



House of Commons
CANADA

Standing Committee on the Status of Women

FEWO • NUMBER 030 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, October 19, 2010

—
Chair

The Honourable Hedy Fry

Standing Committee on the Status of Women

Tuesday, October 19, 2010

• (0845)

[English]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): It being 8:45, I will call this committee meeting to order pursuant to the order of reference of Wednesday, May 5, 2010, Bill C-471, An Act respecting the implementation of the recommendations of the Pay Equity Task Force and amending another Act in consequence.

We have our first witness here today, who is the Honourable Michael Ignatieff, P.C., MP for Etobicoke—Lakeshore.

Welcome to the meeting, Mr. Ignatieff. I will let you know that you have 10 minutes to present and then there will be a round of questions. Without further ado, I will ask you to begin. I will give you a one-minute notice when you have one more minute left in your presentation. Thank you.

Hon. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Thank you, Madam Chairman.

It's a little unusual for the leader of a political party to give testimony to a parliamentary committee. I've never done this before. It's a great privilege and an honour. I thank you for the opportunity to talk to you this morning and answer questions about Bill C-471.

[Translation]

Though it may be a tad unusual for the leader of a political party to testify before a parliamentary committee, this is an honour. I am here to address your questions regarding Bill C-471, An Act respecting the implementation of the recommendations of the Pay Equity Task Force and amending another Act in consequence.

[English]

As a party, we start—and I start personally—from a simple proposition that pay equity is not an issue about labour relations; it's a fundamental human right.

Women in Canada, just to take that example of pay equity, earn 72¢ on the dollar compared to men. Women with children earn a little over 50¢ on the dollar. This private member's bill, Bill C-471, is intended to do something about those statistics, which seem to us, and I think to many Canadians, to be unfair.

The Government of Canada is the largest employer. As the largest employer, we should be setting an example on pay equity. The federal government also has jurisdiction over crown corporations and a number of federally regulated industries, so this private member's bill is designed to promote proactive pay equity in all areas of federal jurisdiction.

[Translation]

The purpose of this bill is to promote pay equity in all federally regulated organizations: the federal public service, crown corporations and all employers that fall under the federal purview.

As the largest employer in Canada, the federal government must set a good example in the matter of pay equity. We think that the best way to do so is to create a federal pay equity board to promote pay equity in all federal entities. When I say that it would “promote”, I do not only mean that it would react to cases of abuse, but indeed promote active plans to achieve salary equity in all federal areas. We think that this is the best course of action.

[English]

The core of Bill C-471 as a legislative project is the idea that Canada needs the federal government, as the largest employer, to have a proactive federal pay equity commission with, if necessary, a tribunal to hear individual cases of abuse, but the role of a federal pay equity commission is to promote proactive pay equity reform across the federal service, the crown corporations, and all the employers under federal jurisdiction. We think that's the way to deal with the startling fact that Canadian women earn 72¢ on the dollar compared to men and women with children earn just over 50¢ on the dollar, and also that there are substantial examples of pay inequity in relation to aboriginal Canadians, Canadians with handicaps, and other disadvantaged minorities.

This proposal would reverse the way the Conservative government has gone on this issue. The Conservative government has judged pay equity to be basically a labour relations issue and has given it to the Canadian labour relations tribunal. Our view of that is that there's an objection of principle and there are some practical objections.

The objection of principle is that we think pay equity is a human right, not a labour relations issue. That's the fundamental issue.

The second issue is that the labour relations tribunal, in our view, does not have the competence to take a proactive stand on pay equity and promote pay equity as an active matter across areas under federal jurisdiction.

The other problem with the labour relations approach is that women are unable to bring representation to their case. For example, they're not allowed to bring their unions to defend themselves. We think that's a mistake.

We think, therefore, that a superior way to go here is to create a federal pay equity commission with a proactive mandate to establish and demand plans from all employers under federal jurisdiction to promote pay equity as a human right. That's the approach we take. We think it's superior to the approach taken by this government and we think it's extremely important for all Canadians to understand what's at stake here.

This society lives by equality: equality of opportunity and equality of remuneration. Equal pay for work of equal value is a human rights idea, not just a labour relations issue. We'd be very concerned if pay equity issues are put into the bargaining process and bargained away. We think Canadian women will go backwards, not forwards, if that happens. That's why we've taken the position we've taken on this issue.

Our recommendations on Bill C-471 follow from a task force that extensively studied this from 2001 to 2004. We haven't plucked these recommendations out of the air; they're the basis of consultation with stakeholders across Canada over three years. The Conservative government did not see fit to listen to that process of consultation and went their own way. We're trying to correct something that we think was a serious mistake.

• (0850)

[*Translation*]

Allow me to reiterate that we believe pay equity to be a fundamental human right. We believe that placing pay equity under the aegis of the Canada Industrial Relations Board is a mistake. This board does not have the jurisdiction needed to make pay equity related decisions. At this board, women do not have the right to ask for the presence of a union representative. We also believe that the Canada Industrial Relations Board does not have the power to ask federal employers for proactive action plans to settle these pay inequity problems in a general and strategic manner. It has the power to deal with individual cases but it does not have the capacity to act in a strategic and systematic way.

To our way of thinking, that is at the root of the problem. We think it is very important that the federal government, as the largest employer in Canada, set a good example in the area of pay equity. The best way to do that is to create a new national pay equity board with a tribunal. The federal level will be able to do what it is incumbent upon Canada to do, that is to say to set an example of good behaviour with regard to matters of pay equity for women, and for all those individuals who need equity in the federal system.

Thank you, Madam Chair, for having given me this opportunity to discuss my bill before you today.

• (0855)

[*English*]

The Chair: Thank you very much, Mr. Ignatieff. You were just bang on time.

Now we'll get to the questions. I would like to remind all members and the witness that there's a seven-minute round. Those seven minutes include the question and the answer, so I'm going to try to be as rigid with my timing as I possibly can.

We begin now with the Liberal member, Ms. Simson, for seven minutes.

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Thank you, Madam Chair.

I'd like to share my time with my colleague, Ms. Mendes.

The Chair: I'll let you know when you...?

Mrs. Michelle Simson: Yes, at the midway point. Thank you.

Thank you, Mr. Ignatieff, for appearing today. We really appreciate it.

This committee has studied the whole issue of pay equity at some length over the past number of years. We welcome the chance to review your piece of legislation in the coming weeks.

Of all the issues you could have chosen to tackle using your private member's bill privilege, you chose pay equity. Can you briefly explain to the committee why you consider pay equity to be such a priority for Canadian women right now?

Hon. Michael Ignatieff: I thank the honourable member for her question.

It is worth noting that this is the first private member's bill I've ever had the honour to introduce in Parliament, and I'm very proud personally to be associated with this issue. It's a statement of principle, not only on my behalf, obviously, but on behalf of the party that I have the honour to lead.

I'm just struck by those numbers. I'm just struck by the fact that women in our country do not get equal pay for work of equal value. We have not closed the gap. We've said we ought to. We've not done so.

So then the question becomes, how does the federal government lead? Many provinces have pay equity commissions. Why can't the federal government have a pay equity commission that says "let's get proactive about this"? Let's not just do this case by case when a woman has a complaint. Let's get out there and get a strategy led by a federal institution that says, "Show us the plan and show us how you plan to reduce these inequities".

I feel ashamed as a Canadian to be in a situation where people with the same human rights as I don't get financial recognition for the value of their work. This is an inequity that needs to be reformed. We feel very strongly that the way that the actual government has gone about it, which is to turn this into a labour relations issue, doesn't create the machinery necessary to get this done on behalf of Canadian women.

So that's the path we've taken. It's a statement of our commitment to pay equity as a human right. It's a statement of commitment that the Government of Canada should be a leader in advancing pay equity for women right across federal jurisdiction. It's a statement of personal commitment on my part and it's a statement of commitment by my party.

Thank you very much for the question.

The Chair: You have 30 seconds.

Mrs. Michelle Simson: Briefly, if you established a pay equity commission, what kind of mandate would it have? Would you give it enough teeth to really make it worthwhile?

Hon. Michael Ignatieff: Thank you for the question.

The 2001 task force set out some very useful guidelines. We would go back to that, look at them in detail, and reconvene with stakeholders.

There are always things we can improve here. So first, you listen to stakeholders. First, you listen to experts. You go back to the task force. But basically I think the mandate is, first of all, that it has jurisdiction over crown corporations, the federal public service, and all of the sectors covered by federal legislation—that's a lot of people in Canada—and the basic mandate is to take a proactive stance with each employer.

The federal pay equity commission would go to each employer and say, "What's your plan?" It would ask how they would propose to reduce this gap that is affecting the rights of women, the rights of handicapped people, the rights of aboriginal Canadians, and the rights of any Canadian who's not getting equal pay for work of equal value. Give us the plan, it would say, and then let's set up some benchmarks together so that we close that gap over time, and so you can report to your employers and we can report to Parliament that we are working together to reduce that gap so Canada delivers on what it says it's going to deliver on, which is basic equality for men and women and all Canadians.

It's the proactive element of this that I think is the key mandate. In addition, I think there has to be a tribunal function so that someone with a specific complaint gets the right to make a complaint and have that complaint adjudicated swiftly and, above all, by professionals, by those whose only job is to deal with pay equity issues.

• (0900)

The Chair: Thank you, Mr. Ignatieff.

You have two minutes, Ms. Mendes.

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you very much, Madam Chair.

Good morning, Mr. Ignatieff. I think that we have already broached this issue; the government considers that pay equity is a matter that should be settled at the negotiation table.

According to you, why will the fundamental issue of pay inequality never be settled in that matter?

Hon. Michael Ignatieff: Thank you for the question. I respect the Canada Industrial Relations Board. I don't want to make any negative comments about it, but it has no specific jurisdiction in this area. Pay equity is a matter which in our opinion should be dealt with outside the arena of labour negotiations and contracts. We believe that pay equity is a human rights issue. We think that the Canada Industrial Relations Board cannot intervene in a proactive and strategic manner to ask employers to prepare a plan to systematically redress pay inequalities in the public service, in other crown agencies and other federally regulated employers. The matter of pay equity, especially for women and also for other groups, is so important that

there must be a specific institution devoted to promoting women's equality within federal bodies. That is our perspective on the matter.

Mrs. Alexandra Mendes: Thank you.

[*English*]

The Chair: Thank you, Mr. Ignatieff.

Now we'll move to the Bloc Québécois.

Madame Demers.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Thank you very much, Madam Chair.

Mr. Ignatieff, thank you for being with us today. I have several questions for you, and also several matters I'd like to explore.

The first time the committee tabled its report on pay equity in 2001, one of the most pressing concerns did indeed involve the adoption of a proactive piece of legislation on pay equity. At that time, the government in power was a Liberal one. We had a budget surplus. It would have been easy to promote a proactive law on pay equity. And yet this was not done. At the time of the last budget, you unfortunately voted for Bill C-10 which put forward a very retrograde piece of legislation on pay equity, making pay equity a negotiable right.

Should your bill be interpreted as a sign of remorse that you abandoned women at the time for strictly electoral considerations? Today you are tabling a bill as if you had forgotten that you voted in favour of Bill C-10. It is as though you wanted to renew your virginity by not mentioning that you are sorry that you voted for Bill C-10. You make no mention of the fact that you voted for Bill C-10, nor of the fact that that vote caused irreparable damage to thousands of women in the public service. That damage will not be repaired by tabling Bill C-471.

I'm certainly going to vote for Bill C-471, because I want women to obtain pay equity. Unfortunately, this bill is way too little and very much too late. Unfortunately, women have already suffered from the fact that you voted in favour of Bill C-10.

What do you have to say to that?

• (0905)

Hon. Michael Ignatieff: Thank you, Madam. I thank you also for all the work you have done on pay equity for Canadians. I salute you, Madam.

It is absolutely certain that we can't renew our virginity. It isn't possible. However, neither can we trigger elections whenever we disagree with the government. That was our position on Bill C-10. From the outset, from the very moment we voiced formal objections against the government's attempt to modify the pay equity regime and even since that vote, we have said that we had to vote for the budget in the national interest in order to avoid triggering unnecessary elections. However, we also said clearly that what the Conservative government wanted to do in the area of pay equity was a mistake. We were clear. And that is precisely why I introduced this bill.

I'm very heartened by the fact that you said that you would be voting in favour of the bill, as this means that you recognize, as much as I do, that the Conservative government's approach is the wrong one. This means that we must never treat pay equity as a simple labour negotiations matter that can be settled around a table. It must be considered as a human right that must be protected and promoted in all areas of federal jurisdiction.

You have no doubt noted that other provinces have pay equity boards. We must have one at the federal level. That is our main message. I'm very happy to know that you will be supporting our idea for progress in this area.

Thank you for your question.

Ms. Nicole Demers: Mr. Ignatieff, do you consider that equity is limited to remuneration or do you also think that it should also apply to other benefits?

Hon. Michael Ignatieff: Yes, it should. However, you would have to tell me more about what you have in mind.

I consider that equity is not simply an economic matter. It concerns working conditions, respect, the proper functioning of an office, for instance, where women must be respected for their work and treated with respect.

I suppose that that is more or less what you had in mind.

Ms. Nicole Demers: No, it isn't. Rather, I had in mind the fact that currently, approximately 5,000 women signed petitions tabled in the House of Commons, asking that their right to preventive withdrawal be recognized. Women who work for a federal entity in Quebec would like to have the right to preventive withdrawal, just as women who work in Quebec for a provincial body have a full and complete right to preventive withdrawal.

I wonder whether you would be open to concluding an agreement with Quebec in this regard.

Hon. Michael Ignatieff: I need to study this matter in depth. That is what you have done and I congratulate you on your commitment to women. I am quite ready to have my party work with yours to ensure that women obtain justice. If it is possible for Ottawa and Quebec to work jointly on this file, I am quite willing to do so to ensure that all injustices be redressed.

Ms. Nicole Demers: Thank you, Madam Chair.

[English]

The Chair: You have one minute, Nicole.

[Translation]

Ms. Nicole Demers: In addition to that, would you be willing to have special measures brought in to see to it that women be compensated for the sums they lost during the period when pay equity was not respected?

• (0910)

Hon. Michael Ignatieff: Pay equity has a proactive aspect, which is forward-looking, but it is also possible to see it as having a retroactive aspect aimed at correcting certain injustices which transpired in the past. I am considering measures that look both to the future and toward past injustices. If there are past instances of unfairness that must be redressed, we must do so.

Ms. Nicole Demers: Thank you.

[English]

The Chair: Thank you, Mr. Ignatieff.

Thanks, Nicole.

For the Conservatives, Ms. Hoepfner.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): Thank you very much, Madam Chair.

Thank you for being here, Mr. Ignatieff.

So if I understand you correctly from your response to Madame Demers, when you supported our equitable compensation act back in 2009, it was because you felt that it was not the right time for an election. You didn't want to go to an election, so it was politically expedient, I guess, for lack of a better term. It was a good time for you to support that piece of legislation.

Now you're saying that you've changed your mind and that's why you've introduced this private member's bill. Is that somewhat correct? You wanted to avoid an election, correct?

Hon. Michael Ignatieff: I thank the honourable member for her question.

As I said in the other official language, you can't have an election every time you have a disagreement with the government. That's number one. I think you yourself acknowledge that in a minority Parliament that's actually a reasonable position to take.

Secondly, Bill C-10, the budget bill we are discussing, is what in common parlance is called a "dumpster bill"; you pile a lot of stuff in there. In our view, that is an absolutely terrible way to do parliamentary legislation. If the Conservative government had decided to introduce this bill on a stand-alone basis, they would have had a different result, and I think they knew it.

So it is our view that going forward, as we seek to make parliaments work, these kinds of dumpster bills, in which you load a lot of stuff, are a terrible way to do good legislation in the Parliament of Canada. Remember that we were in a very difficult financial situation, in a global recession. There were reasons to pass that budget, but we said at the time that we were holding our noses over pay equity—

Ms. Candice Hoepfner: Okay. Thank you very much, sir.

Hon. Michael Ignatieff: —because we felt this was a serious mistake. That's why my private member's bill has been introduced.

Thank you.

Ms. Candice Hooppner: Thanks.

I only have seven minutes, so I'm going to try to get my questions done quickly.

Were you also aware when you introduced your private member's bill that it would require a royal recommendation in order to pass?

Hon. Michael Ignatieff: Well, that's a judgment made by the government. I think if the government had a sincere desire to advance pay equity, we could find a solution.

Ms. Candice Hooppner: But you are aware that there are some private members' bills that absolutely don't need a royal recommendation because there would be no money associated with them. You knew that yours possibly would need it.

My question is, can you understand why some women would look at how you voted in 2009? They would look at this bill and may say that you're trying to score political points on the issue of pay equity, an issue that's important not only to women but also to men across Canada. Can you see why some women might say that or might think that?

Hon. Michael Ignatieff: I think what women are looking for is action on pay equity. I think women in Canada want us, as parliamentarians, to do something about the facts—the facts being that women earn 72¢ on the dollar and women with children earn 52¢ on the dollar. This isn't a matter of intentions, if I can say so, with respect to you. We can all question each other's intentions. What matters is that parliamentarians work together to do something about these glaring inequalities—

Ms. Candice Hooppner: Are there any other issues, then—

Hon. Michael Ignatieff: —between men and women in Canada.

Ms. Candice Hooppner: Are there any other issues, then, that you have voted on recently, even in the last two years—

The Chair: Ms. Hooppner, other members have allowed the speaker to finish his answer. Can you please just give him that quarter of a second to do it? Thank you.

Ms. Candice Hooppner: Thank you very much.

Hon. Michael Ignatieff: I'm happy to have—

Ms. Candice Hooppner: A little exchange? You're all right with that?

Hon. Michael Ignatieff: I'm happy to have the honourable member ask another question. I'm enjoying this exchange—I hope as much as she is.

Ms. Candice Hooppner: Oh, good. Yes, I am, thanks.

I'm just wondering, then, if there are any other pieces of legislation that you would say you've changed your mind on, or that you voted in favour of, let's say, because it was the right time. Is there any other piece you might be changing your mind on?

Hon. Michael Ignatieff: I'm not sure of the pertinence of that question. We're here to talk about pay equity and I'm happy to talk about pay equity. I have very strong convictions about a number of things, which never budge and never change, and one of them is the

inequality that Canadian women face and that parliamentarians are here to redress. That's why I'm here this morning; I'm happy to do so.

• (0915)

Ms. Candice Hooppner: Okay. I just thought I'd see if there were any other issues, because this is an important one.

Hon. Michael Ignatieff: Yes.

Ms. Candice Hooppner: I'm going to go to a topic that is a little different, one that I am very passionate about. I'm sure you're aware of how many businesses in Canada are considered small and medium-sized.

Hon. Michael Ignatieff: Yes.

Ms. Candice Hooppner: About 98% are, so actually, almost all of the businesses in Canada are considered small and medium-sized businesses. They're not what would be labelled large corporations. Are you aware that 47% of those small and medium-sized businesses are owned either in whole or in part by women?

I'm thinking specifically of women in those situations who are actually just looking to take home a paycheque. Some of them are trying to make a payroll. They are trying to do that during a time when they are having some real difficulty. In fact, in my riding, I just visited a very small candle-making company that employed 26 people before the recession. I've met the woman who runs it. She has four men working for her, but she works for free. So for her, never mind pay equity; she would just like to get paid.

Can you understand? What would you say to those women who have heard that our government is firmly committed to cutting taxes on businesses, the small and medium-sized businesses that make up almost 98% of all businesses in Canada? We are committed, we've been steadfast, and we have not changed our minds or wavered at all. You have also been quite steadfast in the last few months in wanting to take away those tax cuts and to increase taxes on those small businesses.

What would you say to those women, especially considering the jobs they create and the huge pressure they are under already? How can you defend increasing taxes on small and medium-sized businesses in Canada?

The Chair: Before the witness answers that question, I would like to remind the member that, on a point of order, we should stick to the business of the day, which is about pay equity. So I will leave it up to the witness to decide whether or not he wishes to deal with that, but the issue here is pay equity.

Ms. Candice Hooppner: Madam Chair, I also believe in pay equity for women who are running businesses and I think they need to be represented at this table, but I thank you very much—

The Chair: It has nothing to do with the private member's bill we're discussing.

Ms. Candice Hooppner: I would disagree, but thank you.

The Chair: Well, yes, you may, but I've ruled that it isn't a point in order here.

Hon. Michael Ignatieff: Well, I respect the ruling of the chair, but let me just say that as someone who also is proud to represent women who are small business owners in my own riding, I understand the pressures on them as fully as you do. It is a fabrication and a misrepresentation of the highest order to suppose that the Liberal Party of Canada wants to increase the tax burden on those hard-working women. It's just false.

We've said that the corporate tax breaks proposed by the Conservative government for large profitable corporations don't make sense when you're in a \$56-billion deficit, and we're proud of that statement and believe in it strongly. But to extrapolate from that to the proposition that I propose to increase the tax burden on the woman selling candles in your business district or to increase taxes on the hard-working women who run businesses in my constituency is absolutely false. It's mischief-making.

We're here to promote fairness and equality for women. I'm as aware as you that women are the backbone of the small and medium-sized enterprises in our country. I'm immensely proud of the contribution they make. I want to do everything to help them, the same way you do. There are some things that don't need to divide our parties.

I know who employs Canadians. I know the important role they play. So let's tell them the truth about our party platforms in the next election, and let's work together, to the degree we can in this difficult environment, to promote small business ownership by women, women hiring other women, and women promoting women in the workplace. These are goals that I believe in passionately.

The Chair: Thank you. The time is well over.

I'd like to turn to the NDP, to Ms. Mathysen, please.

Ms. Irene Mathysen (London—Fanshawe, NDP): Thank you very much, Madam Chair.

Thank you, Mr. Ignatieff, for being here.

I'd like to pursue a line of questioning based on what you said. You indicated that your vote for Bill C-10 was in the national interest, yet it seems to me you sent a very disturbing signal with that vote. Look at the reality of women: because they earn less, their pensions are less and their employment insurance is less. For a significant number of women, particularly single women, elderly women, they live in poverty. It all traces back to the lack of income security.

Now, you called Bill C-10 a "dumpster bill", and yet you chose to support it. I'm wondering how that squares with this notion of the national interest. It would seem to me that it would be in the interest of women to have pay equity, and haven't you just made pay equity another bargaining chip? You talked about the evils of using pay equity as a bargaining chip, and yet it seems to me that it became a rather cynical bargaining chip.

• (0920)

Hon. Michael Ignatieff: I thank you for the work you've done promoting pay equity for women.

I just repeat our sense that when the government snuck this change in pay equity legislation into the Bill C-10 dumpster bill, they made a mistake, which we signalled at that moment. That's why I'm here. That's why we introduced a private member's bill—to correct that error, to reaffirm that pay equity is a human right, to set in place what for years commissions of experts have called for, which is a federal pay equity commission that will have a proactive mandate, plus a tribunal to deal with specific complaints.

We think this is the way forward. We think the way that the government has chosen turns pay equity into a labour relations matter and gives it to a commission that does not have the capacity to engage in proactive promotion of pay equity. I would have thought that this is the kind of project that your party, and you, should support given your record of verbal commitment on this issue.

Ms. Irene Mathysen: Thank you, Mr. Ignatieff.

You used the word "snuck". The government bill was there for all to see. It seems to me that a year and a half after the fact is too late. A great deal of damage has been done.

Indeed I do support pay equity. I have since I was an MLA in Ontario. I actually brought forward a pay equity bill based on the 2004 task force. If I ever have a chance to do that again, I hope you will support it.

About a month ago, you said that Bill C-308, a private member's bill, was dead on arrival; it wasn't going anywhere because it needed royal recommendation. Now, since part of Bill C-471 requires a royal recommendation, and my guess is that it's most definitely not going to be granted, I wondered, when you drafted your bill, did you consider setting aside that part—which has, in your own words, no hope—in favour of pursuing the consequential amendment that revokes the Public Sector Equitable Compensation Act? In that revocation, it would take us back to the point we were at before the Conservative bill. Women then would have the ability to appeal to the Human Rights Commission, with fines levied against employers and unions. They're quite significant fines in the case of unions who want to advocate for their members. Also, it would remove pay equity from the bargaining table.

Had you thought about pursuing that as a way of actually achieving something substantive that we know would go ahead—or that had hope of going ahead, rather?

Hon. Michael Ignatieff: I think you've made some interesting suggestions. The decision about the royal recommendation is basically a statement by the government that it doesn't want to proceed, give action to, or give substance to pay equity as a human right. If the government took a different view, we could make progress.

If you're suggesting another way to make progress in this area that gets around this, my commitment and my party's commitment to pay equity is so strong that we're willing to work with you and other parties to advance it in the way that you suggest. We'd have to look at it in detail, but the fundamental direction we need to go in as a country is towards a federal pay equity commission that makes the Government of Canada, as the country's largest employer, the example that everyone looks to in advancing pay equity for Canadians right across the board. That's the objective. That's the goal.

Then, how we get there step by step in the parliamentary process as this goes forward is a matter on which I'm happy to have discussions with you and any members of the party, because what I'm concerned about is that women in Canada not go backward, that we go forward and we go forward together, and that this Parliament takes on its responsibilities to advance this agenda.

● (0925)

Ms. Irene Mathysen: I thank you for that, Mr. Ignatieff, because I think it's very important to have that on the record. I'm pleased to see that you are indeed on the record in support of the kind of proactive pay equity that will make a difference so women don't face a future of poverty and economic insecurity, certainly the kind that we currently see in the Canadian reality.

Hon. Michael Ignatieff: Thank you.

The Chair: Thank you very much.

Actually, I would like to congratulate the committee on being bang on time. It is now time to end this session. I would like to thank the witness, Mr. Ignatieff, for coming here, presenting to us, and answering all of the questions.

With that, I would ask that we suspend so that we can go in camera. Thank you.

[Proceedings continue in camera]

● _____ (Pause) _____
●

[Public proceedings resume]

The Chair: We are going to resume the meeting. This was my mistake. We're not in camera, actually, as we still have some witnesses on the bill.

We will be dealing with the next group of witnesses from the Treasury Board Secretariat. We have with us Madame H  l  ne Laurendeau, assistant secretary, compensation and labour relations sector, and Jacqueline Bogden, executive director, compensation and labour relations sector.

Thank you for coming. I just want you to know that since you come from one entity, you have between you 10 minutes within which to present, and you can decide how you want to do that. I will give you a one-minute signal so that you know you have one minute left to wrap up and then we'll go into questions and answers.

Who begins?

● (0930)

Ms. H  l  ne Laurendeau (Assistant Secretary, Compensation and Labour Relations Sector, Treasury Board Secretariat): I'm going to be presenting the opening remarks. Ms. Bogden and I will be available to answer any questions the committee may have.

The Chair: Thank you.

Ms. H  l  ne Laurendeau: Thank you very much.

Thank you for the opportunity to appear once again to talk about equitable compensation.

I would like to provide you today with an overview of the key features of the Public Sector Equitable Compensation Act and, more specifically, how it reflects the intent of the work of the 2004 pay equity task force, known as the Bilson task force.

As I stated the last time I appeared before you, we all recognize that the former pay equity regime in the federal public service was, by and large, reactive, lengthy, and costly—and adversarial on top of everything else. Actions under that regime have been ad hoc, based totally on complaints as they were framed. Furthermore, complaints were filed without any previous discussion of these issues, either at the bargaining table or in any other forum. Complaints could take between 15 to 20 years to be resolved under that regime. It definitely took a big toll on resources, on productive labour relations, and on women employees themselves.

This long and litigious aspect was underscored by the Canadian Human Rights Commission in its 2001 pay equity report. The commission stated at the time that pay equity cases represented “less than 8%” of all its cases, yet they consumed about half of its total spending on legal services, a testimony to the complexity of how difficult it was to administer the previous regime.

In tackling these challenges over the years, the federal government learned a lot. The Public Sector Equitable Compensation Act builds on this experience and learning. As an employer, we also learned from proactive provincial regimes and from the work of the 2004 pay equity task force, as well as from Canadian and international research.

Appreciating that the committee today is studying Bill C-471, it might be useful for me to outline briefly how the new act addresses some of the key recommendations of the 2004 pay equity task force. I will focus on four key aspects of the task force recommendations.

The first aspect is that the task force affirmed that the existing legislation—that was section 11 of the Canadian Human Rights Act—was not effective. It recommended that new stand-alone proactive legislation be enacted.

The Public Sector Equitable Compensation Act provides stand-alone legislation. The new act establishes a proactive regime for ensuring equitable compensation for federal public sector employees. It replaces a complaint-based approach with a proactive approach. As such, it brings the federal regime in line with a number of provinces that also require a form of proactivity, a feature that is supported by most experts.

[*Translation*]

Let me now turn to the second area of the task force recommendations that the new act addresses.

The task force recommended that new legislation provide for the maintenance of pay equity on an ongoing basis. It recommended the new legislation establish obligations on the employer but also on unions to ensure that pay equity is maintained when renewing or negotiating collective agreements.

The Public Sector Equitable Compensation Act ensures that equitable compensation will be established proactively and that it will be maintained on a regular and ongoing basis. It does so by making employers and—for the first time—bargaining agents jointly accountable for ensuring that employees receive equitable compensation each and every time that wages are set.

The new act establishes robust requirements for conducting equitable compensation assessments and reporting results to employees in a transparent manner. In this way, the new act ensures that gender-based analysis is not an afterthought or fixed in a separate process or through litigation. Instead, it is embedded in wage-setting practices on an ongoing basis. In other words, the act provides that gender-based analysis must be done when salaries are set.

In making the employer and the unions jointly accountable, it recognizes the important role played by unions in setting wages. By establishing detailed obligations on both parties for how to attain and maintain equitable compensation, it will not allow the parties to bargain away this human right. On the contrary, the new act recognizes the long and positive history of achievement and the protection of human rights through collective bargaining, as recognized by the Supreme Court, which includes fair wages, hours of work and working conditions, including parental leave and occupational health and safety.

The role for collective bargaining in achieving pay equity also supports Canada's obligation under the International Labour Organization's 1951 Equal Remuneration Convention, which requires members to incorporate equal pay for work of equal value into existing methods of determining remuneration. That is precisely what the Public Sector Equitable Compensation Act does.

As you are probably aware, in their 2005 response to this committee on the Pay Equity Task Force report, the ministers of Justice and Labour indicated that the relationship between pay equity and collective bargaining, as well as the obligations of employers and unions, needed to be part of the “backbone” of effective pay equity legislation. The new act provides this “backbone”.

The task force also recommended that non-unionized and unionized employees be involved in achieving and monitoring pay equity. This is the third key area of the task force recommendations that I would like to outline today.

The Public Sector Equitable Compensation Act contains robust reporting and transparency requirements to proactively and regularly inform employees of their rights and inform them of what has been done to ensure equitable compensation before their wages are set. These obligations are designed to reinforce accountability for results.

Unionized employees can also participate through collective bargaining and I would add that they may also express their opinion through ratification votes on the agreements in principle concluded between the employer and their bargaining agent.

● (0935)

[*English*]

The fourth area that I will discuss is the task force recommendation that the new legislation contain specific provisions establishing a process for complaints.

Under the new Public Sector Equitable Compensation Act, both employers and unions need to jointly and transparently take their obligations very seriously. The new act maintains the right of employees to lodge complaints through the public sector labour relations board. This is an independent body with quasi-judicial status that currently administers the Public Service Labour Relations Act. For 40 years, the board has helped resolve issues around wages. The board also currently has authority to interpret human rights issues.

The new act contains many safeguards, including the union right to unilaterally select binding arbitration to resolve bargaining disputes. It is a critical feature of the new act that boards of arbitration will be obliged to rule and determine equitable compensation matters.

These are just some of the ways in which the new act reflects the intent of the recommendations of the 2004 pay equity task force and builds upon them.

Looking forward, the Public Sector Equitable Compensation Act will come into force once the regulations are developed and established through the Governor in Council.

As we speak, the regulations are being developed through a consultative process. They will provide greater clarity to the terms, obligations, and processes that are provided in the new act.

We have been consulting and working very closely with the bargaining agents and nearly 30 separate agencies, the Royal Canadian Mounted Police, and the Canadian Forces to develop these regulations. We expect them to be very well advanced, if not ready as planned, in 2011.

In conclusion, I'd like to state that the Public Sector Equitable Compensation Act will not only protect the right to equal pay for work of equal value but also will be the best way to achieve and maintain—and I insist on maintain—equitable compensation on a proactive and regular basis for the future.

I'd like to thank the committee very much. I will be pleased to answer questions, and so will my colleague Ms. Bogden.

● (0940)

The Chair: Thank you very much.

Now we begin to move into the question part, for seven-minute rounds. I would like to remind everyone that those seven minutes include questions and answers.

We'll begin with Ms. Simson from the Liberals.

Mrs. Michelle Simson: Thank you, Madam Chair.

I'd like to thank the witnesses for taking the time to appear before this committee today.

Just before you arrived, we heard testimony from the leader of the opposition, who has put forward a private member's bill with respect to pay equity. That's currently what we're studying. He made a rather interesting observation that he personally sees pay equity as a fundamental human right.

I'm going to address this to both of you. Just in one word, do you see pay equity as a fundamental human right? It's yes or no, because I have limited time.

Ms. Hélène Laurendeau: The courts have already determined that, so the answer would be yes.

Mrs. Michelle Simson: Thank you.

Now, based on that response and the fact that the courts have ruled on this, do you think a human right should actually be utilized as a bargaining chip in labour relations? Is that something that should be even considered—that you could bargain away in labour negotiations a fundamental human right?

Ms. Hélène Laurendeau: There are many other fundamental rights that are protected through collective bargaining. Furthermore, I would add that the underpinning of this bill is not to bargain away any human rights; it is in fact to actually put at the heart of wage determination the issue of gender-based analysis and, answering that, the employers and the bargaining agent must live up to complying with that fundamental right.

Mrs. Michelle Simson: I'm going to address this to you, Ms. Laurendeau. When you appeared before this committee on June 16, 2009, on the Public Sector Equitable Compensation Act, you testified that even the proactive processes in Quebec and Manitoba still leave issues of pay equity outside the collective bargaining process, and you referred to this as a fundamental change.

You also told the committee:

We must recognize that the forward thinking that they have experimented with in Ontario, Quebec and Manitoba has produced results. Their legislation has produced positive results, but it still has growing pains when it comes to maintenance of pay equity.

Why do you think the government chose to rewrite the book instead of building on this foundation of proactive pay equity legislation that was already in place and adopted by those provinces, while still keeping pay equity separate from the collective bargaining process?

Ms. Hélène Laurendeau: I hope I understand your question correctly. What I was aiming at in my appearance on June 16 was that there is significant value in answering that we deal with pay equity issues in a proactive manner; I also said that there were some very good results that came out of those provincial models to which you referred. I also said, though, that none of them was very specific on how to maintain it.

To answer your question, I would say that the process by which we determine that equal pay for work of equal value has been achieved can be married to the process by which we determine wages. Not only can they be married, but the underpinning of the

equitable compensation act is that they should be married to make sure that the analysis occurs at the time of setting wages and that issues are addressed at that point in time.

It goes further than the provincial legislation, because it also provides for an obligation to maintain pay equity in the same way. Whenever you review wages, you actually have to re-address, if need be, any equitable compensation issues that may have arisen.

•(0945)

Mrs. Michelle Simson: Madam Chair, do I have time?

The Chair: You have two and a half minutes.

Mrs. Michelle Simson: Thank you very much.

During that same appearance on the act, you testified that under the act the equitable compensation assessment will not stand on its own, "outside but attached to the collective agreement". However, you also testified that employees will not vote on the equitable compensation assessment separately. How do you consider this to be equity?

Ms. Hélène Laurendeau: The underpinning of the legislation is that all issues with respect to wages and compensation are dealt with at the same time, including the assessment of pay equity. Once this assessment is done jointly, which is how the other provincial models work, there is an additional step, which is to put to employees for ratification the equitable compensation assessment that has been done. In other words, problem identification would be done through the process of setting wages, and confirmation that the problem has been resolved, once identified, would be done by putting it to a ratification vote by employees to confirm that they agree that this is acceptable. It is a process that does not even exist in a complaint-based system.

In a complaint-based system, the bargaining agents bring forward the complaint. If there is a settlement on it or if the court determines something, the bargaining agents will determine whether they will bring the complaint further.

In this process of ratification, employees will be able to express themselves collectively on the equitable compensation assessment.

The Chair: You have 20 seconds. Are you finished?

Mrs. Michelle Simson: Yes.

The Chair: Ms. Mendes, very quickly.

[*Translation*]

Mrs. Alexandra Mendes: Thank you, Madam Chair.

Good morning, Ms. Laurendeau. I will be quick. In terms of ratification, if you include the equitable compensation process in collective bargaining and if you vote for the two at the same time, employees will not be able to vote on pay equity alone. They will have to vote on both, if I am not mistaken.

Ms. Hélène Laurendeau: Yes, that's right.

Mrs. Alexandra Mendes: So how can they show their dissatisfaction with pay equity agreements?

Ms. Hélène Laurendeau: Since pay issues are often determining issues in terms of ratifying a collective agreement, employees will also clearly express their opinions on the equitable compensation assessment.

[English]

Mrs. Alexandra Mendes: Thank you, Madam Chair.

The Chair: Thank you.

For the Bloc Québécois, we'll go to Madame Demers.

[Translation]

Ms. Nicole Demers: Thank you, Madam Chair.

Good morning, Ms. Laurendeau. Good morning, Ms. Bogden. We are pleased to have you with us this morning.

I am having trouble understanding your explanation. You are saying that this is a proactive piece of legislation and that you are dealing adequately with the recommendations of the 2004 task force.

Could you give us some concrete examples of women who have actually benefited from these new rules and of collective agreements that were negotiated and with which women were satisfied?

Ms. Hélène Laurendeau: No, not at this stage, because the act is not in effect yet on these issues. However, we have succeeded in the past to make or preserve some gains for women in the context of collective bargaining. The fact that this is now a joint obligation means that the parties have to work together and make sure that pay provisions or other provisions do not have an adverse effect on women. Let's take for example some of the parental leave requests that were made in the past and that, in some cases, may have represented a step backwards in terms of gains. The simple fact that there is also a joint obligation with respect to employment conditions other than pay has allowed us to sit down with the unions and tell them that they cannot deal with the parental leave issue in that way because it would be limiting women's rights.

My point is that, in the context of collective bargaining, when there is an obligation to deal with fundamental rights, then there is a genuine dialogue at the bargaining table.

• (0950)

Ms. Nicole Demers: Do you really believe that a woman who is not satisfied and has to fight alone without the support of her union is actually a step forward? Can you tell me that with a straight face? I just don't understand.

Ms. Hélène Laurendeau: Actually, the gain is not so much related to the way the complaint is filed as to the fact that issues of pay equity will be dealt with at the outset. It is a way of ensuring that the employer and union partners attach real importance to issues affecting women as part of the democratic collective bargaining process rather than having a process in a vacuum and then trying to address inequities that came up during the negotiations.

Ms. Nicole Demers: So you think that it is democratic to send someone to defend themselves without any support?

Ms. Hélène Laurendeau: The democracy is in the mechanism for representation that the union has.

Ms. Nicole Demers: You say that the new act "replaces a complaint-based approach with a proactive one. As such, it brings the federal regime in line with a number of provinces that also require a form of proactivity". Which provinces are you referring to?

Ms. Hélène Laurendeau: Quebec, Manitoba, Ontario...

Ms. Nicole Demers: Which provinces? Are you telling us that Quebec does the same thing as Canada?

Ms. Hélène Laurendeau: No, that's not what I said. I said that some provinces had recognized that a proactive system was the best way to guarantee fundamental rights. The plan put forward by the Public Sector Equitable Compensation Act is a proactive plan that requires pay equity issues to be addressed as they occur. The only difference is that it is done as part of the collective bargaining process, which was established by the Supreme Court...

Ms. Nicole Demers: Ms. Laurendeau, I think you are here this morning to try to deceive us and make us believe that this act is equitable. You have been feeding us lies. I am very sorry, but this proactive legislation is completely different from what we have in Quebec.

[English]

The Chair: Madame Demers, the approved language, please.

[Translation]

Ms. Nicole Demers: I am very sorry, Ms. Laurendeau, but it is not at all like the Quebec act. Ours is certainly a proactive piece of legislation, but it is nothing like the one put forward by the Conservative government.

[English]

The Chair: You have a little under two minutes left, Madame Demers.

[Translation]

Ms. Nicole Demers: Thank you, Madam Chair.

[English]

The Chair: Have you have finished?

[Translation]

Ms. Nicole Demers: Yes, Madam Chair.

[English]

The Chair: Thank you.

I will go to the Conservatives now, with Madame Boucher.

[Translation]

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Good morning, Ms. Laurendeau and Ms. Bogden. Thank you for being here with us this morning.

We have talked about pay equity at great length. Could you tell me how long it takes on average for a complaint filed by a woman to be settled?

• (0955)

Ms. Hélène Laurendeau: On average, it can take from two to 20 years to resolve complaints. The most obvious examples are the 1984 complaint against the federal government, which was settled in 1999, and the complaint against Bell Canada, which was resolved 20 years later under the current system. We also have some less complex complaints from smaller groups, which take two to five years on average to be resolved.

Mrs. Sylvie Boucher: It is a very long process.

Ms. Hélène Laurendeau: Yes, it is very litigious. The reason is very simple. Once a complaint is made, a factual basis has to be formed. Job assessments have to be done as soon as the complaint is filed whereas, in a proactive plan like the one put forward by the Public Sector Equitable Compensation Act, the obligation to do job assessments and to maintain the factual basis is ongoing. Every time wages are reviewed, we use the update from this factual basis and we do another assessment. That is the difference between the long process in a complaint-based system and what can be better managed in a proactive system.

Mrs. Sylvie Boucher: In the Bell Canada case, which went from 1984 to 1999, did the women at least win, given that it took that long to settle the complaint?

Ms. Hélène Laurendeau: In the complaint that was settled in 1999, the federal government paid out \$3.2 billion in pay equity in addition to another sum of \$900,000, which was paid in 1991.

Mrs. Sylvie Boucher: So the women won.

Ms. Hélène Laurendeau: Yes, the women did win.

Mrs. Sylvie Boucher: In your opening remarks, you talked about experts. Could you tell us what they think about a more dynamic system as opposed to a complaint-based system?

Ms. Hélène Laurendeau: Most experts agree that a proactive system leads to far fewer confrontations and is a lot more effective in terms of results. All the work that was done by the Bilson task force showed that proactive programs produce results more easily and quickly than a complaint-based system.

Mrs. Sylvie Boucher: I suppose that the longer a dispute lasts, the more collateral damage there is.

Ms. Hélène Laurendeau: Not only is there collateral damage, but a complaint-based system takes a picture of the complaint at the time it was lodged. A situation is never static, but it takes years to settle a complaint. However, a proactive system makes it possible to address issues that may come up on an ongoing basis as salaries are reviewed. It is a lot more dynamic in terms of results, a lot less static, which leads to fewer confrontations and gives results more consistently than a complaint-based system.

Mrs. Sylvie Boucher: If I understand correctly, both sides seem to come out winners because the dispute does not drag on and on for no reason. After 20 years, there must be some frustration, whether on the employer's part or the employee's.

Ms. Hélène Laurendeau: That is correct.

Mrs. Sylvie Boucher: So women come out winners less and less.

I will share the rest of my time with Ms. McLeod.

[English]

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, Madam Chair.

As I listen, it's very clear that everyone and all parties at this table do want to accomplish the same thing, which is pay equity for women. Really, I think the only disagreement I'm hearing is how we best accomplish that goal. Certainly, our government believes that we have accomplished that goal with our Public Sector Equitable Compensation Act, and I think, as per Mr. Ignatieff's bill, he believes there's a system that would accomplish it in a better way.

I wish he had been present to hear your testimony, because I think he would feel very reassured that, indeed, we will be accomplishing the goal that is intended through the Public Sector Equitable Compensation Act.

Of course, as we look toward setting an example, which we talked about earlier, yes, we have jurisdiction over the federal government, but if we're looking at examples that can be used throughout Canada, we need a system that is proactive at many—whether it be private sector—bargaining tables, so really I think we have a model that could be an example for all employers.

I have two quick questions. I think I have a little bit of time.

When we talk about 72¢ on the dollar—

• (1000)

The Chair: Sorry, you have one minute.

Mrs. Cathy McLeod: When we talk about 72¢ on the dollar, is that a Canadian-wide figure for all women employed?

Ms. Hélène Laurendeau: The global wage gap in Canada is about 72¢ or 76¢ on the dollar, yes.

Mrs. Cathy McLeod: Do we actually know what it is in the public sector?

Ms. Hélène Laurendeau: In the public sector it is more in the realm of 81¢ to 85¢. I would say that below 35 years of age, women are at 98¢ on the dollar.

Mrs. Cathy McLeod: So we're better, but we have a little ways to go.

Ms. Hélène Laurendeau: We still have a little ways to go, but we're definitely a good 12% to 15% above the global wage gap in the Canadian population. That's correct.

Mrs. Cathy McLeod: My colleague from the Bloc actually cut you off as you were looking at learning from other provinces and how that formulated our particular plan. Would you like to take 30 seconds to...?

The Chair: You now have 15 seconds.

Ms. Hélène Laurendeau: In 15 seconds, I would say only that I don't think I said that the PSECA was like the Quebec model. But what I did say is that it is a proactive regime and that, like the Quebec, Manitoba, and Ontario models, it will rank the results of a proactive regime.

The Chair: Thank you.

Now we'll go to the NDP and Ms. Mathysen.

Ms. Irene Mathysen: Thank you, Madam Chair.

Thank you to Madame Laurendeau and Madame Bogden for being here.

I understand that this is rather a difficult situation for you, and I'm going to try to not make it more difficult. However, I do have some questions, and I have to be very, very blunt. When I asked for people from the bureaucracy to come to explain this to us, I was looking for technical information regarding the PSECA, and this, quite frankly, feels like a defence of it.

I am disappointed. We've been through this process in June of 2009 when we made our report on the government's legislation, and I was looking for more. So I'm going to start trying to dig out some of what I was looking for.

The government's response to our report in June of last year indicated that the government was committed to "appropriately and meaningfully" consulting the stakeholders, including federal public sector employers, bargaining agents, and public sector employees. When and with whom did the government consult? Are the consultations ongoing?

If something has come from those consultations, I'd like to see the discussion papers and the draft regulations. I'm wondering if we can have those tabled here so members of the committee can have a look at them and see exactly what the situation is at present.

Ms. Hélène Laurendeau: I will ask Ms. Bogden to give you a little more detail since she's been handling the consultations themselves, but I would say that we are making an extreme effort to make sure we are very inclusive and very detailed in our consultations. She will walk you through what we've done so far and what we're planning to do.

Ms. Jacqueline Bogden (Executive Director, Compensation and Labour Relations Sector, Treasury Board Secretariat): As Hélène mentioned, the regulations are intended to outline with a little bit more clarity the terms and obligations and the process that's provided for in the new act. We have been developing them through consultation. We've been working closely with the bargaining agents as well as more than 30 separate agencies, federal public sector employers, the RCMP, and the Canadian Forces to develop them.

Public sector employers, as well as the core administration, all organize and value work differently, so it's important that we work through that and take that into account as we develop the regulations. For the bargaining agents, it's important that we've also thought through how the process will work so that it's effective and that we don't contribute to any delays at the bargaining table. Above all, I think we want to make sure that we strike the right balance in developing the regulations to make sure they set out what they need to, but also ensuring that they can withstand the test of time.

To that end, we held a number of information sessions with all the affected stakeholders, starting in late 2009 and early 2010. Part of the intent behind that, of course, was to raise awareness and understanding among public servants and bargaining agents about the intent of the new act so they're prepared to talk to us about the technical part of the regulations.

We then had a two-day intensive consultation forum in April with bargaining agents and all the federal public sector employers. Following that, in June we came forward with draft policy proposals for the purpose of stimulating discussion on each of the important areas in the regulations, and we held another intensive two-day

session with people then. We got a lot of feedback from people, to reflect further on some of our thinking, so that was very useful.

At the end of August, I believe, we received a number of extensive written submissions from bargaining agents and others, presenting their views and ideas of where we should go forward. We are in the midst of doing that analysis and are continuing to consult with a number of the stakeholders bilaterally right now to try to refine the policy proposals for the regulations.

Do I have a little bit more time? Should I stop there?

• (1005)

The Chair: It depends on whether Ms. Mathysen feels you've answered her question, because she only has another few minutes.

Ms. Irene Mathysen: Yes, but I would like to see the draft regulations and the discussion papers. I think that would enlighten our discussion. I thank you for that.

I want to get back to something that Madame Boucher was talking about and that is the inadequacy of the complaint-based system. I don't think anyone here would dispute that. What happened to women was criminal, and I would like to point out the federal government challenged the settlement and put women in this precarious position.

However, the act we're discussing here today or reviewing with regard to the public sector does not parallel the proactive 2004 pay equity task force before it, and I don't think we can pretend that it does. It is lacking and it doesn't serve the needs of women. Having said that, I did have some questions with regard to the implementation of the bill. I wonder if it's affected by the current court challenges. Does that have an impact?

Ms. Hélène Laurendeau: Which court challenges?

Ms. Irene Mathysen: There is a court challenge from one of the unions; I believe it's PSAC.

The Chair: You have 15 seconds left.

Ms. Hélène Laurendeau: The work goes ahead as planned with respect to the implementation of the act and the court challenge is following its course.

The Chair: That's it. Thank you very much.

We could go to another round. We have members' business to do and that might take us a bit of time, but we could go to another three-minute round. If we stick to it, that would give us about 12 minutes more to deal with this issue.

I would like to see whether the committee would like to go another round. Or do you feel that you have had all your questions answered by these groups of witnesses? Can I get a sense from the committee? Do you want to go another round? Yes?

Ms. Irene Mathysen: Yes.

The Chair: We will begin the other round, for three minutes only, starting with Madame Mendes from the Liberals.

[Translation]

Mrs. Alexandra Mendes: Thank you, Madam Chair.

Thank you, Ms. Laurendeau. I would like to go back to the answer you gave earlier to Mrs. Boucher. It somewhat hurts me as a woman to hear that, during the case that was won allegedly in 1999, women came out winners. I don't think they came out winners; they finally got justice. It took 15 years for the justice system to grant them equal pay for equal work. It is not a gain, but rather accepting reality and recognizing a fundamental right for women. That is what really bothers me in this government bill.

That is why our leader, Mr. Ignatieff, brought forward Bill C-471, which is in no way designed to bring back the complaint-based process. That is not its objective at all. The purpose of the bill is to adopt the recommendations from the 2004 report and put in place a real proactive system that would make pay equity both regulated and supervised by a commission.

Right now, what you are proposing in terms of negotiating pay equity at the same time as negotiating the rest of the collective agreement is problematic because it will never do justice to the issues faced not only by women, but by all minority groups.

I don't understand how you can think that the bill in its current format or the act in its current format could resolve these fundamental rights issues for minorities, whether for women, Aboriginals or people with disabilities. Could you tell me how this could possibly solve these problems?

• (1010)

Ms. Hélène Laurendeau: All right. The question is about justifying...

Mrs. Alexandra Mendes: Why do you think that this bill will resolve the fundamental rights issues for these people when there are reasons for complaints and the collective agreement has not resolved them?

Ms. Hélène Laurendeau: The fundamental rights issues will be resolved proactively through the bargaining process and through ongoing transparency and accountability. That is the backbone of the new act. The idea is to ensure that, through a process that was held by the Supreme Court to be a protected process, a fundamental right... We are not deluding ourselves. Since the inception of proactive systems in Québec and Manitoba, the Supreme Court has recognized collective bargaining as a protected mechanism, a fundamental right, an extension of the freedom of association.

The idea behind this legislation is to make sure that the issues...

Mrs. Alexandra Mendes: Excuse me, Ms. Laurendeau, but aren't banks governed by a federal charter? They don't have unions. There is not a single bank that has a union.

How are we going to make sure that women's pay equity rights are protected in banks when there is no union to protect them?

[English]

The Chair: Madame Laurendeau, you have about 10 seconds to answer that.

Ms. Hélène Laurendeau: The banks are not covered by the equitable compensation act. That's the first thing. The second thing is that if they were, there is a process within PSECA to deal with wage-setting, taking into consideration a non-unionized environment.

The Chair: Thank you.

I'd now like to go to the Conservatives and Ms. Brown for three minutes, please.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Madam Chair.

I apologize that I wasn't here for the beginning of your presentation. I had a very important phone call that I had to get today. I'm glad that we had somebody here who could sub for us earlier and who had some knowledge of all of this.

First of all, I would like to say that I come from the private sector. I would like to know whether consultations have included people from the private sector who are non-unionized, to get their input on how this is going to impact them in the future as well. As a woman who comes from business, from having my own business, I have some interest in seeing how this will roll forward.

On what we were speaking about earlier, Ms. Laurendeau, you were starting in on a discussion about the provinces, on how you've consulted with the provinces and what you've learned from them. I wonder if you could expound on that a little and take the time to tell us what you've learned there.

Ms. Hélène Laurendeau: There are a couple of things.

On the issue of the private sector, this legislation doesn't currently apply to the private sector.

Ms. Lois Brown: That's right.

Ms. Hélène Laurendeau: But we've been in contact informally with employer associations and some of them have given us positive feedback about the underpinnings.

At this stage, we are focusing our consultations on the organizations that are covered by the legislation and developing the regulations—

Ms. Lois Brown: If I may just interrupt there for one moment, just on the impact that it will have on the private sector, though, there obviously will be a trickle-through, because those in the private sector—many of them non-unionized—are the ones who are providing tax dollars for many of these things to be accomplished. I hope they're included in the consultation, in the process.

• (1015)

Ms. Hélène Laurendeau: Your point is well taken. They are indeed present in terms of feedback.

With respect to prevention models, we have used primarily the work done through the Bilson task force to educate ourselves on what have been the challenges within provinces. Also, I personally visited some provincial counterparts to informally discuss with them what was working well in their regime, what was working less well, and where there would be room for improvement.

I would not go as far as saying that I floated with them the existing model, because at the time I was not in a position to do so, but I certainly made a point of making sure that I had informal discussions with representatives of Ontario and of Quebec on the good progress they have made in that area.

Ms. Lois Brown: Can you say that there is one province that is moving more quickly than others? Are there better regimes out there that you have been able to take information from?

Ms. Hélène Laurendeau: It is clear that Ontario and Manitoba were the first ones to move towards a proactive regime. It is also fair to say that the Quebec government, based on those experiences, had improved on the model.

We are hoping that with this current model we have resolved one of the issues that neither of those models have completely resolved, which is the issue of maintenance of pay equity.

The Chair: Thank you. That's time.

Thank you, Ms. Brown.

Now from the Bloc, Madame Demers again.

[Translation]

Ms. Nicole Demers: Thank you, Madam Chair.

Ms. Laurendeau, could you tell us what proactive steps have been taken to inform employees of their rights and of what has been done to provide them with equitable compensation before their wages are set?

Ms. Hélène Laurendeau: Are you talking about the current system or the future system?

Ms. Nicole Demers: You said the following in your presentation:

The Public Sector Equitable Compensation Act contains robust reporting and transparency requirements to proactively inform employees of their rights and inform them of what has been done to ensure equitable compensation before their wages are set.

Ms. Hélène Laurendeau: That is one of the things we are developing through the regulations. We want to make it so that the results of any equitable compensation assessment are made public when the time comes for people to have to decide whether to ratify the wages that have been negotiated.

In terms of the consultations, we are at the stage of defining the level of detail of the joint report that employers and bargaining agents will issue outlining problems in equitable compensation, if any, and, if so, the ways in which they will be solved. That will be done by publishing and distributing the equitable compensation assessment report.

Ms. Nicole Demers: Is that after the compensation has been negotiated?

Ms. Hélène Laurendeau: It will be right when the ratification vote is to be held.

Ms. Nicole Demers: You say here "...before their wages are set."

Ms. Hélène Laurendeau: The agreement in principle on compensation will include, clearly, not buried in all kinds of other information, an equitable compensation assessment report. This will mean that people who are going to have to express their opinion on the agreement in principle will also express their opinion on the nature of the equitable compensation agreement. It will be the last step before the wages are ratified.

Ms. Nicole Demers: Speaking of assessments, can you tell me where you are on the comparative gender-based analysis?

Ms. Hélène Laurendeau: We have not started the process as such because, as I have already mentioned, we are still working on the regulations that will embed that kind of analysis in the collective bargaining process. We are just establishing the regulatory framework that will allow us to move forward in that direction and implement the act as a whole.

Ms. Nicole Demers: Thank you.

[English]

The Chair: Thank you, Madame Demers.

Ms. Mathysen from the NDP.

• (1020)

Ms. Irene Mathysen: Thank you, Madam Chair.

I understand that Treasury Board is working towards the implementation of the PSECA, but the Public Service Labour Relations Board is responsible to your complaints, ultimately. I'm wondering, in this interim, what's happening to the pay equity cases that are currently before the Canadian Human Rights Tribunal and how many of those cases are pending.

Ms. Hélène Laurendeau: I don't have, off the top.... I could provide you with the information as to how many cases are pending. Because there's a sequencing on the transitional measures, I could provide you in writing a summary of the cases and number of cases and how they're going to be dealt with as transitional measures.

Ms. Irene Mathysen: Thank you. That would be helpful.

During this transitional period, will staffing resources from the Canadian Human Rights Tribunal—the staff who have the expertise in pay equity, since they've been dealing with the issue for so long—be seconded to the Public Service Labour Relations Board?

Ms. Hélène Laurendeau: It is clear that the public service staff relations board will have to bring up its capacity with additional resources. How they're going to be staffing will belong to them as an independent agency. Presumably they will tap into expertise that exists, but I cannot speak for them as to how they're going to proceed in that direction.

In our assessment of the costs in relation to transition, we are factoring in their increased need with respect to the new functions they're going to be absorbing.

Ms. Irene Mathysen: I hope that does indeed happen.

With regard to that, how many new staff will be needed and is there any idea of the cost of implementing PSECA? Has there been any analysis done there?

Ms. Hélène Laurendeau: As part of the establishment of the regulations, we also are working on an implementation plan to scout the various organizations, both in terms of the employers and also in terms of oversight bodies, to quantify the implementation cost.

As you just pointed out, we know there might be a transfer of resources between existing places and new places, but that's what we're currently quantifying in parallel to the work we're doing on developing the regulations. Right now we're not in a position to give you a complete picture of that, but we're working on it.

The Chair: Thank you. That's—

Ms. Irene Mathysen: Madam Chair, I just want assurance that the draft regulations and the discussion papers that I referenced before will indeed be available to the committee.

The Chair: Madame Laurendeau, you are aware we would like to receive those once they are ready...?

Ms. Hélène Laurendeau: Once we have final products, we will be happy to share them.

The Chair: Thank you.

Thank you very much, Mesdames Laurendeau and Bogden. Thank you for spending the time with us.

We have a short period of time in which to get on with business. Before we suspend, we have one motion from Madame Demers.

Nicole, shall we begin to deal with your motion?

[*Translation*]

Ms. Nicole Demers: Yes, Madam Chair.

[*English*]

The Chair: I will read the notice of motion from Nicole Demers:
[*Translation*]

That the committee support all the demands of the 2010 World March of Women addressed to the Government of Canada, congratulate the organizers of this event and report back to the House.

[*English*]

Madame Demers, would you like to speak to this?

[*Translation*]

Ms. Nicole Demers: Certainly, Madam Chair.

Last Sunday, the 2010 World March of Women ended in Rimouski, with more than 10,000 people marching to commemorate the 1995 march in Beijing. The march reminds us that women have not yet achieved equity, nor the things we set out to achieve in 1995 when we held the “bread and roses” march.

It is important to point out that we still have to march for our goals in 2010. The fact that women have once again showed themselves to be strong enough to take this action and that they still want to become involved, to march, to motivate and to mobilize is justification enough for us—and for Parliament as a whole—to congratulate them, to encourage them to continue to be active in this way and to recommend that their demands also be supported by Parliament. Those demands have already been embraced by several other women's groups. I feel that we support them as well.

• (1025)

The Chair: Thank you, Ms. Demers.

[*English*]

Is there any discussion on the motion?

Mrs. Simson.

Mrs. Michelle Simson: Thank you, Madam Chair.

Thank you so much for the motion, Ms. Demers.

While I fully support the spirit of the world march and what it tries to accomplish, I do have a concern. I'm not familiar with what “all

the demands” means, so it's very difficult for me to say yes to something—while in the spirit of it I would love to—I don't have a list of what the specific demands are.

By way of a question, I was wondering if my colleague, Ms. Demers, would be prepared to perhaps withdraw this particular motion and retable it, outlining what the exact demands are so that we know specifically what we're voting for, because I'd love to vote in favour of this.

[*Translation*]

Ms. Nicole Demers: I can tell her the four main demands.

[*English*]

The Chair: Before Madame Demers responds to that, I have two other people who want to say something—

[*Translation*]

Ms. Nicole Demers: Okay.

[*English*]

The Chair: —and then we can have Nicole tell us if she would like to remove this and bring it back again with the demands listed.

Madame Boucher.

[*Translation*]

Mrs. Sylvie Boucher: Okay. I have the feeling that I am going to make some enemies here.

As Sylvie Boucher—and I have to thank the Fédération des femmes du Québec—I am going to vote against the motion after having thought about it for the last two weeks. The organizers have a controversial approach. We know what they said about the war in Afghanistan and the “cannon fodder”.

My daughters showed me the link to a video on YouTube. If you have not seen it, it is called Capsule #4. It was posted by the Fédération des femmes du Québec. It is worth taking a look.

This is out of respect for the mothers of those in the military. We all know that, when our children decide on a path in life, we do not always agree with their choices. But we owe those women our respect, and I am going to vote against the motion for all those reasons.

The actions in the last two weeks show me that this event set out to promote radical political activism and I am not a radical woman, not in the least. So, for those reasons, I am going to vote against Ms. Demers' motion.

[*English*]

The Chair: Thank you, Madame Boucher.

Ms. Mathysen.

Ms. Irene Mathysen: Thank you, Madam Chair.

I am going to support this because it does support political action. If you look through the document—and I have done precisely that—there's a great deal in this document that reflects our CIDA obligations. Canada signed that document in 1982, so I think there are grounds for support there. Given the fact that many of these resolutions come directly from UN resolutions, and Canada has just very recently stated a certain level of solidarity with the UN in the efforts to secure a seat on the Security Council, I can't see why it would be problematic.

I think this is an important and progressive kind of statement, and as progressive women, there's a great deal that we can support in these demands. I think the term “demands” is interesting; I would say “requirements” of citizenship, since it talks about the need for equality of education, investment of 0.7% in regard to developing countries, economic issues, and pay equity. We've just discussed the importance of pay equity and heard from the Treasury Board witnesses that we support proactive pay equity. I think there's a lot in this. I'm very pleased to support it.

• (1030)

The Chair: Thank you, Madam Mathysen.

Before I go to Madame Demers, Madame Mendes, do you have something new, because Madame Demers may want to tell us what changes—

Mrs. Alexandra Mendes: It's not new, per se, but I just want to make reference to the fact that a lot of the demands in their approach have to do with millennium development goals. Those are things that we have signed on to already anyway.

The Chair: Thank you, Madame Mendes.

Nicole, do you agree with Ms. Simson's suggestion—that's what we're discussing now—that we bring this back? I would like very much if we could share with every member of the committee here, prior to bringing it back, the demands of *la Marche* and all of the information that Irene has, so that everyone can be fully informed before they decide to vote on this.

[*Translation*]

Ms. Nicole Demers: I would be happy to, Madam Chair.

But I would just like to point out to Mrs. Boucher that the World March of Women is not something that the Fédération des femmes du Québec did. It was a number of women's groups and it was held all across Canada as well. We must not make the mistake of associating one individual or one group to something much bigger. It is international, actually.

Nor must we make the mistake of criticizing a group that always does exceptional work for one slip-up. We cannot do that. Anyway, the Fédération des femmes du Québec has apologized for the insensitive remark. Its other messages are very pertinent.

Thank you, Madam Chair.

Mrs. Sylvie Boucher: That all depends on your point of view.

[*English*]

The Chair: Thank you.

So Nicole, you will bring this back, and we will have the information so that everyone can look at it.

[*Translation*]

Ms. Nicole Demers: Agreed, Madam Chair.

[*English*]

The Chair: Thank you very much.

That having been decided, we will have this back and we'll discuss it with the information.

I would like us to suspend so that we can move in camera to deal with future business of this committee.

[*Proceedings continue in camera*]

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>