

EQUAL PAY COMMISSIONER
to the
LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

ANNUAL REPORT

June 27, 2006

Prepared by
Nitya Iyer, Commissioner

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The Honourable Paul Delorey
Speaker
Legislative Assembly of the Northwest Territories
PO Box 1320
Yellowknife NT X1A 2L9

Dear Speaker Delorey:

I am honoured to present to you, for transmittal to all Members of the Legislative Assembly, my second Annual Report as Equal Pay Commissioner. The report addresses my activities since July 1, 2005.

In the first part of my Report, I summarize the right to equal pay for work of equal value, and the role of the Equal Pay Commissioner in relation to it. In the second part of my Report, I review my activities in relation to those responsibilities.

I. The Right to Equal Pay

The right to equal pay for work of equal value is created by s. 40 of the *Public Service Act* and it applies to public service employees. It requires that there be no differences in the rate of pay between male and female employees who perform work of equal value in the same establishment. The *Act* designates the GNWT, the NWT Power Corporation, and teachers who are covered by the *Public Service Act* as separate establishments. "Pay" means not only salary or wages, but includes all compensation received for performing the job, including all benefits, bonuses, housing, clothing (or clothing allowances), and so on. The *Act* is concerned with dissimilar work that is equal in "value." The value of work, for this purpose is measured by the skill, effort and responsibility required to do the work, and the

working conditions under which it is performed. When men and women working in the same establishment perform dissimilar work that is equal in value, the *Act* requires that they receive the same rate of pay.

The *Act* charges the Equal Pay Commissioner with responsibility for receiving complaints from employees who believe that their right to equal pay for work of equal value has been violated. He or she is required to investigate complaints received and to assist the parties to resolve them. If the complaint is not resolved at an early stage, the Equal Pay Commissioner must prepare an investigation report that includes recommendations to the parties as to how to resolve the complaint. If the parties are not able to agree on a resolution, the legislation provides for the dispute to go before an arbitrator.

In addition to his or her complaints-related responsibilities, the Equal Pay Commissioner is also required to promote awareness and understanding of the right to equal pay for work of equal value.

II. Activities July 1, 2005 – June 30, 2006

I have grouped my activities over the past year in relation to my two responsibilities under the *Act*: complaints and education about the right to equal pay for work of equal value.

a) Complaints

With respect to complaints, I received very few inquiries over the past year. Most concerned job evaluation issues or concerns that might form the basis for a complaint under the *Human Rights Act*, and I directed these individuals to the appropriate body. I received one complaint that required an initial review to

determine whether it was a complaint properly made under s. 40 of the *Act*. After making some inquiries and meeting with the complainants, I wrote to them and described what would be required to pursue their concerns as an equal pay complaint under the *Act*. Ultimately, the complainants did not pursue their complaint under the *Act*.

b) Educational Activities

With respect to my responsibility to promote awareness and understanding of the right to equal pay for work of equal value, my major focus over the past year was the development and launch of a website for the Equal Pay Commissioner. The website can be found at <http://www.assembly.gov.nt.ca/EqualPay> and can also be accessed through a link on the Legislative Assembly's home page. Among other things, the site contains detailed information about the right to equal pay for work of equal value under the *Act*, descriptions of related protections for pay, and information about how to make a complaint. I will add my annual reports and useful links in the near future.

In the fall of 2005, I met with representatives of the GNWT in Yellowknife to discuss possible regulations relating to equal pay. Unfortunately, I was unable to meet with representatives of the NWT Power Corporation or with the Union of Northern Workers at that time, but hope to do so in the coming year.

In January 2006, the Clerk of the Legislative Assembly contacted me with respect to the implications for the right to equal pay for work of equal value of contemplated reforms to the Legislative Assembly and the principles of Parliamentary supremacy and legislative independence. Based on my research into comparable Canadian jurisdictions, I provided the Clerk with my assessment of how to protect and promote the right to equal pay for work of equal value in a manner that is consistent with these important principles.

In summary, it has been a relatively uneventful year for the office of the Equal Pay Commissioner. While controversy over the right to equal pay for work of equal value continues in other jurisdictions, most visibly in federal public sector litigation under the *Canadian Human Rights Act*, it appears that, within the three establishments to which s. 40 of the *Act* applies, there is confidence that it is being respected.

Respectfully submitted this 27th day of June, 2006,

Nitya Iyer, Commissioner