Close the Childcare Workers’ Gender Pay Gap

SHOW US THE $ EqualPayDay
Close the Gender Pay Gap!

equalpaycoalition.org | @EqualPayON

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


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.

<table>
<thead>
<tr>
<th>Employment Category</th>
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<tbody>
<tr>
<td>Minimum wage</td>
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<tr>
<td>Short-term contracts</td>
</tr>
<tr>
<td>Temporary agency workers</td>
</tr>
<tr>
<td>Casual</td>
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<tr>
<td>Part-time</td>
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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 $0.68 for every dollar a man makes. Some women have it even worse.

- Arab Women: $0.53
- Women with Disabilities: $0.57
- Black & Indigenous Women: $0.58
- Racialized Women: $0.62
- Men: $1

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“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.

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
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.

Private Sector

Transfer Payment Agencies/Broader Public Sector e.g. Nonprofit childcare centres

MUSH:
Municipalities
Universities
Colleges
School Boards
Hospitals

Core Ontario Public Service

Wages become lower and working conditions more precarious

Private sector Vulnerable workers - corporate for-profit employers.
-Live-in caregivers Program
Legal tools to close the gender pay gap

- Employment Standards Act - Minimum wage, Equal pay, salary posting provisions
- Pay Equity Act - Equal Pay for Work of Equal Value
- Charter of Rights and Freedoms
- Labour Relations Act and Collective Agreements
- Human Rights Code

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?
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
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”

<table>
<thead>
<tr>
<th>Seeking Employer</th>
<th>Proxy Establishment</th>
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</thead>
<tbody>
<tr>
<td>33. Services for Children and Families — daycare centre or childcare resource centre</td>
<td>Municipality operating a daycare facility</td>
</tr>
<tr>
<td>34. Services for Children and Families — private home daycare agency</td>
<td>Municipality operating a daycare facility</td>
</tr>
<tr>
<td>35. Services for Children and Families — early childhood education facility</td>
<td>Municipality operating a daycare facility</td>
</tr>
</tbody>
</table>
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.

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

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.

<table>
<thead>
<tr>
<th>Nonprofit childcare centre</th>
<th>City of Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated hourly wage as of June 2023</td>
<td>Hourly wage as of June 2023</td>
</tr>
<tr>
<td>Cook</td>
<td>Cook - Daycare</td>
</tr>
<tr>
<td>$17.84 per hour</td>
<td>$32.80 per hour</td>
</tr>
</tbody>
</table>

Suggests a pay equity wage gap: $14.96 per hour

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?
DECENT WORK FOR WOMEN

- Equal pay for equal work, equal pay for work of equal value, pay transparency
- Stable Employment
- Recognizing the impact of feminization on employment opportunities
- Gender parity and diversity in sector leadership
- Not reproducing gendered roles in organizations
- Pathways to professional development and advancement
- Maternity and parental leave top-ups, pension, health and dental benefits
- Safe reporting mechanisms for discrimination and harassment

Source: Ontario NonProfit Network: Decent Work for Women project
How do we close Ontario's gender pay gap?

1. Raise the minimum wage to a living wage.
2. Mandate paid sick days for workers.
3. Implement the Pay Transparency Act.
4. Affordable, accessible public childcare with decent wages for childcare workers.
5. Rebuild the economy by funding public services.
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.

SEIU Healthcare
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%*.

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
Privatization Hurts Women!

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

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SHOW US THE $ 

Close the Gender Pay Gap!

#EqualPayDay

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