



June 30, 2016

The Honourable Jackson Lafferty  
Speaker  
Legislative Assembly of the Northwest Territories  
PO Box 1320  
Yellowknife, NWT X1A 2L9

Dear Speaker Lafferty:

I am honoured to present to you, for transmittal to all Members of the Legislative Assembly, my Annual Report as Equal Pay Commissioner. The Report addresses my activities since July 1, 2015.

As in my previous years, the first part of my report summarizes 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, I review my activities over the past year 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* (“*Act*”) and 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 Government, 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. The Commissioner must investigate complaints and may assist the parties to resolve them informally. If the complaint is not resolved, the Equal Pay Commissioner must prepare an investigation report with recommendations to the parties about how to resolve the complaint. If the parties cannot agree on a resolution, the dispute will be heard by an arbitrator.

The Equal Pay Commissioner also promotes awareness and understanding of the right to equal pay for work of equal value.

In 2014, the *Act* was amended by the *Devolution Measures Act* to provide that a transition allowance provided under sections 7.43 to 7.45 of the Northwest Territories Land and Resources Devolution Agreement that was made on June 25, 2013 is a justified difference in the rate of pay for work of equal value (see s. 40.1(2)(f)).

## **II. Activities July 1, 2015 – June 30, 2016**

As has been the case in previous years, I received no formal complaints this past year. I received one inquiry; however, the individual was not employed by an employer to which the *Public Service Act* applies.

My independent website, [www.nwtequalpaycommissioner.ca](http://www.nwtequalpaycommissioner.ca) was completed in 2014/15. The Legislative Assembly now includes the Equal Pay Commissioner on its Statutory Officers page.

It has been some time since I travelled to Yellowknife. However, after consulting with the Clerk of the Legislative Assembly, and considering that there are no current or anticipated issues, I decided that it would not be a good use of resources to visit in person this year.

My appointment expires on June 30, 2016. It has been a pleasure and a privilege to serve as Equal Pay Commissioner over the past twelve years.

Respectfully submitted this 30th day of June 2016.

  
Nitya Iyer,  
Commissioner