

EQUAL PAY FOR EQUAL WORK

Equal Pay for Equal Work is now the law in Ontario. Employers cannot pay you a lower wage for doing substantially the same work as other workers just because of your employment status (for example, because you work fewer hours per week, or because you are a seasonal or temporary worker).

As of April 1, 2018, employers are required to pay the same rate of pay to:

- Part-time, contract, casual, temporary and seasonal employees who are doing substantially the same work as their full-time/permanent counterparts.
- Temporary agency workers who are doing substantially the same work as directly hired employees in a client company

HOW DO I KNOW IF I SHOULD GET EQUAL PAY?

Do you get lower pay than other employees who do the same job as you, but who work more hours per week or who have a different employment status? If so, then you may be entitled to equal pay.

To help determine if you are entitled to equal pay, use the following questions:



Do you do substantially the same work?

“Substantially the same work” refers to the core duties of the job. The jobs do not have to be identical. Small differences in job tasks are okay. What matters for equal pay for equal work is that the actual work done by employees is substantially the same, even if the job descriptions are not the same.



Do the jobs use substantially the same skill, effort and responsibility?

Skill refers to the knowledge or physical skill needed to perform the job. Responsibility refers to the decision-making power you have or how much supervision there is over your job.



Do you work in the same establishment?

This means that you and the coworkers you are comparing your job with work in the same location. If your employer has two or more locations in the same municipality, this is also considered ‘the same establishment’.



Are there similar working conditions?

This can refer to the work environment (for example, working outdoors or indoors, exposure to weather, etc.) or health and safety hazards (for example, exposure to chemicals).

If you do **substantially the same kind of work** in the **same establishment**, your work requires **substantially the same skill, effort and responsibility** and is done under **similar working conditions**, then you should get equal pay for equal work.

There may be some exceptions

Even if you and your coworkers are doing equal work, your employer can still pay different rates if:

- You are on different steps in a seniority system (the overall seniority system has to comply with equal pay rules).
- You are paid a piece rate or paid on a merit system (but the overall piece rate or merit system has to comply with equal pay rules).
- Any other factor other than gender or employment status.

HOW DO I ENFORCE MY EQUAL PAY FOR EQUAL WORK RIGHTS?

You have a job-protected right to ask your coworkers for their pay rate to find out if you are not being paid equally for doing the same job. If you think you are being paid less than an employee with a different employment status or of a different gender, you can request equal pay from your employer.

Your employer is legally required to review your request and to respond to you in writing. Either your employer will give you equal pay or will deny your request and provide an explanation.

If you disagree with your employer's response or you want the Ministry of Labour to investigate your case, you can file a claim for equal pay. The Ministry of Labour will inform your employer that you are making a claim and will investigate. You will be required to provide information about why you believe you should receive equal pay.

IT IS ILLEGAL FOR EMPLOYERS TO PENALIZE YOU FOR SEEKING EQUAL PAY FOR EQUAL WORK.

Your boss is not supposed to punish you for asking for equal pay. Your boss should not penalize you for asking coworkers about their rates of pay or telling coworkers your pay rate. If your boss does penalize you, this is called a reprisal. This is illegal. You can file a claim at the Ministry of Labour against your employer for reprisals. If your employer is found guilty of reprisal, they will have to pay you damages (money). Call us to get help with enforcing your equal pay rights. All calls are free and confidential.