

THE COMMISSIONER'S MESSAGE

Hello, my name is Emanuela Heyninck, Ontario Pay Equity Commissioner. I would like to speak to you today about liabilities under the *Pay Equity Act*.

Liabilities under the *Pay Equity Act*

While there are many good business reasons for doing pay equity in your workplace, you must understand that it is also the law in Ontario.

The purpose of the law is to address discriminatory practices that may exist, which result in employees in female jobs being paid less than employees in comparable male jobs.

The obligation to achieve pay equity rests with the employer, even in a unionized environment. This obligation is not dependant upon an application or an investigation being launched.

What does this mean to you, the employer?

Firstly, any of your employees can bring a complaint against your company, even if that employee has left your place of employment. There is no time limit that restricts when an application can be launched.

Secondly, if you owe adjustments to your employees, your liability is retroactive to the date when pay equity should have been achieved in your workplace. For some employers, this can go back as far as 1993 and interest may be ordered to be paid on any adjustments that are owing.

Thirdly, there is no defence for non-compliance. You cannot say that you were not aware of your obligations under the *Pay Equity Act*, nor can you say that you didn't have sufficient money to pay the adjustments that are owing.

Finally, all new employees must be paid at the pay equity adjusted rates. You must also be aware that your workplace may be monitored for non-compliance by the Pay Equity Office.

How can you minimize your obligations?

Achieve and maintain pay equity if you haven't already done so. Please make use of our extensive tools that are available on this website.

Thank you.

How do I get more help?

The Pay Equity Commission offers free services to guide employers through the pay equity process.

We are here to help. We can answer your questions by e-mail at pecinfo@mol.gov.on.ca or by phone at (416) 314-1896, or toll-free at 1-800-387-8813. [Publications](#) and [seminars](#) are available free of charge. Request these by contacting us at pecseminars@mol.gov.on.ca

All communications are confidential.

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.

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