

# Guideline # 7

## Determining the Gender Predominance of Job Classes

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### PAY EQUITY IMPLEMENTATION SERIES

The *Pay Equity Implementation Series* is designed to help employers, employees and bargaining agents to achieve pay equity and to understand their rights and obligations under the *Pay Equity Act, R.S.O. 1990, c. P7*, as amended (the *Act*). These guidelines do not restrict review officers of the Commission or the Pay Equity Hearings Tribunal in their interpretation of the *Act*. The series is published in a sequence that generally reflects the steps for implementing pay equity. (**Revised Summer 2002**).

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### SIGNIFICANCE

Determining the gender predominance of job classes is an essential step in implementing pay equity since the *Pay Equity Act* requires that **female** job classes be evaluated and compared to **male** job classes to determine whether pay equity exists. Any time the gender of a job class is in doubt or not clear, even when applying the principles below, consider the purpose and intent of the *Act*: to redress systemic gender discrimination in compensation for work done by employees in female job classes.

### EXPLANATION

To determine the gender predominance of a job class, employers and employees and unions where there is a bargaining agent, must apply three tests:

1. The percentage of female or male incumbents in a job class (referred to as current incumbency);
2. Historical incumbency; and,
3. Gender stereotype.

The Pay Equity Hearings Tribunal in **GL & V Process Equipment (No.3) (1999) 10 P.E.R. 50** determined that there is to be a two-step methodology for identifying the gender predominance of a given job class. The first step is to calculate the percentage of male and female incumbency current at the effective date of the *Act*, or

the date the employer commenced operations in Ontario. The second step is to apply the historical incumbency and gender stereotype analysis *as a means of testing the validity of the first*.

A Review Officer or the Pay Equity Hearings Tribunal can determine that a job class is a female or a male job class.

### **Current Incumbency Test**

Usually if a job class is filled by:

- 60% or more female employees, it is a female job class
- 70% or more male employees, it is a male job class
- where the percentage of incumbents falls outside these ranges employers should look to the test of gender stereotype and historical incumbency. In some cases the job class may be gender neutral.

### **Historical Incumbency**

Historical incumbency is the pattern of job class occupants over time within a particular establishment. If mostly women have held a job class in the history of a company, and a man was hired recently, the job class likely remains female.

The Pay Equity Hearings Tribunal in **GL & V Process Equipment (No. 3) (1999) 10 P.E.R. 50** determined the period used for historical incumbency “must be one that fairly represents the incumbency of the job class over a period of time during which the job class characteristics...remained substantially the same.”

### **Gender Stereotype of Field of Work**

Certain jobs, such as nurse or secretary, have almost always been performed by women. Others, for example, engineer or machinist, have nearly always been performed by men. These types of jobs are said to be “gender stereotyped.”

Gender stereotyping goes beyond any single establishment. It is generally observed in society at large or all workplaces across Ontario that deal with the type of work in question. For information about the distribution of women and men into gender stereotyped occupations, see the reference section of this guideline.

## **RELEVANT SECTIONS IN THE ACT**

- Subsection 1(1) Defines job class, female job class and male job class.  
Subsection 1(5) Requires considering gender stereotyping and historical incumbency when determining the gender of job classes.

## REFERENCES:

*Pay Equity Implementation Series (Revised) - Guideline #5: Determining Job Class*  
*Pay Equity Implementation Series (Revised) - Guideline #10: Which Job Classes to Compare*  
*Dufferin-Peel (1997) 8 P.E.R 151*  
GL &V Process Equipment (N0.3) (1999) 10 P.E.R. 50

## ARTICLES AND RESOURCES

Armstrong, Pat and Armstrong, Hugh. *The Double Ghetto: Canadian Women and Their Segregated Work*. Rev. ed. Toronto, Ont.: McClelland & Stewart, 1984.  
Boulet, Jac-André and Laval, Laval. *The Changing Economic Status of Women*. Ottawa, Ont.: Economic Council of Canada, 1984.  
Reskin, Barbara. *Sex Segregation in the Workplace: Trends, Explanations, Remedies*. Washington, D.C.: National Academy Press, 1984.  
Reskin, Barbara and Hartmann, Heidi. *Women's Work, Men's Work: Segregation on the Job*. Washington, D.C.: National Academy Press, 1986.  
Reskin, Barbara and Roos, Patricia. *Job Queues, Gender Queues: Explaining Women's Inroads into Male Occupations*. Philadelphia, Penn.: Temple University Press, 1990.  
Shea, Catherine. "Changes in Women's Occupations," *Canadian Social Trends*, No. 18, Autumn 1990, p. 21-23.

## STATISTICAL RESOURCES

*Occupational Trends, 1961-1986*. Ottawa, Ont.: Statistics Canada, 1988. (Cat. no. 93-15 1)  
*Population: Worked in 1980 - Employment Income by Occupation: Canada, Provinces*. Ottawa, Ont.: Statistics Canada, 1984. (Cat. no. 92-930)  
*Women in the Workplace: Selected Data*. Ottawa, Ont.: Statistics Canada, 1987. (Cat. no. 71-534)

Statistics Canada is the major source of statistical data on occupational segregation in Canada. The census publications in particular are very useful.

## For More Information:

We are here to help. We can answer your questions by e-mail at [Pecinfo.Pecinfo@ontario.ca](mailto:Pecinfo.Pecinfo@ontario.ca) or by phone at (416) 314-1896, or toll-free at 1-800-387-8813. You can also register for a free seminar. Visit our website at [http://www.payequity.gov.on.ca/peo/english/seminar\\_r.html](http://www.payequity.gov.on.ca/peo/english/seminar_r.html)

All communications are confidential.

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## The Pay Equity Commission

**This fact sheet is for information only, and is not intended to restrict Review Officers or the Pay Equity Hearings Tribunal in their determination of matters. Refer to the *Pay Equity Act* for exact interpretation.**

ISBN: 0-7794-9698-1