

Draft Regulations

Draft Regulation

Pay Equity Act
(R.S.Q., c. E-12.001)

Pay equity in enterprises where there are no predominantly male job classes

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting pay equity in enterprises where there are no predominantly male job classes, the text of which appears below, may be approved by the Government on the expiry of 45 days following this publication, with or without amendments, after the appropriate committee of the National Assembly has examined the Regulation.

The purpose of the draft Regulation is to determine two typical predominantly male job classes to enable enterprises without predominantly male job classes to implement pay equity.

The two typical job classes that have been selected are maintenance worker and foreman/woman; their job descriptions are set out in schedules to the Regulation. Enterprises must determine the compensation that would be paid if those male job classes existed in the enterprise. The draft Regulation provides guidelines for that purpose.

Further information may be obtained by contacting Martine Bégin, 200, chemin Sainte-Foy, 4^e étage, Québec (Québec) G1R 6A1; telephone: (418) 643-4531.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Rosette Côté, Chair of the Commission de l'équité salariale, 200, chemin Sainte-Foy, 4^e étage, Québec (Québec) G1R 6A1.

MICHEL DESPRÉS,
Minister of Labour

Regulation respecting pay equity in enterprises where there are no predominantly male job classes

Pay Equity Act
(R.S.Q., c. E-12.001, ss. 13 and 114, 1st par., subpars. 1 and 2)

DIVISION I IDENTIFICATION OF TYPICAL JOB CLASSES

1. For the purpose of identifying predominantly male job classes in an enterprise subject to the Act where there are no predominantly male job classes, the pay equity committee, or the employer in the absence of a pay equity committee and during the time there is no such committee in place, must use the following typical job classes:

| Typical job classes | Job description |
|---------------------|-----------------|
| Foreman/woman | Schedule I |
| Maintenance worker | Schedule II |

DIVISION II REMUNERATION OF TYPICAL JOB CLASSES

2. The pay equity committee, or the employer in the absence of a pay equity committee, must determine the hourly rate of pay that would be paid for each job class identified under section 1 on the basis of the job descriptions set out in Schedules I and II if there were such job classes in the enterprise. To that end, the pay equity committee, or the employer in the absence of a pay equity committee, must consider the following factors: the size of the enterprise, its sector of activity and the region in which the enterprise operates.

3. In determining the hourly rates of pay, the pay equity committee, or the employer in the absence of a pay equity committee, must comply with the following standards:

(1) the hourly rate of pay assigned to each job class identified under section 1 must not be less than the minimum hourly wage rate determined by regulation of the Government under section 40 of the Labour Standards Act (R.S.Q., c. N-1.1); and

(2) the hourly rate of pay assigned to the maintenance worker job class must be equal to 60% of the hourly rate of pay assigned to the foreman/woman job class.

4. For the purposes of the valuation of differences in compensation, the flexible pay referred to in section 65 of the Act or the value of a benefit having pecuniary value referred to in section 66 of the Act must be added to the rate of pay assigned pursuant to sections 2 and 3 where

(1) the flexible pay or the benefit having pecuniary value is currently available in the enterprise; and

(2) if the relevant job class existed in the enterprise it would in all likelihood be eligible for the flexible pay or the benefit having pecuniary value.

DIVISION III IMPLEMENTATION OF PAY EQUITY

5. Once the pay equity committee, or the employer in the absence of a pay equity committee, has assigned an hourly rate of pay to each job class pursuant to sections 2 and 3, the employer must implement pay equity as provided in the Act.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

JOB DESCRIPTION

Title: Foreman/woman

Similar job titles: manager
team leader
supervisor
coordinator

Descriptive summary:

Organize, coordinate and supervise the activities and the work of the personnel in a department, an administrative unit, a work unit, a production unit, or other unit.

Characteristic duties:

1. Organize, coordinate and supervise the department's activities. Assign tasks;
2. Establish methods to meet work schedules and coordinate joint work activities with other departments;
3. Resolve work problems and recommend measures to improve productivity, quality or other performance measurements;
4. Recommend personnel actions such as hiring and promotions and give training.

Qualifications and job conditions:

For the purpose of assigning an hourly rate of pay and determining the value of the job class, the characteristic duties must be assessed on the basis of the conditions under which the work would be performed and the qualifications that would be required to fill such a position in the enterprise. The assessment of those factors must reflect the culture of the enterprise and its way of doing business.

SCHEDULE II

JOB DESCRIPTION

Job title: Maintenance worker

Similar job titles: caretaker
handyman/woman
labourer

Descriptive summary:

Perform general carpentry, painting, plumbing, electrical and other maintenance work that is not required to be performed by a specialized worker.

Characteristic duties:

1. Make minor routine repairs to facilities, hardware, furniture, and other repairs;
2. Inspect premises to ensure proper functioning of lighting, heating, ventilation, or other systems and make simple adjustments;
3. Maintain public areas (hallways, stairs, washrooms, or other areas), carrying out cleaning tasks such as sweeping, waxing and other tasks;
4. Maintain outdoor areas, performing such duties as lawn mowing and snow removal.

Qualifications and conditions :

For the purpose of assigning an hourly rate of pay and determining the value of the job class, the characteristic duties must be assessed on the basis of the conditions under which the work would be performed and the qualifications that would be required to fill such a position in the enterprise. The assessment of those factors must reflect the culture of the enterprise and its way of doing business.

6519