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### ONTARIO PAY EQUITY LAW

Cheryl J. Elliott, Jordan Kirkness and Ajanthana Anandarajah

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#### Publisher's Special Release Note 2021

The pages in this work were updated to reflect the date in the release line. In this update, content relating to Ontario's former Employment Equity Act has been removed because that legislation was repealed in 1995 and it does not appear that similar legislation will be re-introduced in Ontario (at least not in the foreseeable future).

We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references

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**What's New in this Update:**

This release updates Chapters 6, 7, 10, 19, 21, 22, 23 and 25.

**Highlights**

- ***O.N.A v. 10 Community Care Access Centres, 2021 ONSC 5348, 2021 CarswellOnt 13096 (Ont. Div. Ct.)*** – Following a reorganization, the Ontario Nurses' Association (the "Union") sought to negotiate pay equity maintenance. The Employer refused, arguing it was not required to bargain the maintenance of pay equity plans with the Union. The Union filed complaints with the Pay Equity Commission concerning each of the Employer's workplaces, alleging that it failed to maintain pay equity as required under the Act. A Review Officer issued an order concluding that the Employer was not required to negotiate pay equity maintenance with the Union once pay equity had been established. The Tribunal found that the maintenance of pay equity is not a joint or collaborative undertaking and that it is the responsibility of an employer. The Tribunal dismissed the Union's applications and upheld the Review Officer's findings that the Employer was not required to negotiate pay equity maintenance with the Union. This decision was upheld by the Divisional Court upon judicial review.
- ***Nolan-Conway, Applicant v City of Toronto (City), 2021 CarswellOnt 11003*** – The applicant employees, Sharon Nolan-Conway and Joanne Greene, alleged that their job classifications were not evaluated in accordance with the Act. The applicants – both human resources personnel – argued that a third-party did not properly compare their positions to male comparators in other departments within the City of Toronto. The respondent employer requested a preliminary dismissal of the applications, arguing that Tribunal does not review individual job evaluations "in isolation". The Tribunal ordered that the applications will proceed and the applicants will be given the opportunity to present evidence that their job classes were improperly classified. In doing so, the Tribunal confirmed that there is nothing inherently wrong with the use of an independent third-party to evaluate particular job classes, and reaffirmed its position that it will not typically review individual classification grievances "in isolation" so long as the process complied with the Act.

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