLII 113148)

Objection to pay equity plan – Reprisal – Applicant made various inquiries concerning compensation and questioning whether her job was properly evaluated – Applicant filed an application for Review Services indicating that she did not consider her job properly evaluated – In the same year, Applicant was laid off along with several other employees – Tribunal concluded that the layoff was one of many resulting from budgetary pressures and was not motivated in any party by pay equity concerns raised by Applicant – Tribunal found no basis to conclude that Respondent had not complied with *Pay Equity Act* – Tribunal did conclude that Applicant should have been provided with her comparators in a timely fashion – Tribunal also concluded that there was no basis to conclude that pay equity had not been maintained – Respondent's process for evaluating job classes across the organization was explained in detail - Evaluation of Applicant's job complied with *Pay Equity Act* and was not unreasonable

Sandra Kendall, Applicant v **Sinai Health System**, Respondent; Tribunal File 2754-20-PE; February 17, 2023 (2023 CanLII 17263)

Creation of pay equity plan following amalgamation – Standing to bring complaint – Jurisdiction - Applicant asserted that Respondents violated the *Pay Equity Act* in that a new pay equity plan had not been finalized following amalgamation of hospitals in 2000 – Parties' process to achieve pay equity plan was ongoing - Employer took position that the Applicant had no standing to bring application and that it was premature, since Review Services had not yet addressed underlying issue of whether pay equity had been established or maintained – Union agreed that Applicant had standing, but that issue was moot since parties had agreed to a process that would lead to a pay equity

plan – Tribunal held that delay in reaching new pay equity plan was unacceptable – Since pay equity plan had not yet been reached there could be no claim that the plan did not comply with the *Pay Equity Act* – Union had exclusive right to bargain pay equity plan on behalf of employees – Application premature because process ongoing and only Union could file application with Review Services on behalf of employees in respect of achieving the pay equity plan – Applicant can file duty of fair representation complaint under section 74 of the *Labour Relations Act, 1995* if they believe they have not been fairly represented during the pay equity process – Application dismissed

Sandra Commerford, Applicant v **Niagara Health System**, and Service Employees International Union, Local 1, Respondents; Tribunal File 1248-19-PE; March 6, 2023 (2023 CanLII 22604)

Court Activity

Parties may seek judicial review of a PEHT decision to the Divisional Court. In 2022-23 there were no judicial review applications heard and none are pending.

Performance Measures

Efficient Case Processing

2022/2023 Commitments

- 75% of new files opened within two business days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 75% of confirmations of filing of applications sent to parties within four business days of application filed in accordance with the Tribunal's Rules of Practice.
- 75% of files closed within two business days following final decision.

2022/2023 Achievements

- 100% of new files opened within two days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 85.5% of confirmations of filing of applications sent to parties within four days of application filed in accordance with the Tribunal's Rules of Practice.
- 100% of files closed within two business days following final decision.

Adjudication and Disposition

2022/2023 Commitments

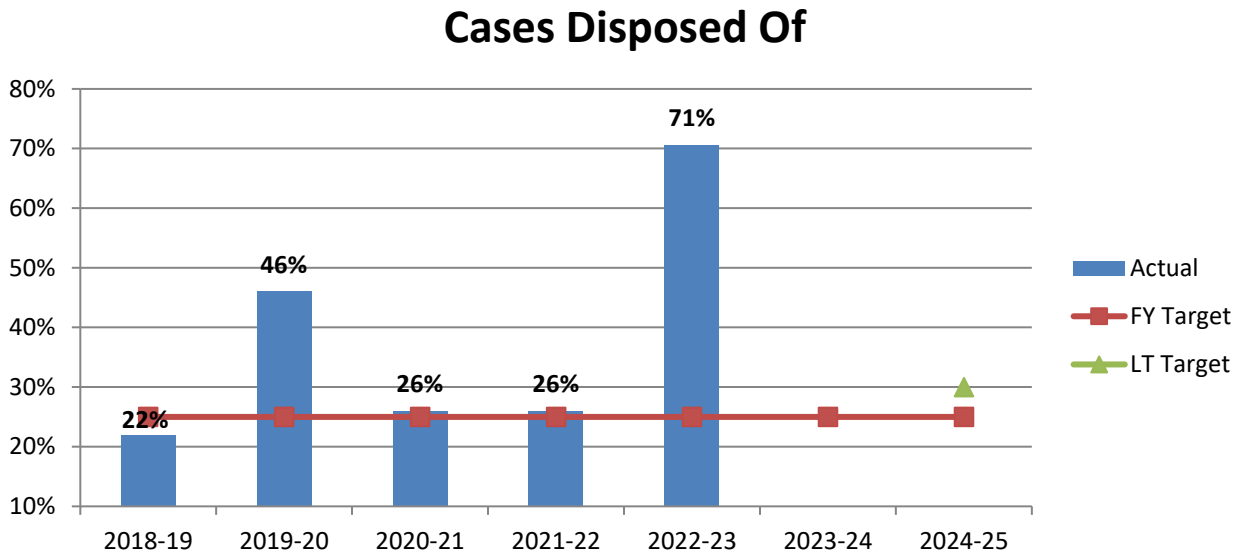
- 90% of files reviewed by Presiding Officer or Deputy Presiding Officer within two weeks of response date.
- Where a pre-hearing conference is held, in 50% of those cases at least one issue is resolved.
- 25% of outstanding cases disposed of during the year.

2022/2023 Achievements

- 100% of files reviewed within two weeks of response date.
- Where a pre-hearing conference was held, the parties resolved at least one procedural or substantive issue in every instance.
- 71% of cases disposed of during the year overall.

Note: The settlement rate and time to conclude cases recognizes the complex nature of pay equity disputes which results in few negotiated settlements. As a result, almost all cases are decided only after lengthy hearings. In general, the same counsel represent the parties in pay equity cases and the scheduling of hearings is further extended by the availability of counsel as well as Presiding Officers and Members who are cross-appointed to other Tribunals. In addition, a number of cases may arise out of the same Order or be otherwise related or will remain pending at the Tribunal as they work their

way through the courts on judicial review or appeal, which also impacts the disposal rate.



Ombudsman Review

The Ontario Ombudsman has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2022/23.

Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner of Ontario has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2022/23.

Financial Performance

In accordance with the Ministry of Labour, Immigration, Training and Skills Development, Delegation of Financial Authority Framework, financial authority is delegated to the Presiding Officer (Chair) of the Tribunal. The Presiding Officer is required to ensure that public funds are used with integrity and honesty. The Tribunal's operating budget is included in the Ministry's estimates and allocation process, and the Tribunal is required to report to the Ministry each quarter with respect to its expenditures and planned future financial commitments. The total annual remuneration paid by the Tribunal for OIC appointees was $195,379. A cost-sharing of salaries with the Ontario Labour Relations Board is in place.

The PEHT's financial performance for the 2022/23 fiscal year resulted in a savings for the Tribunal. Salaries and wages differed from the prior fiscal year as the cost recovery model was reviewed and amended to better reflect the actual expenditures of the Tribunal. Savings in transportation/communications were also comparable to the previous fiscal and were due to travel suspension as a result of the pandemic. Services expenditures were slightly overspent due to higher part-time per diem costs and IT associated fees. Supplies and equipment expenses were not incurred this fiscal as the Tribunal was able to operate with existing equipment and supplies.

All figures in $000.0 thousand

Account	Expenditure Estimates	In-year Board Approvals	Year-end Budget	Year-end Actuals	Variance	% Variance
Salaries & Wages	275.8	(100.0)	175.8	174.8	1.0	*0.6%*
Benefits	39.7	(10.0)	29.7	16.6	13.1	*44.2%*
ODOE:						
Transportation & Communication	14.9		14.9	0.4	14.5	*97.6%*
Services (Including Lease)	134.9	(90.0)	44.9	48.2	(3.3)	*-7.4%*
Supplies & Equipment	1.0		1.0	-	1.0	*100.0%*
Total ODOE	**150.8**	**(90.0)**	**60.8**	**48.6**	**12.2**	***20.1%***
Grand Total	**466.3**	**(200.0)**	**266.3**	**240.0**	**26.3**	***9.9%***

Appendix A

Order in Council Appointments

The Tribunal's adjudicators (Presiding Officer, Alternate Presiding Officer, Deputy Presiding Officer and Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. The following is a chart of OICs working in 2022/23, their appointment terms and remuneration:

Name	First Appointed	Term of Appointment	Annual Renumeratio
Presiding Officer			
Ross, David *	August 13, 2019	April 1, 2025	$135,108.48
Alternate Presiding Officer			
Rowan, Caroline *	August 6, 2020	August 5, 2025	$20,209.92
Deputy Presiding Officer			
Lawrence, Lindsay *	February 17, 2022	February 16, 2024	$18,366.20
P/T Members (Employer)			
Bolton, Lori	September 13, 2017	September 25, 2027	$394.00
Burke, Ann	April 4, 2012	April 3, 2022	$0.00
Greenside, Patricia	November 21, 2019	November 20, 2024	$3,447.50
Zabek, Carla	April 4, 2012	April 3, 2027	$7,609.13
P/T Members (Employee)			
Harris, Irene	December 21, 2012	December 20, 2022	$0.00
Irwin, MacKenzie	March 23, 2023	March 22, 2025	$0.00
Phillips, Carol	August 15, 2012	September 28, 2024	$10,244.00
Roth, Stephen	December 12, 2019	December 11, 2024	$0.00

* Renumeration of full-time Appointees is representative of their cross-appointments with the OLRB. The Presiding Officer is currently cross-appointed to the OLRB and the Alternate Presiding Officer along with the Deputy Presiding Officer are cross-appointed from the OLRB. A cost recovery model is in place between OLRB and PEHT. Salaries in the PEHT's remuneration chart for the above three positions is reflective of the actual amounts paid by the PEHT. Part-time Appointees are paid on a per diem basis. Their annual renumeration is the actual amount paid to them by the PEHT.

Accountability Statement

The Tribunal's Annual Report for the fiscal year ending March 31, 2023 was prepared under my direction for submission to the Minister of Labour, Immigration, Training and Skills Development in accordance with the Agencies and Appointments Directive as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in accordance with the accounting principles for governments issued by the Public Sector Accounting Board (PSAB).The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the Tribunal verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

As an agency of the Ministry of Labour, Immigration, Training and Skills Development, the Tribunal's Annual Report is subject to the minimum reporting requirements established in the Agencies and Appointments Directive, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance;
- Analysis of operational performance;
- Analysis of financial performance;
- Names of appointees, term of appointments and remuneration;
- Performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2022 to March 31, 2023.

For More Information

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Toll-Free: 1-877-339-3335

Hearing Impaired (TTY): 416-212-7036

Hours of Operation: 8:30am – 5:00pm

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