

**2008**  
**MAINTENANCE OF PAY**  
**EQUITY COMPLAINTS**

**PUBLIC SECTOR**



# Pay equity: what is it?

2

- It's the right for people in predominantly female jobs to receive remuneration equal to what is paid to people in equivalent predominantly male jobs.



# How is gender predominance determined?

3

## The *Pay Equity Act* sets out 4 criteria:

- At least 60% of the jobs in the class are held by employees of the same sex
- Analysis of historic trends in the proportion of women/men working in the job class
- Examination of occupational stereotypes
- Gap between the rate of representation in a job class and the rate of representation for the employer as a whole

**Criteria not met = gender-neutral category**

# Job classes

4

**The *Pay Equity Act* sets out 3 criteria:**

- ❑ Similar qualifications
  - ❑ Similar duties or responsibilities
  - ❑ Same remuneration
- 
- ❖ A job class may include more than one job title or position

# Equal pay for different but equivalent work

5

Fictitious example:

## Male job classes:

- Mechanic scoring 200 points = \$19/hour
  - Carpenter scoring 200 points = \$20/hour
- Average rate of pay = \$19.50/hour

## Female job class:

- Secretary scoring 200 points = \$18/hour

The principle of pay equity means that she should be paid = \$19.50/hour

# The *Pay Equity Act*

6

- The purpose of the Act is to remedy differences in pay due to **gender-based discrimination** against employees in predominantly female job classes
- These differences are assessed within a given enterprise (health and social services sector or education)

# The *Pay Equity Act*

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- The premise of the Act is the principle that pay structures should be free of sexist bias



# The *Pay Equity Act* doesn't solve everything:

8

It doesn't:

- ❑ raise pay for a male or gender-neutral job class
- ❑ raise average pay in the public sector or protect purchasing power
- ❑ compare rates of pay with other sectors or enterprises
- ❑ remedy distortions in pay observed between job classes
- ❑ remedy classification problems or poor assignment of duties



# How is the value of jobs determined?

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- In education and the health and social services system, an evaluation plan with 17 sub-factors or evaluation criteria is used
- Each of these sub-factors has levels to determine which statement best reflects the duties of each job class

# How is the value of jobs determined?

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Example:

## **Sub-factor 10 – Job training**

The knowledge needed to perform the duties of the job

### **Levels**

1. Secondary 3 or less = 18 points
2. Secondary 4 or the equivalent = 36 points
3. Secondary 5 or the equivalent = 54 points
4. etc.

# Some somewhat more complex sub-factors...

11

## Sub-factor 2 – Reasoning

The reasoning usually required to perform the duties of the job and deal with situations

### Levels

6. Situations to be dealt with are complex. They require highly elaborate research and thought...
7. Situations to be dealt with are very complex. They require exhaustive research and thought...

# Ranking

12

- Job classes are classified in 28 rankings corresponding to the points obtained in the job evaluation

Ranking 1 – 176 to 204 points

Ranking 2 – 205 to 233 points

Ranking 3 – 234 to 262 points

Ranking 4 – 263 to 291 points

etc.

# Calculation of pay versus ranking

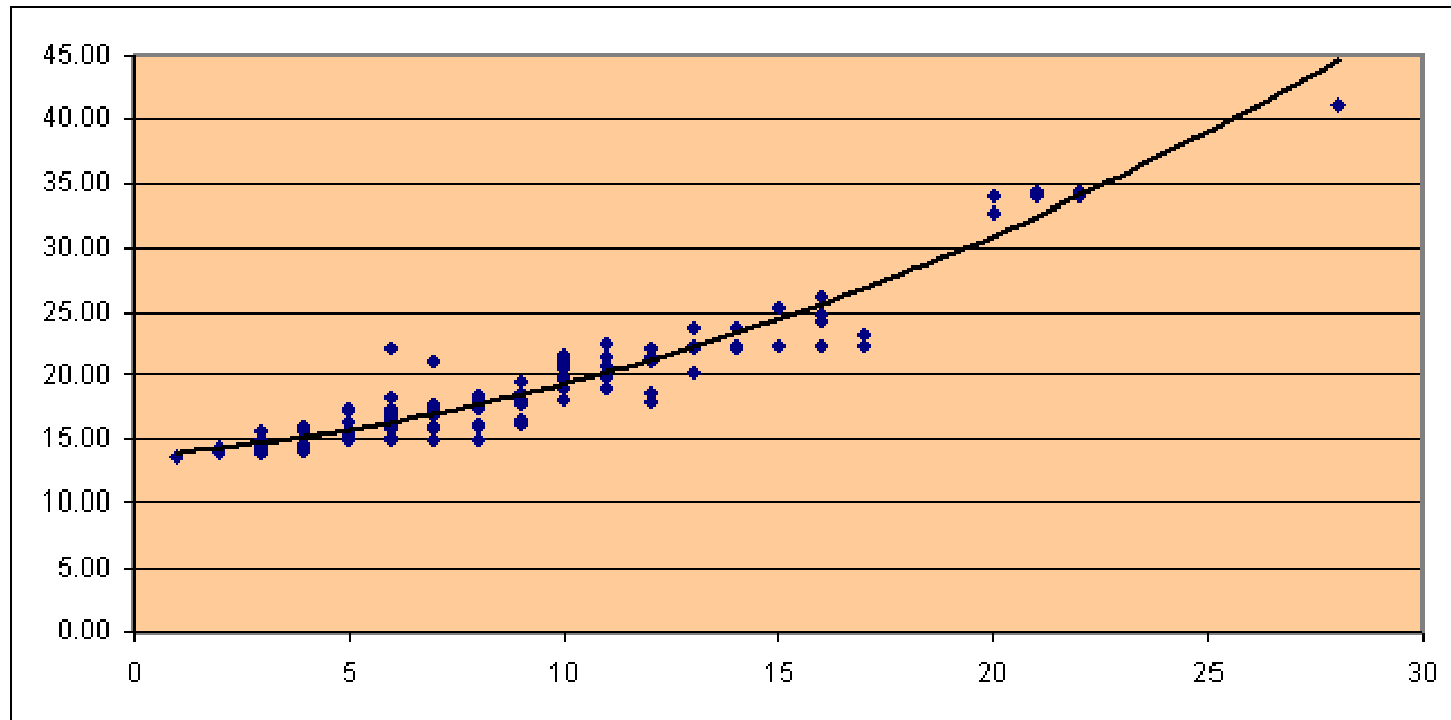
13

- After locating each male job on a grid on the basis of their points, rate of pay and ranking, a male job pay curve is determined
- The pay curve is a mathematical representation of the pay structure for male jobs

# Pay curve for male jobs

14

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**Rankings (points)**

$$y = 0.0298x^2 + 0.2713x + 13.643$$

# Rankings and pay

15

- Total points and ranking allow us to define the relationship that exists between the value of a job class and the rate of pay

Ranking 1 – 176 to 204 points = \$16.36

Ranking 2 – 205 to 233 points = \$16.65

Ranking 3 – 234 to 262 points = \$17

Ranking 4 – 263 to 291 points = \$17.48

etc.

# Maintaining pay equity

16

## After November 21, 2001

- After adjustments in pay had been determined or a pay equity program had been completed (or should have been completed), the employer had an obligation to maintain pay equity in the enterprise
- More specifically, he had to ensure that equity was maintained when new jobs were created, existing jobs modified, etc.



# Maintaining pay equity

17

- Since 2009, the obligation to maintain pay equity is recurring every five years, beginning December 31, 2010
- The complaints for the maintenance of pay equity filed before March 12, 2009 - the date Bill 25, "*Act to amend the Pay Equity Act*" was introduced - are covered by the former provisions of the act that provided for continuous maintenance with the possibility of retroactive adjustments

# Chronology



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- ❑ **August and December 2006** – Pay equity plan completed (results posted)
- ❑ **November 2007** – Unions mandated the FSSS to take steps to file complaints based on certain criteria
- ❑ **2008** – Some 20 maintenance of pay equity complaints filed
- ❑ **March 2009** – Amendments to the *Pay Equity Act*
- ❑ **November 2009** – The Pay Equity Commission offered conciliation
- ❑ **December 2009** – The FSSS accepted conciliation

# Chronology



19

- **March 2010** – The Conseil du trésor asked for the complaint process to be suspended until December 2010 – First pay equity audit
- **January 2011** – The Commission reopened the matter with the parties
- **April 2011** – Start of conciliation (2 conciliators)
- **November 11, 2012** – Press conference to denounce excessive delays
- **November 28, 2012** – Discussions resumed
- **January 21, 2013** – Tentative agreement

## Our 2008 complaints had an impact on results in the 2010 plan

20

**An excerpt from a March 16, 2010 letter from the Conseil du trésor concerning the complaints filed by the FSSS in 2008:**

*“Indeed, it is probable that the pay equity audit to be conducted will enable the Pay Equity Commission to reach satisfactory answers for a number of the complaints filed.”*

# Mandate to file complaints

21

## **Depending on cases meeting the following criteria:**

- Significant changes to duties or job content occurred since November 21, 2001 with a corresponding impact on the value and ranking of the job class
- Changes in the qualifications required to do the job occurred since November 21 with a corresponding impact on the value and ranking of the job class

# Mandate to file complaints

22

- The creation of a predominantly female job class whose value was determined unilaterally by the government without any job evaluation work
- The elimination of one or more predominantly male job classes if the effect was to create new differences in rates of pay
- A change in the gender predominance of a job class

# The process

23

- ❑ Letters and questionnaires sent out to unions to identify cases
- ❑ Questionnaires and evaluations analysed
- ❑ The executive decided which complaints to file
- ❑ Various ad hoc committees established to prepare arguments



# 2008 maintenance complaints and the agreement in principle

24





# General complaint

25

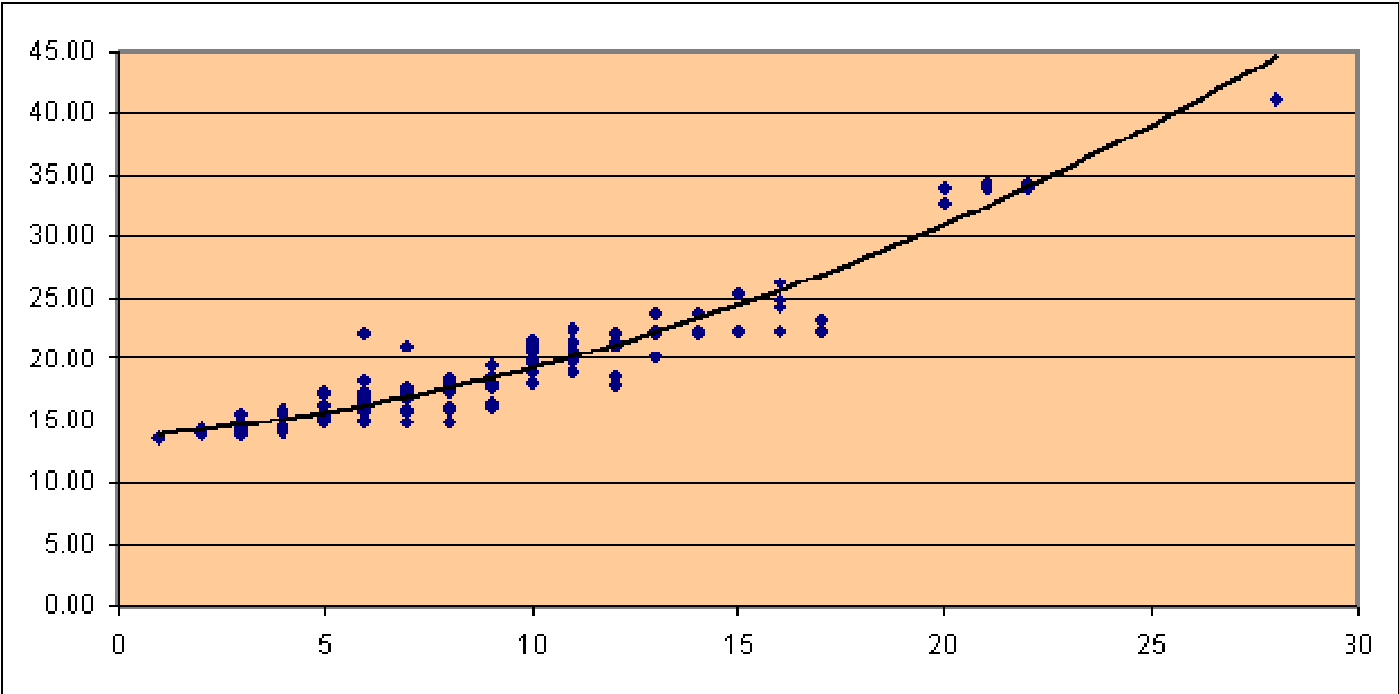
- All the predominantly female job classes in the pay equity plan

## The events:

- **THE 2005 DECREE!!!!**
- Abolitions of male job classes
- Changes to job classes
- Creation and merger of job classes
- etc.

# THE DECREE = higher male curve = new discrimination = \$\$\$\$\$\$

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Rankings (points)

$$y = 0.0298x^2 + 0.2713x + 13.643$$

# Claim about the government's financial crisis

27

- October 24, 2004, the Supreme Court of Canada issued its decision in *Newfoundland Association of Public Employees (NAPE) v. Newfoundland*
- The Court ruled that the Newfoundland and Labrador government had good reasons to cancel the pay equity payments that would have gradually eliminated pay discrimination against women workers in health care

# GENUINE BARGAINING POWER!

28

- ❑ Outside a round of collective bargaining...
- ❑ Despite a difficult economic situation...
- ❑ We won a multi-million-dollar agreement!

# The FSSS-CSN, the only organization...

29

- The FSSS-CSN is the only organization that filed complaints for the maintenance of pay equity in all classes of personnel before the changes to the Act, and the only organization that contested the impact of the decree
- The only other organization that filed specific complaints was the APTS, for jobs in Class 4

# THE RESULT\$

30

- The total number of full-time equivalents (ETCs) is based on data provided by the Conseil du trésor for 2010-2011
- **It is an estimate, to illustrate the order of magnitude**

# RE\$ULT\$

31

- The data on the raise in pay by job title may differ by a few cents an hour, given that increases since the adjustment have not been factored in
- **These data are presented for information purposes only**

# CLASS 1

32





# Care counsellor nurse

33

- **Job title created November 21, 2006**

Decreed rate of pay between rankings 22 and 23

- **2010 pay equity audit posting**

Cl. 1525 – ranking 23 – female job class (F)

Adjustment of 3.53%

- **Agreement:**

Ranking 23 to be applied retroactively to June 30, 2008  
(Art. 17)

2011 complaint maintained

# Care counsellor nurse

34

- Total ETCs (full-time equivalents): 433
- Retroactive adjustment of \$0.90 an hour from June 30, 2008 to December 31, 2010 + interest
- Adjustment of 2.33%
- Example: estimated retroactive payment – \$4,126.50\*

\* (Example: 35 hours/week through to February 11, 2013 – not including interest)

# Specialty nurse practitioner

35

- **Job title created December 15, 2005**  
Decreed rate of pay between rankings 25 and 26
  
- **2010 pay equity audit posting**  
Cl. 1524 – ranking 26 – F  
Adjustment of 4.94%
  
- **Agreement:**  
Ranking 26 to be applied retroactively to June 30, 2008  
2011 complaint maintained

# Specialty nurse practitioner

36

- Total ETCs: 79
- Retroactive adjustment of \$1.30 an hour from June 30, 2008 to December 31, 2010 + interest (Art. 17)
- Adjustment of 3.02%
- Example: estimated retroactive payment - \$5,960.00

# Nurse surgical first assistant

37

- **Created November 21, 2006**  
Decreed rate of pay between rankings 22 and 23
- **2010 pay equity audit posting**  
Cl. 1523 – ranking 24 – F  
Adjustment of 8.24%
- **Agreement:**  
Ranking 24 to be applied retroactively to June 30, 2008  
(Art. 17)  
2011 complaint maintained

# Nurse surgical first assistant

38

- Total ETCs: 53
- Retroactive adjustment of \$2.76 an hour from June 30, 2008 to December 31, 2010 + interest
- Adjustment of 7.14%
- Example: estimated retroactive payment – \$12,654.60

# Nurse clinician

39

- **On November 21, 2001**

Cl. 189 – ranking 21 – F

No adjustment

- **2008 agreement** – change in scale – ranking 22 applicable as of **April 1, 2007**

Adjustment of 4.05%

- **January 5, 2010** – Pay Equity Commission decision – complaint upheld – change in evaluation but no corresponding change in ranking

# Nurse clinician

40

- **2010 pay equity audit posting**

Cl. 189 – ranking 22 – F

Adjustment of 0.90%

- **Agreement:**

2008 complaint discontinued

20011 complaint maintained



# Nurse clinician assistant to the immediate superior

41

- **On November 21, 2001**  
Cl. 191 – ranking 23 – F  
Adjustment of 4.21%
  
- **2008 agreement – change in scale – ranking 24 applicable as of April 1, 2007**  
Adjustment of 5.29%
  
- **2010 pay equity audit posting**  
Cl. 191 – ranking 24 – F  
Adjustment of 1.44%
  
- **Agreement:**  
2008 complaint discontinued  
2011 complaint maintained

# Nursing assistant

42

- **On November 21, 2001**  
Cl. 95 – ranking 12 – F  
Adjustment of 8.50%
  
- **2010 pay equity audit posting**  
Cl. 95 – ranking 13 – F  
Adjustment of 4.15%
  
- **Agreement:**  
2008 complaint discontinued  
2011 complaint maintained

# Nursing assistant team leader

43

- **On November 21, 2001**  
Cl. 96 – ranking 13 – F  
Adjustment of 12.41%
  
- **2010 pay equity audit posting**  
Cl. 96 – ranking 14 – F  
Adjustment of 2.21%
  
- **Agreement:**  
2008 complaint discontinued  
2011 complaint maintained

# CLASS 2



# Beneficiary attendant

45

- **On November 21, 2001**

Cl. 154 – ranking 6 – F

Adjustment of 6.38%

- **On November 21, 2006** – as a result of the decree, the following job titles:

Cl. 547 – 3209 – Respiratory therapy attendant – gender-neutral class

Cl. 539 – 3237 – Electro-cardiography attendant – ranking 5 – F

Cl. 540 – 3239 – EEG attendant – ranking 5 – F

Cl. 154 – 3479 – Beneficiary attendant – ranking 6 – F

**were replaced with: 3480 – Beneficiary attendant – ranking 6**

# Beneficiary attendant

46

- **2010 pay equity audit posting**

Cl. 1512 – 3480 – Beneficiary attendant – ranking 6 – F

Adjustment of 0.16%

- **Agreement:**

Ranking 7 to be applied retroactively to January 31, 2011  
(Art. 13 and 15)

2011 complaint discontinued

# Beneficiary attendant

47

- Total ETCs: 30,133
- Raise in pay of \$0.69 an hour retroactive to January 31, 2011 + interest
- Adjustment of 3.71%
- Example: estimated retroactive payment – \$2,564.73

# Laundry attendant

48

- **On November 21, 2001**

Cl. 589 – 6332 – Linen department attendant – ranking 3 – F

Cl. 586 – 6333 – Mangle attendant – ranking 3 – F

Adjustment of 4.70%

- **On November 21, 2006, as a result of the decree, the following job titles:**

Cl. 176 – 6221 – Laundry-linen attendant – gender-neutral

Cl. 176 – 6321 – Laundry attendant – gender-neutral

Cl. 589 – 6332 – Linen department attendant – ranking 3 – F

Cl. 586 – 6333 – Mangle attendant – ranking 3 – F

**were replaced with:** 6398 – Laundry attendant – gender-neutral  
– less than ranking 1



# Laundry attendant

49

- The adjustments were applied until November 21, 2007, and after that the “off-the-scale” provisions for a period of 5 years applied for linen department and mangle attendants
- **Agreement:**  
Ranking 3 to be applied retroactively to December 31, 2012 (Art. 10)  
2011 complaint discontinued

# Laundry attendant

50

- Total ETCs: 1,054
- Raise in pay of \$1.06 an hour retroactive to December 31, 2012 + interest (Art. 10)
- Adjustment of 6.49%
- Example: estimated retroactive payment – \$230.02

# Class “B” technician

51

- **On November 21, 2001**  
Cl. 121 – ranking 9 – F  
Adjustment of 5.29%
  
- **2010 pay equity audit posting**  
Cl. 121 – ranking 9 – F  
No adjustment
  
- **Agreement:**  
2008 complaint discontinued  
2011 complaint maintained

# CLASS 3



# Contributions technician

53

- **On November 21, 2001**

Cl. 64 – gender-neutral – no adjustment

Pay = slightly more than Ranking 13

- **2010 pay equity audit posting**

Gender-neutral class – no adjustment

- **Agreement:**

No admission on gender predominance

Ranking 14 to be applied retroactively to January 1, 2011  
(Art. 11)

2011 complaint partly maintained (settlement on evaluation – no admission on predominance)

# Contributions technician

54

- Total ETCs: 35
- Raise in pay of \$1.01 an hour retroactive to January 1, 2011 + interest
- Adjustment of 3.99%
- Example: estimated retroactive payment – \$3,895.57

# Purchaser

55

- **On November 21, 2001**

Cl. 108 – M

No adjustment

- **On November 21, 2006**, as a result of the decree, the following job titles:

Cl. 110 – 5103 – Senior accounting clerk – ranking 9 - F

Cl. 109 – 5105 – Paymaster – ranking 9 – F

Cl. 108 – 5140 – Purchaser – gender-neutral

Cl. 120 – 5145 – Executive secretary – ranking 9 – F

Cl. 120 – 5154 – Administrative secretary – ranking 9 – F

NA – 5150 – Secretary, department head – F

**were replaced with:** 5301 – Administrative officer, Class 1 – ranking 9

# Purchaser

56

- **2010 pay equity audit posting**  
1505 – 5301 Administrative officer, Class 1 – ranking 9  
No adjustment
  
- Complaint seeking recognition of a distinct job class and gender predominance



# Purchaser

57

## Agreement:

- ❑ Job title to be created within 60 days of signing with the non-definitive pay scale of Administrative officer, Class 1 (Art. 1)
- ❑ No admission on gender predominance
- ❑ Ranking to be determined by the National Job Committee
- ❑ If ranking is revised upward, adjustments will be applied retroactively to January 1, 2011 + interest (Art. 2)
- ❑ 2011 complaint maintained

# Purchaser

58

## **Job description:**

- Person who is responsible for ensuring purchases or part of the purchases required by the institution. She/he receives and checks the purchase requisitions and explores possible sources of supply. She/he prepares calls for bids, analyses bids and determines which ones are most advantageous. She/he orders supplies and checks delivery orders. She/he meets with sales representatives and keeps price lists and catalogues up to date.

# Assistant, university teaching

59

- **On November 21, 2006**, as a result of the decree, the following job titles:
    - Cl. 110 – 5103 – Senior accounting clerk – ranking 9 – F
    - Cl. 109 – 5105 – Paymaster – ranking 9 – F
    - Cl. 108 – 5140 – Purchaser – gender-neutral
    - Cl. 120 – 5145 – Executive secretary – ranking 9 – F
    - Cl. 120 – 5154 – Administrative secretary – ranking 9 – F
    - NA – 5150 – Secretary, department head – F
- were replaced with:** 5301 – Administrative officer, Class 1 – ranking 9

# Assistant, university teaching

60

- **2010 pay equity audit posting**  
1505 – 5301 – Administrative officer, Class 1 – ranking 9  
No adjustment
- **Job title created in the last round of bargaining** – currently being discussed by the National Job Committee – retroactive to April 13, 2011, in accordance with the collective agreement

# Assistant, university teaching

61

## Agreement:

- Ranking to be determined by the National Job Committee (Art. 5)
- If ranking is revised upward, the adjustments will be applied retroactively to January 1, 2011 instead of April 13, 2011 + interest (Art. 7)
- From November 21, 2001 to November 21, 2006 – retroactive payment equal to executive secretary + interest (Art. 6)

# Assistant, university teaching

62

- From November 21, 2001 to November 21, 2006  
– retroactive payment equal to executive secretary  
+ interest
- Adjustment of 5.29%
- Example: estimated retroactive payment –  
\$3,564.68

# Medical secretary

63

- **On November 21, 2001**  
Cl. 487 – ranking 7 – F
  
- **On November 21, 2006**, as a result of the decree, the following job titles:  
Cl. 130 – 5109 – Senior clerk – ranking 8 – F  
Cl. 442 – 5143 – Accounts receivable clerk – ranking 7 – F  
Cl. 487 – 5147 – Medical secretary – ranking 7 – F  
Cl. 143 – 5155 – Secretary – ranking 7 – F  
Cl. 443 – 5168 – Legal secretary – ranking 8 – F  
Cl. 142 – 5279 – Archives assistant – ranking 7 – F  
**were replaced with: 5302 Administrative officer, Class 2 – ranking 8**
  
- **2010 pay equity audit posting**  
1506 – 5302 – Administrative officer, Class 2 – ranking 8  
No adjustment

# Medical secretary

64

## Agreement:

- Adjustment of 3% on the pay scale retroactive to December 31, 2011 + interest (Art. 3)
- 2011 complaint maintained



# Medical secretary

65

- Total ETCs: 3,223
- Raise in pay of \$0.61 an hour retroactive to December 31, 2011 + interest
- Adjustment of 3%
- Example: estimated retroactive payment – \$1,242.57

# CLASS 4



# Art therapist

67

## □ **On November 21, 2001**

Cl. 214 – 1229 Creativity therapist – ranking 22 – F

Cl. 215 – 1245 Music therapist – ranking 21 – F

Cl. 216 – 1259 Art therapist – Ranking 21 – F

Ranking 21 = No adjustment

## □ **On November 21, 2006**

As a result of the decree, replaced with:

1258 – Art therapist – ranking 21

- Adjustments were applied until November 21, 2007 and after that the “off-the-scale” provisions applied for period of 5 years

# Art therapist

68

- **2010 pay equity audit posting**

Cl. 1258 – ranking 22 – F

Adjustment of 3.28%

- **Agreement:**

Ranking 22 to be applied retroactively to June 30, 2008 (Art.17)

2011 complaint discontinued

# Art therapist

69

- Total ETCs: 32
- Retroactive payment of \$0.87 an hour from June 30, 2008 to December 31, 2010 + interest
- Adjustment of 2.36%
- Example: estimated retroactive payment – \$3,988.95

# Genetics counsellor

70

- **Created November 21, 2006**  
Decreed rate of pay between ranking 22 et 23
- **2010 pay equity audit posting**  
Cl. 1544 – ranking 23 – F  
Adjustment of 5.26%
- **Agreement:**  
Ranking 23 to be applied retroactively to June 30, 2008  
(Art. 17)  
2011 complaint discontinued

# Genetics counsellor

71

- Total ETCs: 31
- Retroactive payment of \$1.53 an hour from June 30, 2008 to December 31, 2010 + interest
- Adjustment of 4.02%
- Example: estimated retroactive payment – \$7,015.05

# Psychologist or human behaviour therapist

72

- **On November 21, 2001**  
Cl. 1 – ranking 22 – F  
No adjustment
  
- Modification of the qualifications required for the job  
Order-in-council 643-2006 – **July 27, 2006**
  
- **2010 pay equity audit posting**  
Cl. 1 – ranking 23 – F  
Adjustment of 5.26%



# Psychologist or human behaviour therapist

73

## **Agreement:**

- Ranking 23 to be applied retroactively to December 31, 2007 (Art. 12)
- Ranking 24 to be applied retroactively to January 1, 2011 (Art. 13)
- 2011 complaint discontinued

# Psychologist or human behaviour therapist

74

- Total ETCs: 2,407
- Retroactive payment of \$1.53 an hour from December 31, 2007 to December 31, 2010 + interest
- Adjustment of 4.02%
- Example: estimated retroactive payment – \$8,407.35

# Psychologist or human behaviour therapist

75

- Raise in pay of \$2.02 an hour retroactive to January 1, 2011 + interest
- Adjustment of 4.92%
- Example: estimated retroactive payment – \$7,791.14

# Psychologist or human behaviour therapist

76

- The amounts already paid as a premium (12% and 15%) under the administrative measure have to be subtracted from the calculation of the retroactive payment as of January 29, 2012 (Art. 14)

# Neuropsychologist

77

## **Agreement:**

- The same results as for psychologists to be applied
- No admission on the existence of a distinct class
- 2011 complaint not discontinued

# Low vision specialist

78

- **On November 21, 2001**  
Cl. 610 – 1558 – Low vision specialist – ranking undetermined – F
  
- **December 15, 2005**, with the decree,  
abolition of 1558 – Low vision specialist  
creation of 1560 – Rehabilitation specialist for the visually  
impaired  
decreed rate of pay at ranking 21
  
- **2010 pay equity audit posting**  
Cl.1531 – Rehabilitation specialist for the visually impaired -  
ranking 21 – F  
No adjustment

# Low vision specialist

79

- **Agreement:**

Evaluation of the job class is referred to the pay equity committee. If the pay scale is revised upward, adjustments will be retroactive to November 21, 2001 (Art. 29)

# Medical records archivist

80

- **On November 21, 2001**  
Cl. 121 – ranking 14 – F  
Adjustment of 6.69%
  
- **2010 pay equity audit posting**  
Cl. 121 – ranking 14 – F  
No adjustment
  
- **Agreement:**  
Ranking 15 to be applied retroactively to June 30, 2008  
(Art. 13 and 16)  
2011 complaint discontinued



# Medical records archivist

81

- Total ETCs: 914
- Raise in pay of \$1.25 an hour retroactive to June 30, 2008 + interest
- Adjustment of 4.84%
- Example: estimated retroactive payment – \$10,552.50

# Specialized radiology technologist

82

- **On November 21, 2001**

Cl. 55 – ranking 16 – F

Adjustment of 2.32%

- **2010 pay equity audit posting**

Cl. 55 – ranking 16 – F

No adjustment

# Specialized radiology technologist

## □ Agreement:

Creation of a **CSN-APTS** working group mandated to examine the tasks, duties and responsibilities of the class of specialized radiology technologists and other radiology job classes in order to identify the tasks, duties and responsibilities that continue to be specialties or that constitute new specialties or super-specialties. The working group may redefine, modify, add, remove or retain specialties and job classes.

# Specialized radiology technologist

84

## The job classes concerned:

- 55 – Specialized radiology technologist (job position 2212)
- 57 – Nuclear medicine technologist (job position 2208)
- 939 – Radiology technologist – digital imaging and information system (job position 2222)
- 940 – Radio-diagnostic technologist (job position 2205)
- 941 – Radiation-oncology technologist (job position 2207)

# Specialized radiology technologist

85

- Work in the presence of the Pay Equity Commission using the conciliation process
- The working group must complete the work by December 31, 2013 at the latest
- If no agreement, the Pay Equity Commission decides
- If there is a raise in pay, it will be retroactive to April 15, 2011 + interest (Art. 8)

2011 complaint for maintenance discontinued

# Specialized radiology technologist

86

- Total ETCs: 980
- Results from the committee to come
- Addition of a premium of \$0.60 an hour when the agreement is signed (2% of pay) for employees who have the required certification and who do ultrasounds autonomously (Art. 9)

# Physiotherapist Letter of Agreement

87

- No complaint in 2008
- Complaints in 2011
- **Letter of Agreement:**

Adjustment equal to 90% of the difference between the salary scale for the job title and the salary scale for the higher ranking for the job titles of physiotherapist, assistant head physiotherapist and clinical lecturer (physiotherapy), retroactive to January 18, 2013

# Physiotherapist Letter of Agreement

88

- Total ETCs: 1,744
- Raise in pay of \$1.61 an hour as of January 18, 2013
- Adjustment of 4.51%
- Example: estimated retroactive payment – \$191.59



# Assistant head physiotherapist Letter of Agreement

89

- Total ETCs: 23
- Raise in pay of \$2.01 an hour as of January 18, 2013
- Adjustment of 4.35%
- Example: estimated retroactive payment – \$239.19

# Clinical lecturer (physiotherapy) Letter of Agreement

90

- Total ETCs: 7
- Raise in pay of \$1.67 an hour as of January 18, 2013
- Adjustment of 4.42%
- Example: estimated retroactive payment – \$198.73

# Candidate eligible by equivalence (physiotherapy) – Letter of Agreement

91

- Change for consistency – salary scale modified

# APTS complaints

92

- Medical records archivist
- **Transfusion safety clinical officer (retro to 30.06.2008)**
- Transfusion safety technical officer (discontinued)
- Genetics counsellor
- Laboratory extern (discontinued)
- Orthoptist (discontinued)
- Psychologist
- Rehabilitation specialist for the visually impaired
- Orthotics-prosthetics technician (discontinued)
- Nuclear medicine technologist
- Radio-diagnostic technologist
- Radiation oncology technologist
- Specialized radiology technologist
- Art therapist

**TERMS AND CONDITIONS OF THE  
AGREEMENT CONCERNING THE  
2008 COMPLAINTS**

# When will the changes to the List of job titles be incorporated?

94

- In the 60 days following the signing of the agreement, the salary rates and scales for job classes or job titles affected by a pay adjustment will be amended and incorporated into the *List of job titles, job descriptions and salary rates and scales in the health and social services system (Art. 20)*

# When will the adjustments be paid?

95

- By May 15, 2013 at the latest  
(Example: Art. 4)

# What are the amounts due?

- **An employee concerned by an adjustment in pay is entitled to a retroactive amount, taking into account the length of her service, equal to the difference between:**
  - what she received for the period between ... and the date on which the new rates and scales that have been adjusted actually come into force
  - and what she should have received for the same period if the new rates and scales had been in effect.



# Will interest be paid?

97

- Yes, the amounts owed bear interest at the legal rate (5%), in accordance with the *Pay Equity Act* (Art. 28)

# What about people who have left their job?

- In the 90 days following the signing of the agreement, the employer provides the union with the list of employees who have left their jobs since the date of the adjustment in pay that concerns them, along with their last known address (Art. 21)
- An employee whose employment ended between the retroactivity period's start date and the retroactivity payment may make a request to her or his former employer in order to obtain payment of the amounts owing (Art. 22)

# What about people who have left their job?

- Following an employee's written request, the employer pays the amounts owing within 30 days of the request if the request is sent after the time limit provided in the Agreement (Art. 23)
- If the employer has ceased to exist, the request may be made to the employer succeeding him if the latter is subject to the current provisions or, failing that, to the ministry concerned (Art. 23)

# What about people who have died?

100

- The amounts are payable to the beneficiaries (Art. 24)

# And the collective agreement

101

- Subject to the substance of this agreement, all other provisions of the collective agreement continue to apply (Art. 25)
- Rights and benefits related to remuneration that are set out in the collective agreements and that are the financial responsibility of the employer are adjusted as if the salary rates and scales had been applied on the dates they should have been applied (Art. 27)

# Will the complaints filed in 2011 be withdrawn?

102

**Only the complaints concerning the following job titles will be withdrawn:**

- Psychologist or human behaviour therapist
- Specialized radiology technologist
- Medical records archivist
- Beneficiary attendant
- Laundry attendant
- Contributions technician (in part – no representations on the evaluation)
- Job positions in physiotherapy

**All the other complaints are maintained (Art. 26)**

# **QUESTIONS AND ANSWERS**

# Can the pay adjustments be spread out as part of maintaining pay equity?

104

- No, the adjustments are due in full on the date when the gap was created and bear interest from the time when they should have been paid



# Does the union have to pay back interest to the employer?

105

- Unions don't have to pay back interest claimed by employers for the reimbursement of union leave as a result of the complaints for the maintenance of pay equity

# Retroactivity and deductions

- The retroactive payments correspond to salary that an employee has not received since the date on which adjustments in pay were applied
- As such, the employee will have to pay the deductions and contributions that usually apply to pay:  
provincial and federal income tax, employment insurance contributions, Québec Pension Plan, CSST, RREGOP, union dues, etc.

# Retroactivity and salary insurance

107

- In the case of people who have received salary insurance benefits, the employer will recalculate the amount, and any adjustment will be retroactive
- No action on this is needed from you

# Retroactivity and pensions

108

- In the case of pensioners, the CARRA will recalculate the amount of pension benefits, and any adjustment will be retroactive
- For others, the retroactive amounts will be taken into account when you retire
- No action on this is needed from you

# Retroactivity and the Québec Pension Board

109

- In the case of pensioners, the Québec Pension Board will recalculate the amount of pension benefits, but it will only apply from January 1, 2014 on
- No action on this is needed from you

# Retroactivity and leave with deferred pay

110

- In the case of people now paying for a leave with deferred pay plan, no deductions will be made from the amount of the retroactivity
- For the period when people took the leave, the employer will pay the difference between what they were paid and what they should have been paid

# Retroactivity and contributions to an RRSP

111

- It is possible to fill out a form undertaking to contribute between \$2,000 and \$6,000 to a RRSP
- The employer will then apply the tax deduction to future pay cheques or deposits.

# Retroactivity and employment insurance benefits

112

- In the case of people who have received or are now receiving employment insurance benefits, a new calculation of benefits can be done
- You should apply for a new calculation as soon as possible at your local Service Canada centre



# Retroactivity and maternity, paternity or adoption leave

113

- In the case of people who have received maternity, paternity or adoption benefits, the employer will do a new calculation and, if benefits are adjusted, the change will be retroactive and the cost borne solely by the employer
- In the case of people now receiving QPIP benefits or who are no longer receiving them but have not returned to work, the benefits under this plan will be reassessed. In this case, you should submit an amended record of employment slip to the QPIP.

# Retroactivity and CSST benefits

114

- In the case of people who have received or are receiving income replacement benefits, the CSST will recalculate the benefits, and any adjustment will be retroactive
- No action on this is needed from you

# Retroactivity and benefits for victims of a criminal act

115

- In the case of people who have received benefits for victims of criminal acts, the CSST will recalculate the benefits, and any adjustment will be retroactive
- You have to apply to the CSST for a recalculation

**FOLLOWING THE AGREEMENT  
REACHED ON JANUARY 21,  
2013...**

# Following the agreement...

117

- ❑ **January 22, 2013:** The agreement in principle was adopted by the Federal Bureau
- ❑ **February 11, 2013:** The agreement in principle was adopted by a special Federal Council
- ❑ **February 14, 2013:** The agreement was signed
- ❑ **February-March 2013:** Meetings or information sessions in unions
- ❑ **February or March 2013:** Start of the conciliation process for the maintenance of pay equity complaints filed in 2011

# 2011 maintenance of pay equity complaints

118

- Administrative officer, Classes 1, 2, 3 and 4
- Procurement officer
- Medical records archivist
- Medical records archivist team leader or assistant head of archives
- Operating room technical assistant
- Assistant head physiotherapist
- Senior pharmacy technical assistant
- Health and social services aide

# 2011 maintenance of pay equity complaints

119

- Specialty nurse practitioner candidate
- Institutional counsellor
- Vocational guidance counsellor or counsellor in supportive relations
- Ethics counsellor
- Genetics counsellor
- Care counsellor nurse
- Criminologist
- Dietitian-nutritionist

# 2011 maintenance of pay equity complaints

120

- ❑ Nursing assistant
- ❑ Nursing assistant – assistant team leader
- ❑ Nursing assistant team leader
- ❑ Nurse clinician
- ❑ Nurse clinician assistant head nurse
- ❑ Infection prevention nurse
- ❑ Specialty nurse practitioner
- ❑ Nurse surgical first assistant



# 2011 maintenance of pay equity complaints

121

- Neuropsychologist
- Dispensing optician
- Community organizer
- Speech therapist
- Physiotherapist
- Laundry attendant
- Beneficiary attendant
- Psychologist

# 2011 maintenance of pay equity complaints

122

- ❑ Recreologist
- ❑ Oncology registrar
- ❑ Case reviewer
- ❑ Medical biology specialist
- ❑ Administrative procedures specialist
- ❑ Rehabilitation specialist for the visually impaired
- ❑ Contributions technician (partly settled)
- ❑ Class “B” technician
- ❑ Dental technician

# 2011 maintenance of pay equity complaints

123

- Cytogenetics technician
- Orthotics-prosthetics technician
- Legal technician
- Specialized radiology technologist
- Creativity therapist
- General complaint covering all predominantly female job classes in the health and social services system

# THE RESOLUTION

# THE RESOLUTION:

125

- *That the Federal Council adopt the agreement in principle reached between the Conseil du trésor, the management bargaining committee for the health and social services sector and the Fédération de la santé et des services sociaux-CSN regarding the implementation of agreements reached in conciliation on maintenance of pay equity complaints filed with the Commission de l'équité salariale before March 12, 2009, for the pay equity plan in the health and social services sector and the education sector, as recommended by the Federal Bureau.*

**Carried**

# Acknowledgments

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*Josée Marcotte, vice-president responsible for office personnel and administrative technicians and professionals, and responsible for pay equity work*

