

Closing the Gender Wage Gap

Unifor's Submission to the Gender
Wage Gap Strategy Steering
Committee

January, 2016

Introduction

Unifor is Canada's largest private sector union with over 310,000 members across Canada. Approximately 160,000 of our members live and work in Ontario. Over a third of our members are women, with the majority of these women working in Ontario. They work in every major sector of the economy and in a whole range of occupations including nurses, pilots, retail and service workers, manufacturers and education workers. We are able to make comparisons and observations about working conditions, opportunities and wages rates given our breadth of membership.

We welcome the opportunity to provide input into closing the gender wage gap. Closing the gender wage gap must be treated as a human rights priority. It is more than just pay equity. It is about access to quality education, eliminating gender-based streaming, access to good jobs, community supports for workers such as child care and elder care, and an effective system to eliminate gender discrimination and sexual harassment. And, of course, it is about undervaluing (and therefore underpaying) women for the work that they do. Remedying the gap requires action on many fronts including a robust pay equity regime with supports for compliance and active enforcement.

The government has a fundamental role to play in each of these areas.

While we recognize the role that areas such as early learning and educational streaming play in the development of attitudes towards gender equality, our submission will focus on working-age women and the policies affecting the gender-wage gap at that stage. We make recommendations in each of these areas. However, it is clear that an overall approach is needed. We urge the government to use gender-based analysis in all of the work it does before that work becomes law or policy and to properly resource the gathering of information, such as disaggregated data, needed to do that analysis. By understanding gendered impacts from the start, less remedial work needs to be done.

Snapshot of the Problem

Background Paper Information

In *Closing the Gender Wage Gap: A Background Paper*, we see many examples of the gender wage gap in Ontario. Horizontal gender segregation results in women being clustered in certain occupations. The female-dominated sectors such as health care, social assistance, education, food services are often the lowest paid. There is also vertical segregation with women clustering at the bottom in lower-paying positions in male-dominated or gender-neutral sectors. Although women's participation in the workforce has increased over the past few decades, women are still over-represented in part-time work. Key factors associated with the gender wage gap are discrimination, occupational segregation, caregiving activities, and workplace culture including hiring, negotiation and work arrangements.

When the effect of education is examined, we see that women in Ontario have high levels of educational achievement representing half or more of individuals at any given level of education with the exception of apprenticeships or skilled trades. The lowest concentration of females by far is found in apprenticeship or trades certificate or diploma. A recent study shows that level of education plays a

minor role in the gender wage gap: “if men and women received the same wage premium for education we would expect women to be earning more than men on average.”

We commend the acknowledgement in the background paper that intersectional discrimination plays a role in the gender wage gap with women of colour, aboriginal women, lone-parent families, women with a disability being further disadvantaged. The paper goes on to recognize: “Aspects of inequalities based on race, sex, disability status, etc. interact in complex ways and must be considered in discussions, research, and any solutions to closing wage gaps.”

The gender wage gap for average annual earnings for all earners is 31.5%. For indigenous, racialized, disabled, trans, and queer women the gap is even greater. The widest gender wage gap is found for health occupations (which is 80.1% female) with a woman earning 53.3 cents to the man’s dollar. The trends section of the paper makes it clear that the progress towards closing the gap has slowed. Urgent pro-active action is needed.

Some Unifor examples

Behind each of the statistics is a person. Unifor members have spoken out in consultations across the province and have conveyed their experiences and concerns. Our members experience the gender wage gap due to lack of good jobs; involuntary part-time work; contract churning; shift work; direct and covert discrimination; disproportionate care and domestic responsibilities; absence of an affordable, high quality child care system; sexual harassment to name a few.

Unifor is one of the country’s largest retail worker unions, with more than 20,000 members working in supermarkets, pharmacies, appliance stores and other retail shops across Canada. Our retail workers recently concluded a very successful round of bargaining at the Metro chain in Ontario. This new collective agreement has a big impact on women. Overall, 54% of retail workers are women. However, that figure pertains to the entire industry (office, managers, buyer, executives, etc). The number is significantly higher in particular classifications (e.g. cashiers). In our recent round of bargaining, fully 80% of the front-line workers were part-time.

Retail is the largest and fastest growing sector in Canada’s economy. But it is also the industry that pays the lowest wages, has the highest turnover and provides the fewest hours of work. The average wage is \$13.72/hr (42% lower than the Canadian average); there is high job insecurity (1 in 10 jobs are temporary) and few work hours (28.1 hr/week - 22% below Canadian average). Retail workers have few benefits and work with unpredictable schedules.

In this round of bargaining, our members succeeded in raising wages and ensuring part-time workers never fall behind the cost-of-living; expanding minimum hours of work protections; extending scheduling notification; creating more opportunities for full-time work; and improving benefits. All of these will significantly improve women’s lives.

This is an example of the positive role unions and collective bargaining play in women’s lives. The women were able to voice their concerns and the challenges in areas such as scheduling. They were then able to use their collective strength to push for improvements in these areas. With a greater employment standards floor (e.g. scheduling, minimum wage) and a greater access to collective bargaining, the gender wage gap for retail workers would be decreased.

Our members include workplaces that provide social services to the aboriginal community. In one such location, the workforce is 97% women and approximately 60% aboriginal. The wages are based on education levels. There is a compounding of the gap in this case because aboriginal women often have support from their bands only for minimum education. The financial barriers of pursuing higher education result in a concentration of aboriginal workers at the bottom of the wage scale.

Our health care members report working under the strain of increased workloads and stagnant, low wages. Our aging population continues to put increased demands on the health care system and women continue to pick up the slack in unpaid and underpaid ways.

Women in skilled trades in Unifor are greatly underrepresented with our female membership only at the national average. Unifor is committed to ensure women in skilled trades have a future in the workforce. As part of this, Unifor offers a scholarship annually for women pursuing education in male dominated fields.

A lack of apprenticeship opportunities remains the largest barrier at the locations we represent. We recently negotiated 100 skilled trades opportunities at Fiat Chrysler Automobiles. This was the first time in 10 years Chrysler had taken on apprentices. The apprentices were selected from the existing manufacturing members resulting in 9% female apprentices, well above the national average for these trades.

We have members in the University sector, including at McMaster. While we are pleased to see a wage adjustment for faculty in response to the wage gap identified there, nothing is done for the non-faculty to address inequities. Universities have become a workplace full of precarious work. The precarious workers are more often than not women.

Many of our manufacturing members raise the issue of child care as a barrier to accessing or retaining good job. Working rotating shifts means the requirement for care not just during the day but also overnight. Many communities do not meet the need of shift working parents. This often drives women out of stable, full time jobs.

Many of our workplaces are male dominated. Employers frequently say that women just don't apply in male dominated sectors but we question what kind of outreach employers do and what kind of steps they take to reassure prospective workers it is a welcoming environment.

Where women have been hired into male-dominated workplaces, they still face daily reminders that they are not the norm. Examples range from sexist language to outright harassment. Our members credit respectful workplace training and joint investigation procedures as supporting a healthy work culture. When outreach is done and clear anti-harassment policies are in place, women thrive in the industries their mothers never had a chance to work in.

Action on Closing the Gender Wage Gap

Our members have attended many of the province-wide consultations and they have raised consistent themes: lack of good jobs in their communities; lack of access for women to good jobs, particularly for women of colour and new immigrants; lack of supports for child care and elder care - the bulk of which

still fall to women; exploitation of women in the care economy; inadequate enforcement of sexual harassment and gender discrimination laws and policies.

The government's action in the following areas will help close the gender wage gap:

Access to Collective Bargaining including at a Sectoral Level

Unionization is one of the most effective single tools for reducing the gender wage gap. The Canadian Labour Congress's research reveals that unionized women in Ontario make \$7.83 more than non-union women. In addition to the increased wage rate, women are able to more easily enforce anti-harassment and anti-discrimination rights through a collective agreement. They have also frequently negotiated family-friendly work policies.

Over the past decades, it has become more and more difficult for women to access collective bargaining, particularly when they are in precarious work. Part of this is due to challenges in the law and part of this is due to changing workplaces and an era of precarious, low-paying, part-time jobs. Return of card-based certification and anti-scab legislation are crucial in bringing unionization to these workers. A full overview of measures needed for effective collective bargaining can be found in *Building Balance, Fairness, and Opportunity in Ontario's Labour Market*, our submission to the Ontario Changing Workplace Consultation. These recommendations include card-based certification, use of electronic voting, expanded first contract arbitration, enhanced successor rights and stronger protections for workers engaging in collective activities.

Workplaces today have changed significantly since the labour legislation was first brought in in Ontario. In addition to traditional models of collective bargaining, a new approach is needed.

We repeat our call for collective bargaining at a sectoral level found in our submission to the Ontario Changing Workplaces Consultation. In our submission we lay out a compelling argument using Canadian precedents. The fundamental changes in the economy and labour market has left Ontario workers, women and visible minority workers in particular, in precarious employment. A sectoral approach would extend minimum standards and provide for an extension of collective agreement provisions across defined labour markets. This would address many factors in the gender wage gap. Our full submission can be found here: www.unifor.org/WorkplaceChanges

We Recommend:

- Adoption of Unifor's recommendations for labour law reform found in *Building Balance, Fairness, and Opportunity in Ontario's Labour Market*, our submission to the Ontario Changing Workplace Consultation.

Employment Standards Reform

Unifor has made a comprehensive submission for reform of employment standards legislation to the Changing Workplace Consultation titled *Building Balance, Fairness, and Opportunity in Ontario's Labour Market*. Most deficiencies in the employment standards system have a gendered component. Women

are disproportionately found in the lowest-paid positions, precarious work, involuntarily part-time, with unreliable scheduling. Reform is needed to address these issues.

The government can immediately act to close the gender wage gap by increasing the minimum wage to a living wage. Given that women made up 58.3% of the minimum wage earners in Ontario in 2012, this will give an immediate boost to women.

We recommend:

- Adoption of Unifor's recommendations for employment standards reform found in *Building Balance, Fairness, and Opportunity in Ontario's Labour Market*, our submission to the Ontario Changing Workplace Consultation
- In particular, improved scheduling protections and an increased minimum wage are needed

Wage Transparency

In organizing drives, we often hear about inequities around wages. When we are certified, we ask the employer for disclosure of all the wage rates in the bargaining unit. We frequently find that there are many, many wage rates for doing the same job. It is our assessment that these differences are often based on favouritism and discrimination. Lack of transparency allows this to continue. Unionization reverses this. This transparency should be available to all workers.

We recommend:

- Enactment of wage transparency legislation

Domestic Violence Leave and Women's Advocate

Domestic violence has an impact on women's ability to work and receive an equal wage. In the recent pan-Canadian survey "Can Work be Safe When Home Isn't", conducted by Western University's Centre for Research & Education on Violence Against Women and Children, clear evidence was gathered that domestic violence impacts the workplace. This study also reinforces that paid employment is crucial to women's independence:

Women with a history of DV have a more disrupted work history, are consequently on lower personal incomes, have had to change jobs more often, and more often work in casual and part time roles than women without violence experiences. Being employed is a key pathway to leaving a violent relationship; the financial security that employment affords can allow women to escape the isolation of an abusive relationship, and maintain, as far as possible, their home and standard of living, both for themselves, and their children.

A US study showed that the single greatest cause of female deaths in the workplace is domestic violence. That is a frightening statistic. Leaving a violent relationship is the most dangerous time for a woman. Clear supports must be there for her.

Women are 5 times more likely to disclose intimate partner violence to someone they know. Based on this we have successfully built our Women's Advocate program. Women's Advocates are selected from the workplace and receive 40 hours of training to assist workers in accessing services for women experiencing intimate partner violence. The Women's Advocate is also able to work with the employer and the worker in devising a safety plan for the workplace. In Ontario, employers have a duty under the Occupational Health & Safety Act to assess and address the risk and impact of domestic violence in the workplace. The Women's Advocate program assists in meeting this duty.

A paid leave can dramatically increase a woman's chance of dealing with intimate partner violence and remaining employed. The Manitoba government recently introduced Bill 8 which would amend the Employment Standards Code to include paid and unpaid Domestic Violence Leave. We support this and urge the Ontario government to do the same.

Domestic violence is a gender wage gap issue. Women experiencing intimate partner violence are more likely to lose their jobs and slip behind in income earning potential. In turn, without a paid leave and protection against workplace retaliation, they are forced to risk losing their job in order to seek safety and support.

We recommend:

- Introduction of Domestic Violence Leave in the *Employment Standards Act*
- Training for employers and employees on domestic violence
- Requirement for a worker-chosen Woman's Advocate under the *Occupational Health & Safety Act*, with training and support

Working Conditions including Sexual Harassment

Workers have spoken up through the Changing Workplace Consultations about the unbearable working conditions that exist in some workplaces in Ontario. Sexual harassment and discrimination, both overt and unconscious, have a direct impact on women's access and retention in well paid occupations.

Unfortunately, deeply-rooted stereotypes still exist which negatively affect women particularly in male-dominated occupations. Several high profile public investigations and reports have illuminated the way in which sexual harassment plays out in large institutions including: the *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* (Deschamps), *Report of the Task Force on Misogyny, Sexism and Homophobia in Dalhousie University Faculty of Dentistry*, and *CBC Workplace investigation Regarding Jian Ghomeshi Report* (Thomlinson). The law is largely in place to prohibit this behaviour. However, the laws are often not observed or enforced.

Our members have reported sexist examples used by management in training, exclusionary language ('manning the location') and misogynist postings on bulletin boards. These actions drive women out of the workplace. Effective enforcement of Ontario's anti-harassment provisions in the Ontario *Human Rights Code* and *Occupational Health and Safety Act* is necessary for women to have equal access to the workplace.

We recommend:

- Increased enforcement of the Ontario *Human Rights Code*
- Increase in Occupational Health and Safety Act Inspectors

- Training for special Inspectors to deal with allegations of sexual harassment or violence
- Roster of approved investigators

Maternity and Parental Leave

Child bearing and child rearing bring significant benefits to society as a whole. However, women who have children often bear the majority of the costs and are disadvantaged economically and socially. Becoming a mother often leads to a widening of the gender wage gap. Providing better support to parents can reverse this.

Despite legal prohibitions against discrimination based on pregnancy and family status, pregnant women continue to be laid off, terminated or not returned to work after completing their leave. Stronger enforcement measures must be in place if this right is to be a reality.

Stronger parental leave provisions that encourage the non-birth parent to take more time off while their kids are young lead to a more egalitarian approach to domestic work and this in turn impacts women's long term involvement in the workforce. Quebec's model sets aside a number of weeks that can only be taken by the non-birth parent should be followed.

We recommend:

- Stronger enforcement of maternity/parental leave rights
- Implementation of a non-birth parent leave
- Greater supports for parents of young children

Universal Early Childhood Education and Care Program

Early childhood education and care is an integral part of support for children, families, and communities. Quality education and care promotes social inclusion, combats child and family poverty, stimulates the economy and promotes women's equality.

Universal, quality, affordable, accessible child care is central to equal access to the workplace. As the consultation paper notes, caretaking is still largely seen as a woman's responsibility. We are part initiatives such as ChildCare2020 (www.childcare2020.ca). The research is clear that universal child care will benefit families and the economy. This will support parents, women in particular, to access or return to the workforce with confidence that their children are getting quality education and care.

If universal health care, pensions and schooling are all possible, only politics is standing in the way of creating a national child care system.

We recommend:

- Support for infrastructure for a province-wide system of affordable, quality child care
- Commitment to work across all levels of government including aboriginal governments

Access to Good Jobs - Employment Equity

Addressing the gender wage gap will require a mechanism to ensure a fairer and more equitable labour market. The systemic barriers to secure employment experienced by women, particularly Aboriginal

women, women of colour and women with disabilities, cannot be overcome by “leaning in.” The complexity and intersectionality of gender, race, class, ability, sexuality, religion and age within workplaces require employment equity legislation to ensure a more equitable workplace.

Employment equity laws shine a light on the hiring and distribution of men and women throughout the workplace. They require outreach to ensure the workforce reflects the communities the workers are drawn from and they require barrier removal and positive measures to give women equal access to higher paying, often male-dominated work. When targets and timetables are required, things get done. Effective employment equity requires effective enforcement.

Where we bargain with federally-regulated employers, such as in the railway industry, there is often a struggle to force employers to live up to their existing obligations under employment equity legislation. Our lesson from these experiences is legislation alone is not enough. Without effective enforcement, employers can drag their feet.

We recommend:

- Enactment of provincial employment equity legislation with strong enforcement mechanisms

Skilled Trades

One of the clear areas of underrepresentation is women in skilled trades. Unifor Skilled Trades supports encouraging women to pursue employment in occupations that are male-dominated. Success is increased where women have access to female role models who can share their pathways, explore barriers and misconceptions about skilled trades, raise awareness regarding skilled trade requirements and classifications, role play i.e. hands-on workshops in carpentry electrical and robotics, and identify strengths and support any weaknesses in math, spatial relations and mechanical comprehension through testing.

Information in the schools that challenges the perceptions of skilled trades directly is needed to encourage all young people to consider a career in the trades. Stereotypes that create barriers to women being exposed to technical opportunities early in life include a perception that skilled trades is dirty, heavy, manual labour and is men’s work. Delivery of awareness programs by women in the trades can break stereotypes and assumptions. And, of course, action on child care would benefit women in the trades given that they are impacted in a similar fashion to most women.

Unifor supports community outreach programs that promote the attraction and retention of women in trades. We use the inclusive language of journey person in our publications and education courses.

Women cannot access the trades without opportunities in apprenticeships. The government has a role in ensuring industry is responding to the impending skills shortage. In addition, infrastructure spending by the government must come with a requirement of equity in apprenticeship hiring. Removing financial aid restrictions for skilled trade programs that are currently tied to family income would allow more women to take advantage of opportunities and programs already in existence.

We recommend:

- All government infrastructure spending require apprenticeship opportunities and require equity and diversity in apprenticeship selection

- Educational and awareness campaigns be launched to encourage everyone to pursue a career in the trades and, in particular, underrepresented groups such as women and workers of colour
- Employers can ensure women are in leadership to be role models promoting women in skilled trades and developing best practices.

Care Economy

We are proud to represent a large membership of health care workers. They are hard-working, dedicated workers. They are also tremendously underpaid.

The gender wage gap is exacerbated when we take into account workload as well as compensation. There are effective examples of the direct compensation gap for health care workers on the Equal Pay Coalition's website. There you will find a comparison between a Registered Practical Nurse and a cable technician. The hourly wage is only one distinction. In the care economy, there is also highly gendered aspect to the nature and form of labouring. The effort and compassion of care providers often goes unrecognized. When we consider the nursing homes, with workload/understaffing issues and the depreciation of direct care providers the gap is further illuminated. Our members can often be found working through their lunches and breaks, arriving early and staying late without pay simply because they know the residents need them. The amount of uncompensated time alone is an amplifier of the gap. And this will compound throughout their lives.

All of these elements are also crucially clear in the child care sector. While the issue of availability and affordability of child care is often in the news, not enough about the working conditions of child care workers, including wages and benefits, is examined. Child care workers are well-positioned authorities on how to improve the sector through their collective experiences. Child care workers support the development of healthy communities, strong local economies and women's equality. Any steps towards a universal, public child care system must include steps to close the gender wage gap for workers in this sector.

Midwives are another example of the tremendous wage gap that occurs in the care economy. Women providing services to women for an activity that is quintessentially female, should not bear the cost of a devaluing of their 'female labouring'.

We recommend:

- Pro-active pay equity enforcement in workplaces in the care economy
- Minimum staffing standards of 4 hours per resident per day in long term care
- Focus on working conditions of child care workers when setting up universal, public child care system
- Promotion of equal sharing of care and domestic responsibility between men and women
- Development of social and economic policies that do not impose a gender penalty
- Equality measures for part-time workers found in our *Building Balance, Fairness, and Opportunity in Ontario's Labour Market* submission to the Ontario Changing Workplace Consultation
- Recognition of unpaid care work and its gender and class components

Pay Equity System

While we acknowledge that closing the Gender Wage Gap will take more than just a more effective pay equity system, it cannot be done without reform in this area.

Funding must be restored to the Pay Equity Commission to carry out its important tasks. Parties attempting to achieve pay equity, including maintenance, require support from the Commission. Effective enforcement must also be funded.

The predecessor union to Unifor, the Communications, Energy and Paperworkers Union of Canada, has a long and strong history of fighting for pay equity federally with Bell Canada. Although they won a substantial victory, the decades it took to reach it is unacceptable and the avenues open to the employer to dismantle this victory through contracting out and corporate reorganization serve to defeat women's rights.

We recommend:

- Restoration of Pay Equity Commission funding
- Increased enforcement and support for parties endeavouring to reach pay equity
- Close loopholes that delay pay equity payments and put an end to protracted litigation

Pension Reform

Seniors' poverty is a growing concern in Ontario. Senior women are twice as likely to live in poverty as men. A full 30% of elderly women live below the poverty line. Women are far more reliant on OAS and GIS than men for income in their senior years. Pension reform will assist in addressing these issues. Unifor believes retirement income is best delivered through a stable, cost effective publicly administered pension such as the CPP or ORPP.

Unifor supports an enhanced Canada Pension Plan but we cannot wait until the federal government and all of the provinces come together on this. This will cause undue delay in addressing a crucial issue. We support the Ontario Registered Pension Plan (ORPP). We are disappointed in the one-year delay in the remittance of premiums from large companies, from January 2017 to January 2018. With the increase in low wage and precarious jobs, the government needs to act now to safeguard retirement income for the majority of Ontario workers without a secure workplace pension plan. This is a gender wage gap issue.

We recommend:

- The federal and provincial governments must work diligently to their May deadline to develop CPP options.
- In the event that a CPP deal cannot be reached, the Ontario government must launch an operational ORPP by its original deadline of January 1, 2020.

Conclusion

Unifor supports the comprehensive submission made by the Equal Pay Coalition. We commend the government for making a pledge to close the gender wage gap. Unifor urges the Committee to make strong recommendations with concrete actions that will be taken without delay. The consultations have given a face to the statistics that show the intransigent gender wage gap. Without positive intervention, progress will not be made.

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