



Pay Equity – Is it coming to New Brunswick?

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What is Pay Equity?

Equal pay for equal work

- *Employment Standards Act*
- *Human Rights Act*

VS

Equal pay for work of equal value

Pay Equity Act

Pay Equity Act, SNB 2009, c P-5.05

- Equal pay for *equally valuable* work
- Value of work: skills, effort and responsibility normally required
- Female/male dominated classifications = at least 10 people, 6 of whom are women/men
- Proactive not reactive

Which jurisdictions have PE laws?

No PE Legislation	PE Policies Only	Public Sector Only	In Human Rights Act	Private Sector
<ul style="list-style-type: none">• Alberta• Nunavut• Northwest Territories	<ul style="list-style-type: none">• Newfoundland Labrador• British Columbia• Saskatchewan	<ul style="list-style-type: none">• New Brunswick• Nova Scotia• Prince Edward Island• Manitoba	<ul style="list-style-type: none">• Yukon• Federal	<ul style="list-style-type: none">• Ontario• Quebec

When legislatures implement PE legislation – they have to do it right!

- In the spring of 2018, the Supreme Court of Canada held that amendments to Quebec's *Pay Equity Act* were unconstitutional.
 - Lack of retroactive pay adjustments
 - Insufficient information provided to employees regarding pay equity audits

Pay transparency - Another piece of the pay equity puzzle

- Job postings
- Hiring Process
- Employee Protection
- Pay transparency reports
- Compliance

Conclusion

- Pay equity legislation in the private sector is not here yet – not really – but it is certainly the trend
- Proactive, transparent approach can benefit employers as well:
 - Recruitment/retention of talent
 - Avoids complaints and/or reduces awards
 - Reputational/Brand benefit



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The materials should not be relied upon as a substrate for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of our firm to discuss your need for specific legal advice relating to the particular circumstances of your situation.

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