

# Close the Childcare Workers' Gender Pay Gap

**SHOW US THE \$**  
Close the Gender Pay Gap!

**#EqualPayDay**

= \$ [equalpaycoalition.org](https://equalpaycoalition.org) | [@EqualPayON](https://twitter.com/EqualPayON)

Jan Borowy  
Co-chair, Equal Pay Coalition  
Atkinson Centre/George Brown  
Early Childhood  
Summer Institute  
▶ 26 April 2024

# ONTARIO EQUAL PAY COALITION

The Equal Pay Coalition unites more than 41 women's groups, trade unions, community groups and business organization.

Since it was formed in 1976, the Coalition has been at the forefront of advocating for women's economic security.

The Coalition advocates to close the gender pay gap through strategic litigation, law reform, collective bargaining and other policies and practices to advance women's economic security.

[www.equalpaycoalition.org](http://www.equalpaycoalition.org)



# Building the Campaign for Childcare Workers' Economic Security

What are our tools to close the gender wage gap for childcare workers?

Ontario's *Pay Equity Act*

- female-dominated workplaces
- the proxy comparison system

What action can we take to close the gender pay gap?

**Childcare workers  
are  
undervalued and  
underpaid**

- In Ontario,  
childcare workers are**
- **96.8 % women and**
  - **31.3% racialized people.**

**Source: 2016 Census NOC 4214, Annual full-time, full-year earnings. Expert Report, Dr Pat Armstrong and Dr Kate Laxer, Bill 124 proceedings. *Ontario English Catholic Teachers Assoc. v. His Majesty*, 2022 ONSC 6658 (CanLII).**

**Note: NOC 4214 does not include key staff such as cooks, cleaners, etc.**

**Women,  
particularly  
racialized,  
immigrant  
women and  
women with  
disabilities:  
make up 70%  
of precariously  
employed  
workers and  
make up 60% of  
minimum wage  
earners**

Minimum wage

Short-term contracts

Temporary agency workers

Casual

Part-time

## **Occupational segregation in the labour market**

**56% of women work in jobs known as the “5 Cs”**

**Occupational segregation is deeply engrained in labour market**

Women’s work is concentrated in the “care economy” including health care, social services, clerical and administrative jobs

Racialized and immigrant women are over-represented in these jobs:

- Caring
- Cleaning
- Clerical
- Catering
- Cashiering sectors

# What is the Government of Ontario's approach to public finance?

## Public Finance Evidence

Since 2018, Ontario's inflated-adjusted per capita support for community and social services in Ontario has been **cut by 12.1%**.

**Government revenues** have been significantly **reduced** through a series of cuts to various fees and taxes that total more than **\$8.2 billion per year**.

Since 2018 Ontario has **spent less** on valuable public services than actually budgeted.

As of 2022, Ontario has **spent less money** on public services than any other province in the country. Ontario spent about \$11,452 per person. B.C spends over \$14,000 per person on public services. Saskatchewan spends more than \$16,000 per person.

The **March 2024 budget** offered **no relief** or recognition of women's vital contribution to Ontario's communities.

**Women won** the important court victory to stop Bill 124's unconstitutional wage restraint on women's public sector wages.

But, the government has **not increased revenues in community and social services to account for increased demands on services and to pay women human rights-compliant wages**.

*Source: Sheila Block Expert report, Bill 124 constitutional challenge*



**Ontario  
Government  
funding  
crisis to  
female-  
dominated  
sectors**

Lack funding  
directed to wages,  
benefits and  
pensions

Privatization

# How does our pay stack up?

The average woman in Ontario earns just **\$.68** for every dollar a man makes. Some women have it even worse.



# Systemic Discrimination

**“Systemic discrimination”** refers to how power shapes relationships between groups in society to privilege some and marginalize others.

**In this power dynamic, dominant groups attach socially constructed meaning to human traits, such as sex, and have entrenched social systems and behaviours that institutionalize those traits as a basis on which to unequally distribute social, economic and political rights, material well-being, social inclusiveness and social participation.**

Source: *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 SCR 3, 1999 at para. 41; Margot Young, “Blissed Out: Section 15 at Twenty”, in *Diminishing Returns*, S. McIntyre and S. Rogers, eds. (Butterworths, 2006) at pp. 63-64, 68; Justice Rosalie Silberman Abella, *Equality in Employment: A Royal Commission Report* (Canada: 1984) (“Abella Report”) at 9-10

**Systemic discrimination intensifies as the more women predominate in a job, the lower it is paid:**

**“Women are paid less because they are in women’s jobs, and women’s jobs are paid less because they are done by women. The reason is that women’s work - in fact, virtually anything done by women – is characterized as less valuable..”**

**Sources: Haldimand-Norfolk (No. 3) (1990), 1 P.E.R. 17 para. 44; aff’d (1990), Pay Equity Hearings Tribunal Report 188 (Div. Ct);**

**Association of Ontario Midwives v Ontario (Health and Long-Term Care), 2018 HRTO 1335**

**Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux, 2018 SCC 17 (CanLII), [2018] 1 SCR 464, at para 6.**

**Women's  
care work is  
associated  
with  
women's  
work in the  
home**

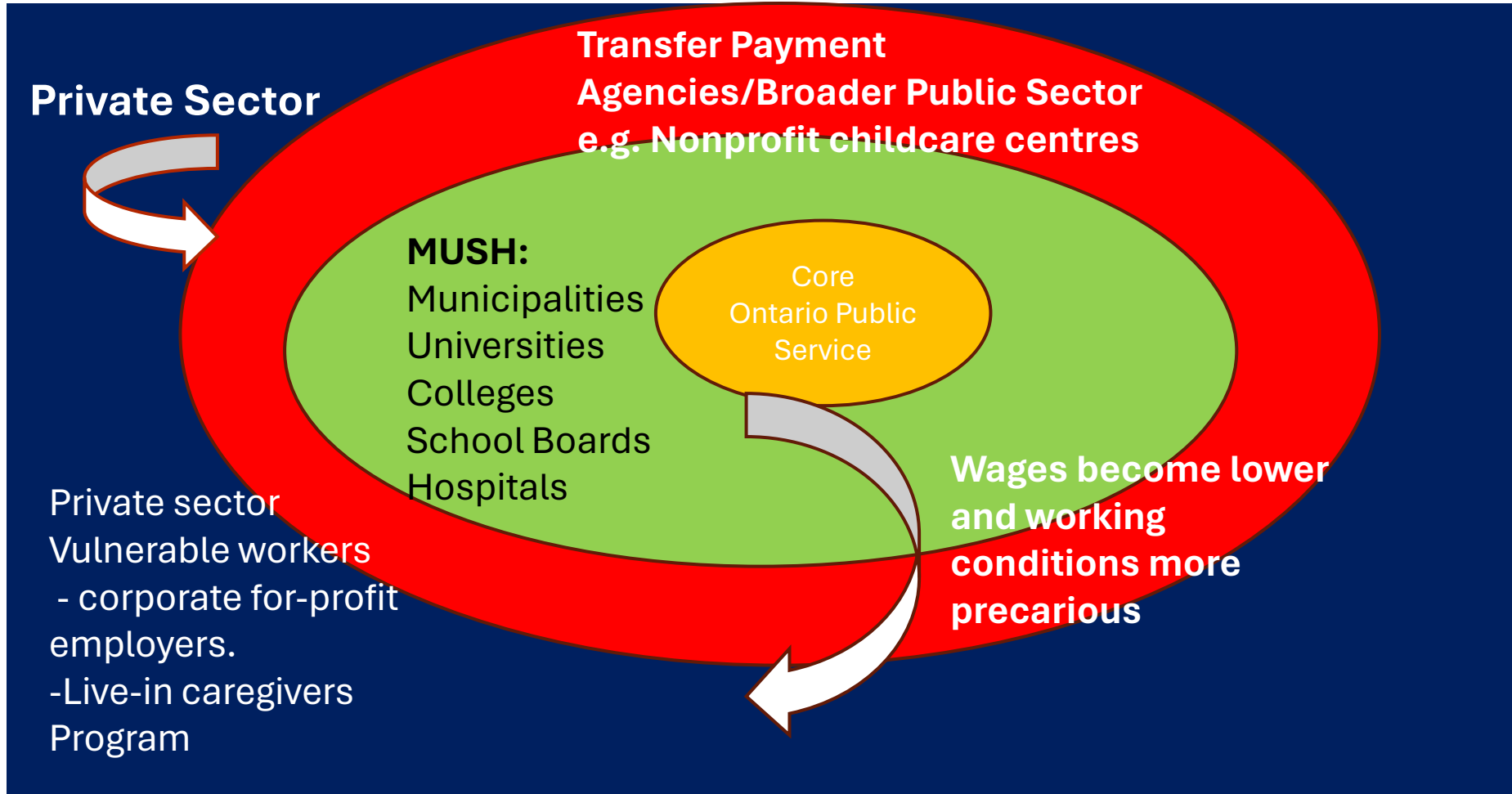
*“One reason the job content of women's work is not recognized is that many of the skills, effort, responsibilities and working conditions in **women's work have been associated for so long with women, and so often done without pay in places like the home, that they have been rendered invisible, and have become identified with being a woman, rather than with the work.**”*

Pay Equity Hearing Tribunal, Ontario Nurses' Association v. Women's College Hospital, 1992 CanLII 4706.

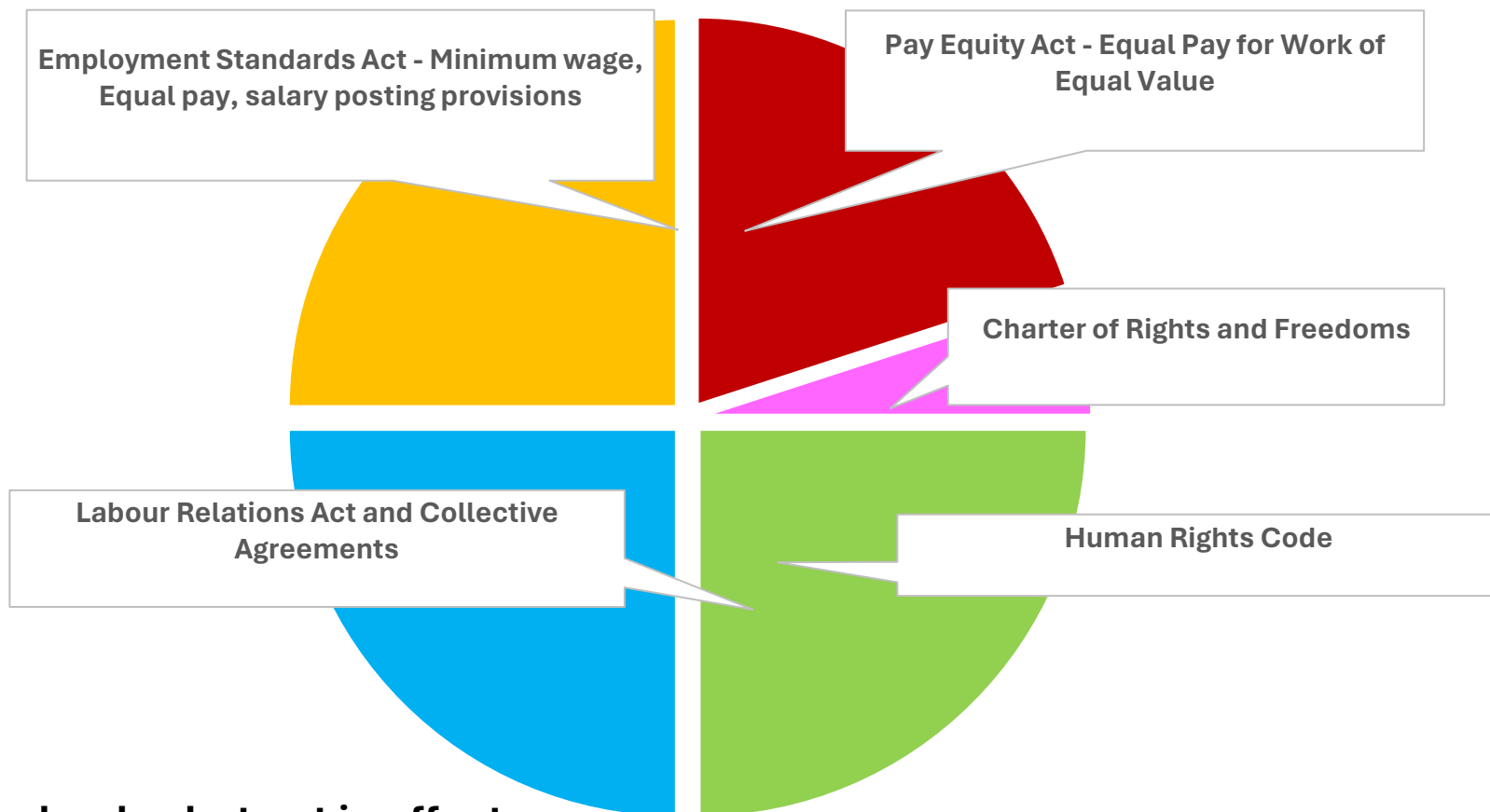
**Building the  
campaign for  
childcare  
workers'  
economic  
security**

**What are  
the tools to  
help close  
the gender  
wage gap?**

# Ontario's public services formation effects childcare workers' wages and working conditions.



# *Legal tools to close the gender pay gap*



## **On the books, but not in effect:**

Pay Transparency Act, 2018

## **Repealed in Ontario:**

Employment Equity Act, 1996



# Ontario's Pay Equity Act

## Equal Pay for Work of Equal Value

### **Pay Equity is a fundamental human right**

The Act starts with recognition that systemic discrimination exists in the job market.

Women work in different jobs than men.

The Pay Equity Act remedies undervalued and underpaid work in women-dominated jobs compared to male-dominated jobs.

Pay Equity  
as described  
by the  
Supreme  
Court of  
Canada

Comparison of the value of women's work to the value of men's work

“the mischief at which it [the Act] is principally aimed is the **existence of a wage gap** that disadvantages women, as a **result of gendered segregation** in employment and **the systemic undervaluation of the work typically performed by women**”.

Canada (Human Rights Commission) [CUPE] v. Canadian Airlines International Ltd. 2006 SCC 1

# Ontario's Pay Equity Act

All employers, private sector or public sector with 10 or more employees are obligated to establish and maintain a pay equity plan.

**Pay Equity plans were required to be completed by mid-1990's in Ontario.**

**Since, new employers are required to open “pay equity compliant”.**

## Ontario's *Pay Equity Act*

- The Act requires employers “to establish and maintain” pay equity. (section 7 of Act)
- The Pay Equity Act requires the use of one of three prescribed methods to compare women-dominated jobs to male-dominated jobs in order to create a pay equity plan

# Pay Equity: three comparison methods

The comparison methods are based upon access to a male-comparator of equal value.

**For childcare workers, what is the proximity to a male-comparator in the workplace?**

## **1. Job-to-job comparison method**

- Male and female-dominated job classes of equal value to compare to each other.
- **Comparison method used by:**
  - municipalities,
  - school boards,
  - universities and colleges.

## **2. Proportional value comparison method**

- Enough male-dominated job classes to draw a male wage line.
- **May apply to elements of the municipal, school board, universities and colleges pay equity plans**

**Question: Are the pay equity plans maintained?**

## Three comparison methods

The comparison methods are based upon access to a male-comparator of equal value.

**For childcare workers, what is the proximity to a male-comparator in the workplace?**

### **3. Proxy comparison method**

- **No or not enough male-dominated job classes for comparison**

# Proxy pay equity comparison system

## ***What remedies available if the workplace is female-dominated?***

- no access or not enough male comparators and male job classes.
- **Proxy pay equity system specifically designed for transfer payment organizations (broader public sector) to access a male comparator prescribed by regulation.**

### **For example:**

- Childcare centres,
- long-term care,
- home-care,
- legal clinics,
- community health clinics,
- community mental health agencies,
- associations of community living and others.

## Regulation 396/93. PROXY METHOD OF COMPARISON

- Where the female job classes in the establishment cannot be compared to male job classes.
- Access the “deemed-male comparator’s job rate” from the municipality.
- Municipal childcare worker is the “deemed male comparator”

Seeking Employer	Proxy Establishment
33. Services for Children and Families — daycare centre or childcare resource centre	Municipality operating a daycare facility
34. Services for Children and Families — private home daycare agency	Municipality operating a daycare facility
35. Services for Children and Families — early childhood education facility	Municipality operating a daycare facility



## Proxy comparison method maintenance:

Unions enforce fundamental pay equity rights for women working in female-dominated workplaces

- In 2009-2010, ONA and SEIU seek to enforce pay equity maintenance obligations using proxy comparator in nursing home sector.
- Nursing home employers denied pay equity maintenance obligations in proxy sector AND denied that could return to proxy comparator.
- Ontario Court of Appeal March 9, 2021, the Act provided that in establishments using the proxy method, systemic discrimination was identified **by comparing a female job class in the seeking establishment with a proxy female class, i.e., a deemed male competitor.**
- **Identifying gender discrimination was a key element of the establishment and maintenance of pay equity. Access to the proxy comparator for a male comparator was required.**
- **Court ordered that the Pay Equity Hearings Tribunal issue directions on the procedures required to use for the maintenance process.**

# Proxy Pay Equity maintenance litigation at the Pay Equity Hearings Tribunal

*Glen Hill Terrace Christian Homes Inc., v Canadian Union of Public Employees (2021- present).*

- In Fall 2024, the Tribunal will hold a hearing into the procedures to access the proxy comparator as directed by the Ontario Court of Appeal.
- 9 intervenors involved, both employer-side and union-side.
- Attorney-General is intervening on the employers' side.
- Broad number of unions as well as the Equal Pay Coalition/Ontario Federation of Labour Coalition.

# Initial comparison for childcare workers in Nonprofit childcare centres compared to municipalities.

Nonprofit childcare centre	Municipality of Ottawa
Estimated hourly wage as of June 2023S	Hourly wage as of June 2023
<p><b>Early Childhood Educator</b>  <b>\$22.62 per hour</b>  <b>includes the PWEG</b></p>	<p><b>Childcare teacher 1</b>  <b>\$35.70 per hour</b></p>
<p><b>Suggests a pay equity wage gap of:</b>  <b>\$13.08 per hour</b></p>	

**Source: Nonprofit childcare centre, collective agreement compared to CUPE Local 504 collective agreement. See Ministry of Labour, Collective agreement portal. Errors and omissions excepted.**

# Initial comparison for childcare workers in Nonprofit childcare centres compared to municipalities.

Nonprofit childcare centre	City of Hamilton
Estimated hourly wage as of June 2023	Hourly wage as of June 2023
<b>Cook</b> <b>\$17.84 per hour</b>	<b>Cook - Daycare</b> <b>\$32.80 per hour</b>
<b>Suggests a pay equity wage gap:</b> <b>\$14.96 per hour</b>	

**Source: Nonprofit childcare centre, collective agreement compared to CUPE Local 5167 collective agreement. See Ministry of Labour, Collective agreement portal. Errors and omissions excepted.**

# What is the Government of Ontario's awareness of the gender pay gap?

## Evidence

### CHILDCARE FUNDING FORMULA

“Flexibility CMSMs and DSSABs have in spending their childcare allocations between expense lines in order to best respond to the needs of their communities.”

### General Allocation Core Service Delivery references

#### “Pay Equity Memorandum of Settlement”

- Does this refer to the pay equity plan requirements to achieve and establish pay equity in both MUSH and broader public sector?
- May refer to MUSH sector pay equity maintenance agreements.
- **Lack of awareness is not the issue.**
  - Attorney-General intervening at *Glen Hill* case.

What is the  
Government  
of Ontario's  
awareness of  
the gender  
pay gap?

## Evidence

Political issue

Lack of *equitable*  
direct wage funding  
is the issue.

**A choice to support  
systemic  
discrimination,  
not human rights.**

# How are new RECE Wage grids reviewed for human rights or pay equity compliance?

## Nova Scotia, Childcare Wage grid, effective April 1, 2024.

ECE - Level 1	\$23.59	\$24.30	\$25.03	\$25.78	\$26.55
---------------	---------	---------	---------	---------	---------

### Who is the male-comparator?

### What proactive pay equity/human rights analysis to set the grid?

Nova Scotia's *Pay Equity Act* applies to the civil service, hospitals, Crown corporations, education entities and to their employees; universities, municipalities and municipal enterprises and to their employees; and public-sector corporations or bodies specified in the regulations and to their employees.

**Building the  
Campaign for  
Women's  
Economic  
Justice**

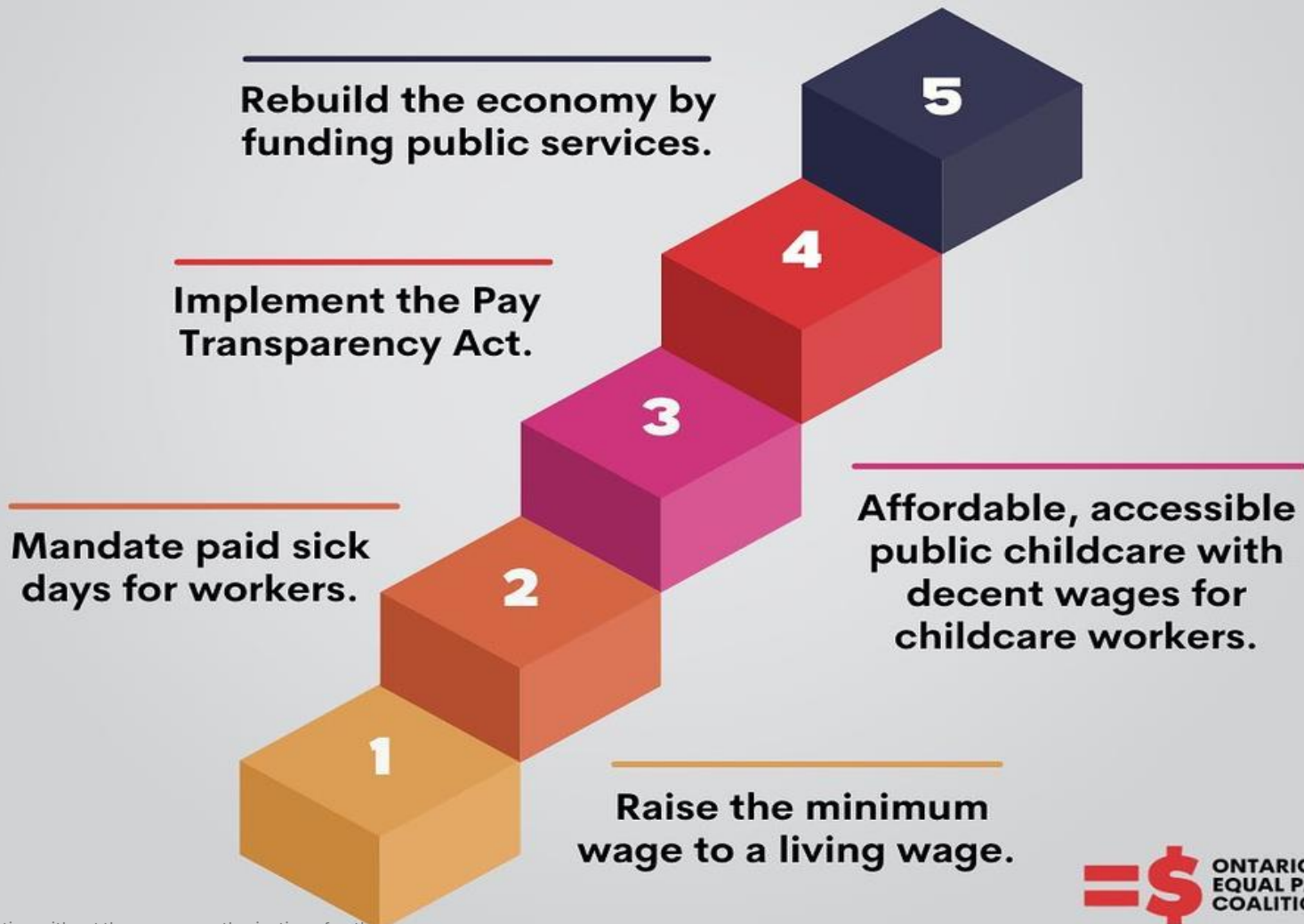
**What  
immediate  
action can we  
take to close  
the gender  
pay gap?**





*Source: Ontario NonProfit Network: Decent Work for Women project*

# How do we close Ontario's gender pay gap?





# #PAY EQUITY NOW

VLAD VOLODARSKI  
CEO, CHARTWELL

## \$1.3+ BILLION



**10+ YEARS**  
GREEDY NURSING HOME CHAINS HAVE  
**DROPPED** PAY EQUITY OBLIGATION

**#PAY EQUITY NOW**

# SEIU's campaign to enforce their proxy pay equity rights for nursing home workers

# #PAY EQUITY NOW



PREMIER FORD AND ONTARIO'S BIG NURSING HOME CHAINS,

## IT'S TIME TO PAY WORKING WOMEN EQUAL PAY FOR WORK OF EQUAL VALUE.

We believe people doing the same work, or work of equal value, should be paid the same, regardless of gender.

That's why frontline healthcare workers belonging to SEIU Healthcare and our union allies have been litigating for their rights under the Pay Equity Act.

While two different courts have ruled these hardworking women are owed pay equity since you formed government, the province, together with the largest long-term care corporations, have fought us in court every step of the way.

Today is **Equal Pay Day**, but these workers are denied equal pay even as those very same for-profit corporations **paid rich executives and shareholders over \$500 million since the pandemic alone**. They can easily pay millions to wealthy consultants at Bob Bass & Associates to deny us fair wages but refuse to spend those millions on frontline staff.

**STOP IGNORING THE COURTS AND THE RIGHTS OF  
HARDWORKING WOMEN WHO CARE FOR US ALL.**

**START PAYING NURSING HOME WORKERS THE  
PAY EQUITY WE'RE OWED.**





A photograph of an elderly man with glasses and a goatee, wearing a light-colored cardigan, being assisted by a female caregiver in blue scrubs. The caregiver is holding his arm as he uses a walker. The background shows a window with white curtains.

**Most Ontario care workers  
are **racialized women**.  
And they're overworked,  
undervalued and underpaid.**

**Since 2018, the Ford  
government has cut  
spending to community and  
social services by **12%\***.**

\*adjusted for inflation and population growth 2018-19 to 2023-24, based on the Ontario Economic Outlook and Fiscal Review, November 2023.

**85%** of Ontarians say it's important  
for the Ontario government to do more  
to promote women's economic equality.  
**60%** say it's **very important**.



The Supreme Court of Canada said:

**“Leaving wage inequities in place makes women ‘the economy’s ordained shock absorbers’”**

*See: Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux, 2018 SCC 17 (CanLII), [2018] 1 SCR 464 at para. 8*

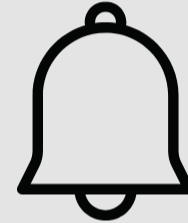
**Take Action  
to Close the Gender Pay Gap**



**Spread the word**



**Write your MPP**



**Get Updates**

**Join the movement at  
[www.EqualPayCoalition.org](http://www.EqualPayCoalition.org)**



# Privatization Hurts Women!

This Equal Pay Day, tell your MPP to invest in Ontario's public services and support women's economic equality.



ONTARIO  
EQUAL PAY  
COALITION

EqualPayCoalition.org



**SHOW US THE \$**

**Close the Gender Pay Gap!**

**#EqualPayDay**

**=\$** [equalpaycoalition.org](http://equalpaycoalition.org) | [@EqualPayON](https://twitter.com/EqualPayON)