

# Tired of Waiting: Rectifying Manitoba's Pay Gap

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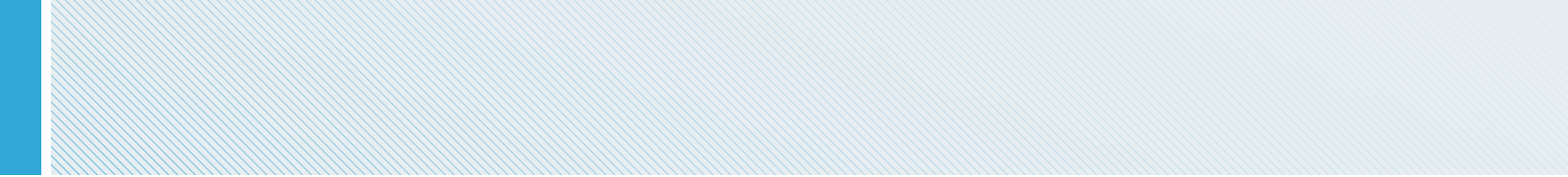
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# Introduction

PAY DISCRIMINATION AND inequality persist in Manitoba, with women earning on average 71 per cent of what men earn. Pay inequity is a long-standing issue that has been amplified by the impacts of the COVID-19 pandemic. The pandemic hit women workers hard: women lost jobs at a higher rate than men and were slower to re-enter the labour force. During the pandemic, racialized workers were over-represented in the three industries that accounted for 80 per cent of job losses in Canada: accommodation and food services; information, culture and recreation; and wholesale and retail trade.<sup>1</sup> As the economy recovers from COVID-19, it is essential that women gain stronger economic footing and not be left behind. A feminist recovery from COVID-19 must include reducing the gendered and racialized pay gap. It is important to understand the pay gap and how it may be eliminated to strengthen women's and racialized people's economic status. While the pay gap existed before the pandemic, the last three years have highlighted the urgency of this issue.

In Canada, the gender and racialized pay gap is a persistent problem. This research responds to the need to understand the gendered and racialized pay gap in Manitoba by variables such as industry, occupation, education, and age. This report seeks to better inform Manitobans about the state of the pay gap in our province.

A vital aspect of this is pay equity: equal pay for work of equal value. Pay discrimination and inequality persists in Manitoba. Our research finds there is still a pay gap between Manitoba men and women across all occupations,

## Notes on Terminology and Data Collection

Regarding the use of identity markers throughout this report, legislation tends to define gender (man, woman) and sex (male, female) using binary terminology. Terms describing gender and sex are also sometimes used interchangeably where, for example, female is used interchangeably with woman. The same is true in data collection.<sup>i</sup> As a result, this report adopts binary language when referencing legislation or data that uses binary language. The authors of this report recognize that this type of language does not accurately reflect gender because it does not account for gender diversity. Indeed, one in 300 people in Canada aged 15 and older are transgender or non-binary.<sup>ii</sup> True gender equality moves beyond a dichotomous understanding of man and woman. Gender is a fluid construct, and data collection and legislation should reflect this. Fortunately, several changes are underway to rectify this issue. Beginning in 2021, the census questionnaire now includes “at birth” as an option for the sex questionnaire.<sup>iii</sup> Meanwhile, gender-diverse individuals are finally recognized in Manitoba’s recently proposed pay equity legislation.<sup>iv</sup>

Furthermore, the quantitative data in our report draws from official sources that categorize data in ways that the authors do not always agree with. For example, Indigenous Peoples have been included as “not a visible minority” in the 2016 census data. This poses a problem because Indigenous Peoples face unique “inequities rooted in long-standing colonialism, and the self-identification of Indigenous identity should be distinct from how these individuals are racialized by society.”<sup>v</sup> Further, Canada’s historical failure to collect race-disaggregated data negatively impacts our understanding of how diverse populations are impacted by various phenomena and social issues. For example, studies that explored the impact of COVID-19 on racialized populations were limited in their analysis because Canada, except in the census, did not regularly collect and release race-disaggregated income and employment data until July 2020.<sup>vi</sup> A 2021 study published by the Public Health Agency of Canada called “for the refinement of the collection of race data and timely access to these datasets to better support decision-making involving racialized populations in Canada.”<sup>vii</sup> With these concerns in mind, the authors present the available data as a starting point.

**i** In some instances, when users want to customize tables on Statistics Canada, the options for “gender” are “Male gender” and “Female gender,” implying the interchangeability of male/man and female/woman; Statistics Canada. “Characteristics and median employment income of postsecondary graduates two years after graduation, by educational qualification and field of study (alternative primary groupings).” (2021). [www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710012201](http://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710012201).

**ii** Statistics Canada, “Canada is the first country to provide census data on transgender and non-binary people.” (2022). [www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P](http://www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P): at 3.

**iii** Statistics Canada, “Canada is the first country to provide census data on transgender and non-binary people.” (2022). [www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P](http://www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P): at 1.

**iv** *Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (first reading March 10, 2023).

**v** Thompson et al, “COVID-19: A case for the collection of race data in Canada and abroad,” The Public Health Agency of Canada (2021). [www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf](http://www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf).

**vi** Statistics Canada, “The Daily: Labour Force Survey, July 2020,” August 7, 2020, <https://www150.statcan.gc.ca/n1/daily-quotidien/200807/dq200807a-eng.htm>.

**vii** Thompson et al, “COVID-19: A case for the collection of race data in Canada and abroad,” The Public Health Agency of Canada (2021). [www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf](http://www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf).

industries, levels of education, age, and racialized status. Black, Indigenous or people of colour (BIPOC) workers earn less than those who are not, and BIPOC women earn less than BIPOC men.

Much must be done to strengthen policies and laws to provide the tools gendered and racialized people need to participate in the workforce, such as education, training, childcare, flexible work hours and support in non-traditional fields. Legislation is also part of the solution. In the past, Manitoba was a leader in pay equity legislation. Manitoba enacted *The Pay Equity Act* in 1986, which coincided with section 15 of the *Canadian Charter of Rights and Freedoms* coming into force. Other provinces soon followed Manitoba's example. However, Manitoba's pay equity legislation has not been updated in over 35 years, and it now lags behind other provinces' more progressive approaches. This report provides data on the pay gap in Manitoba. It follows with a history and analysis of pay equity legislation in Manitoba and Canada with recommendations on how pay equity legislation can be updated and improved in Manitoba. This report will illustrate the potential of law reform as a tool to realize pay equity in our province.

In 1987, Justice Rosalie Silberman Abella affirmed the importance of examining these issues. Justice Abella, who sat on the Supreme Court of Canada until 2021 and is one of many fierce advocates for closing the pay gap, stated: “[I]t matters little whether the earnings gap between genders is caused by blatant, subtle or benign design. So long as it persists, it signals the need for investigation, continued monitoring, and redress.”<sup>2</sup> A review of pay equity legislation in Manitoba and Canada provides context for the investigation, monitoring, and calls for redress delivered in this report. The legislative review that follows confirms the tired reality that Manitoba's pay equity problem needs attention now. Manitoba's pay gap is vast, and it's time to act.

# Quantifying Manitoba's Pay Gap

THIS SECTION PRESENTS Manitoba data on the wage gap between men and women, as self-identified in Statistics Canada surveys (which use the terms males and females). The data covers various dimensions: income levels, occupation, industry, educational attainment, age, racialized status, and Indigenous identities. Since the COVID-19 crisis disproportionately impacted the labour force participation and earnings of women,<sup>3</sup> we present data for 2019 or earlier, before the onset of the pandemic. Across all indicators, there is a clear pattern of inequality, with women systematically receiving lower earnings and wages.

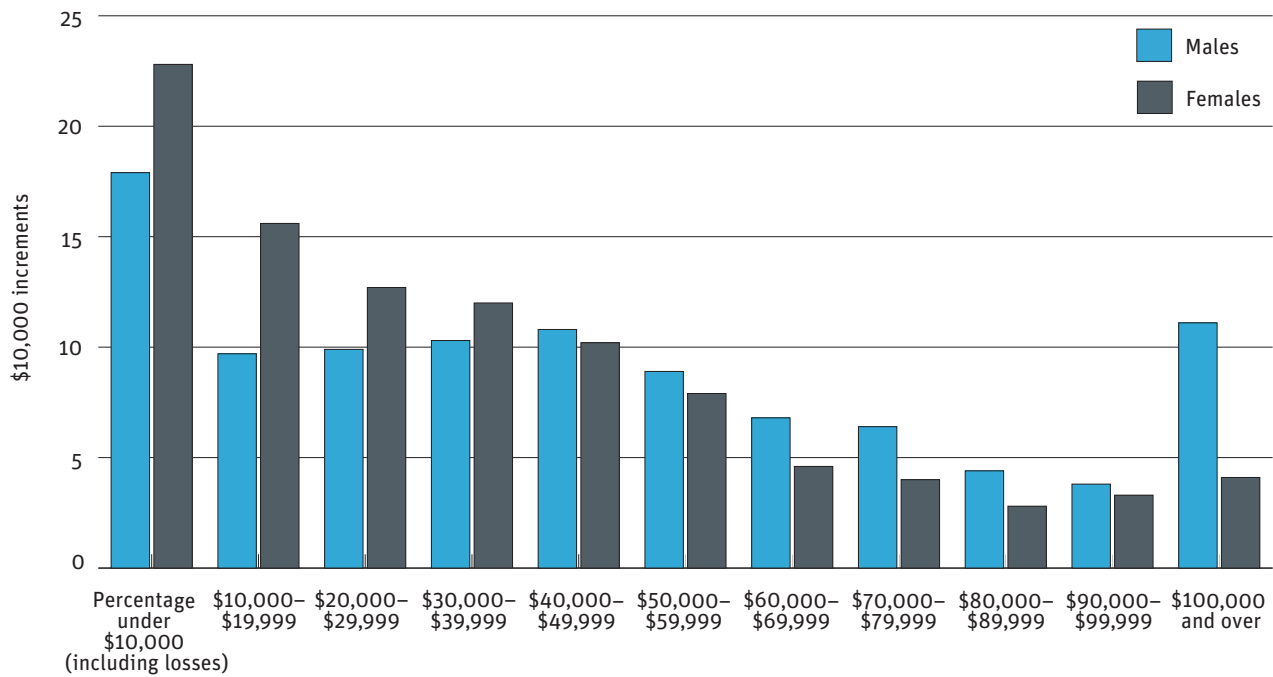
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## The Manitoba Pay Gap

The pay gap as measured by average annual wages, salaries, and commissions of men and women, including contract and part-time work in Manitoba, was 29 per cent in 2019, with women earning on average 71 per cent or \$37,500 annually versus \$52,800 for men.<sup>4</sup> The quantitative section of this paper discusses the distribution of the pay gap by income, occupation, and educational level. The pay gap is not just about gender, as will be discussed later in this paper. The gap increases when intersecting with other forms of discrimination based on race, age, and ability.



**FIGURE 1** Distribution of Employment Income of Individuals by Sex, % by Income Bracket



Source: Statistics Canada. "Table 11-10-0240-01: Distribution of employment income of individuals by sex and work activity, Canada, provinces and selected census metropolitan areas." (March 23, 2021). <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110024001>

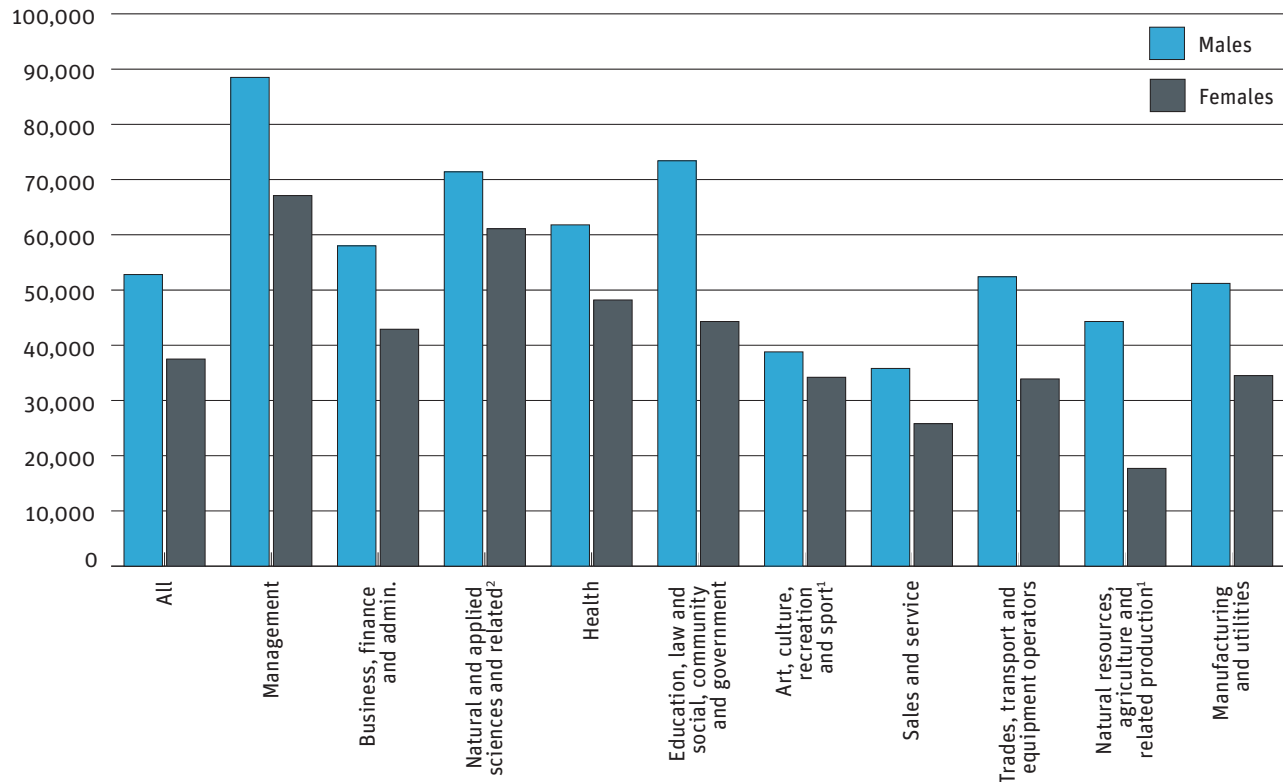
### Distribution of Income per cent Pay Gap

The distribution of individuals along the income spectrum shows a clear gendered pattern of income inequality. *Figure 1* presents the distribution of men and women by \$10,000 income increments in employment income brackets. For the four income brackets for employment income below \$40,000, women are over-represented, while the opposite is true for the seven income brackets encompassing incomes over \$40,000, where men are over-represented. The most significant gap is in the top income bracket, for earnings of \$100,000 and over, with 11.1 per cent of men in this income bracket versus only 4.1 per cent of women.

### Occupation

*Figure 2* depicts men’s and women’s average annual earnings by occupation in Manitoba. For every category, a pay gap exists between men and women, with men earning more than women in every occupational grouping. The largest dollar gap is in the education, law, social, community, and government services categories, with a gap of \$29,100 and women’s average earnings

**FIGURE 2** Average Annual Wages, Salaries, and Commissions by Occupation in Manitoba, 2019



**Source:** Statistics Canada. “Table 14-10-0324-01: Average and median gender pay ratio in annual wages, salaries and commissions.” (March 23, 2023). <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1410032401>.

**Note 1:** For the arts, culture, recreation and sport category, 2018 data (adjusted to 2019 dollars) is used due to missing data for 2019. Statistics Canada notes that the data for men in this category should be used cautiously due to data quality issues. For the natural resources, agriculture and related products category, 2020 data (in 2020 dollars) is used due to missing data for 2018 and 2019.

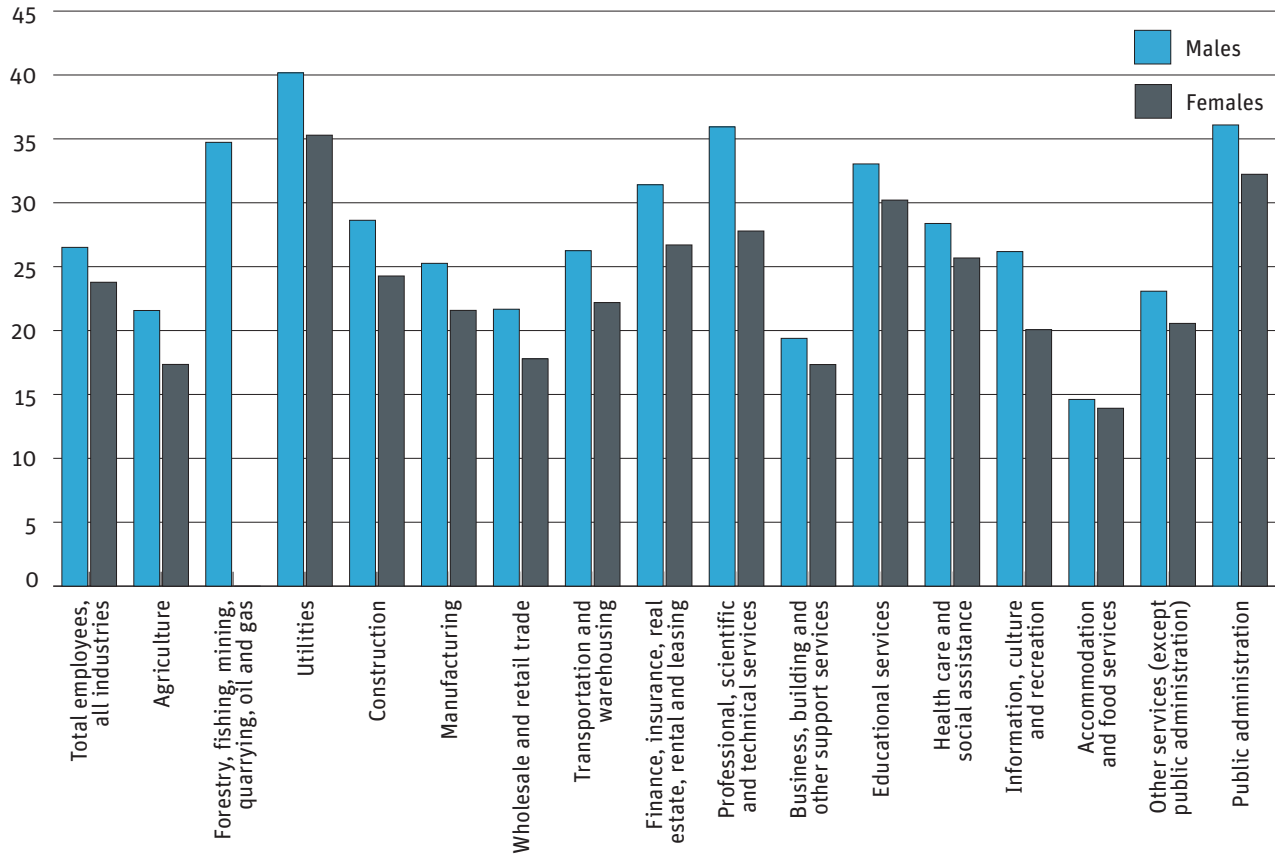
**Note 2:** Statistics Canada notes that for the natural and applied sciences and related category, the data for women should be used cautiously due to data quality issues.

being only 60 per cent of males. From a percentage perspective, the natural resources, agriculture, and related products category has the largest gap, with women earning just 40 per cent of men’s average earnings.<sup>5</sup> The smallest gap is in the arts, culture, recreation, and sports category, at \$4,600, with women earning 88 per cent of the average man. However, Statistics Canada notes that the data for male type should be used with caution due to data quality issues.

## Industry

Figure 3 presents the average hourly wage rate for 2019 by industry. In every category for which there is data, men have higher wages than women.<sup>6</sup> The

**FIGURE 3** Average Hourly Wage Rate (in dollars) by Industry in Manitoba, 2019



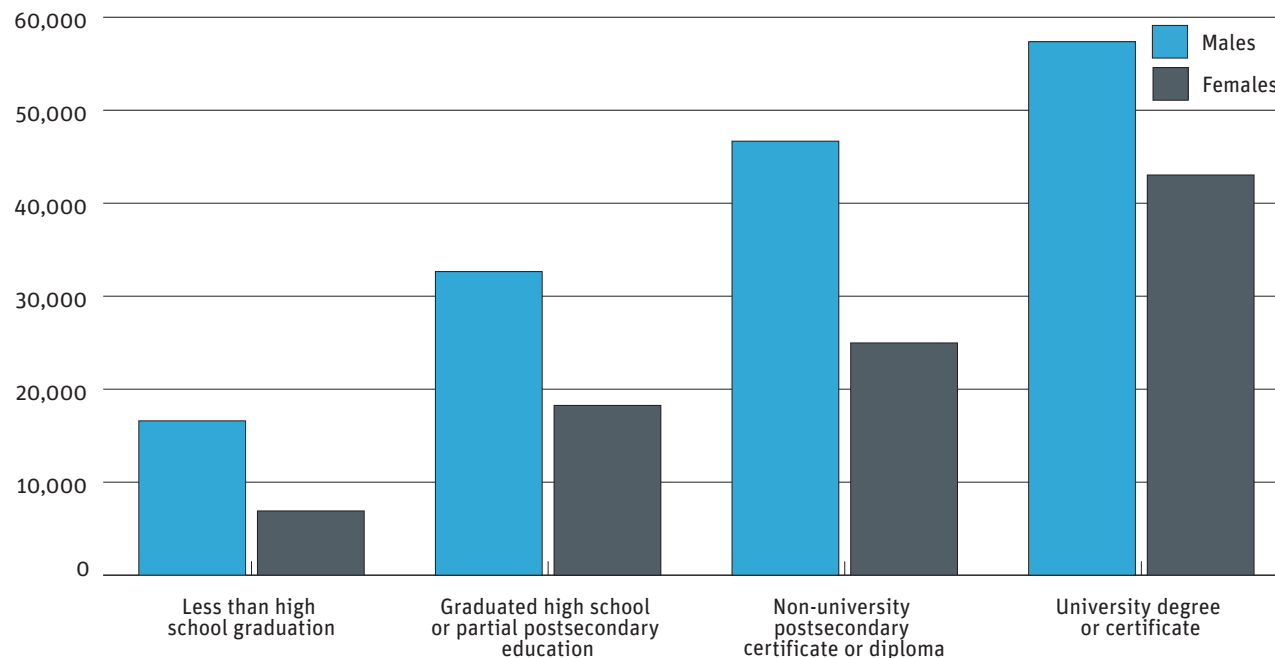
Source: Statistics Canada. "Table 14-10-0064-01: Employee wages by industry, annual." (January 7, 2022). <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410006401>

two categories with the most significant gaps are: professional, scientific, and technical services and information, culture, and recreation. These categories show gaps of \$8.15 and \$6.11 per hour, respectively, and women earning just 77 per cent of what men earn in both industries. The smallest gap is in the accommodations and foods services industry – the lowest-paying sector – with women earning 95 per cent of what men earn, with a gap of \$0.69 per hour. Over all industries, women earn on average \$2.73 less per hour, or 90 per cent of what men are paid.

## Education

Figure 4 displays the employment earnings gap between men and women across educational attainment levels. From a percentage perspective, the

**FIGURE 4** Average Annual Earnings by Highest Level of Education in Manitoba, 2019

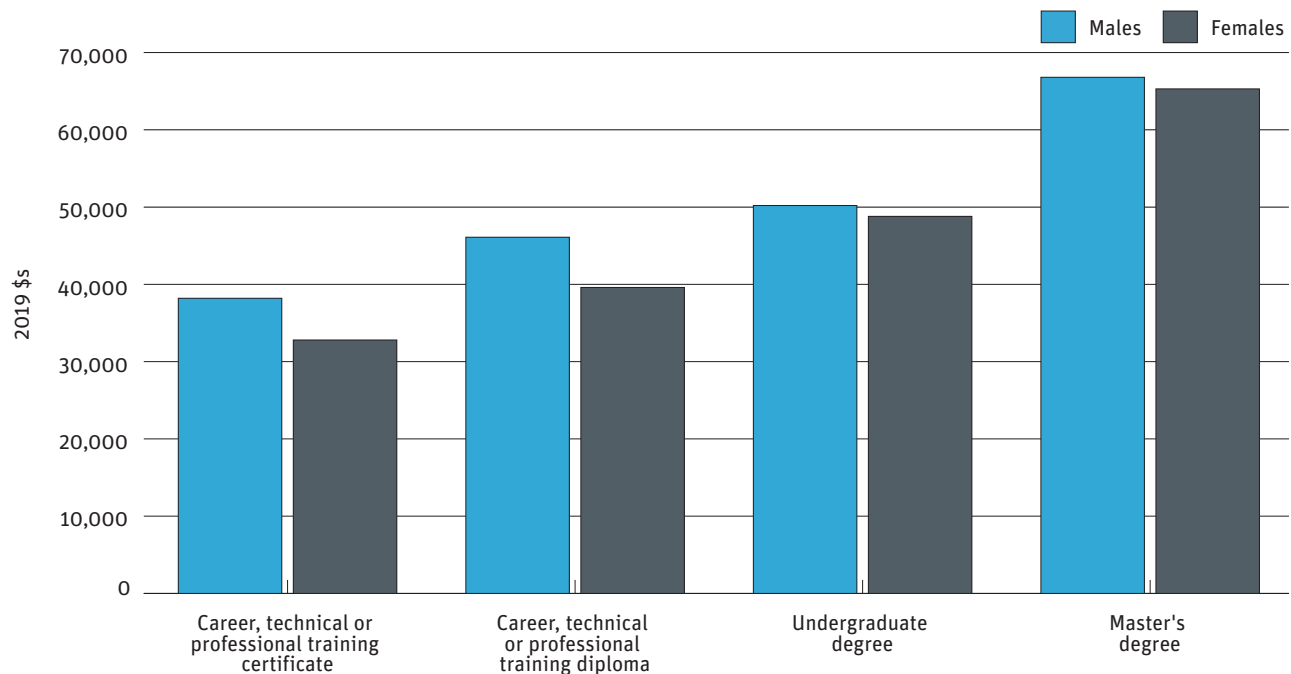


**Source:** Authors' calculations based on Statistics Canada (2020). Canadian Income Survey, 2019 [public-use microdata file]. Income Statistics Division. Data Liberation Initiative. <http://odesi.scholarsportal.info>

most significant gap occurs at the lowest level of educational attainment – for those with less than high school graduation – with women earning just 42 per cent of what men earn. From a dollar perspective, the most significant gap occurs for those with the highest level of education being a non-university post-secondary certificate or diploma. This group's women earn \$21,694 less than men, or just over half of men's average employment earnings. The smallest gap from a percentage perspective is for those with a university degree or certificate, with women's earnings on average 75 per cent of men's, with an average gap of \$14,334.

*Figure 5* again presents earnings by level of education, looking at median employment earnings of 2017 graduates two years after graduation. This data is given for the four credential types with the most graduates, collectively representing 89 per cent of all graduates. In all four categories, men continue to have higher earnings than women, although the gap is smaller, particularly for those with university degrees. For career, technical or professional training certificates and diplomas, women earned 86 per cent of an average man's employment income, whereas for university degrees, the gap is only 2–3 percentage points. The pattern of men having higher employment earnings holds when looking within each field of study by credential. Of the 26 areas

**FIGURE 5** Median Employment Income of Post-secondary Graduates Two Years After Graduation in Manitoba, 2017 Graduates



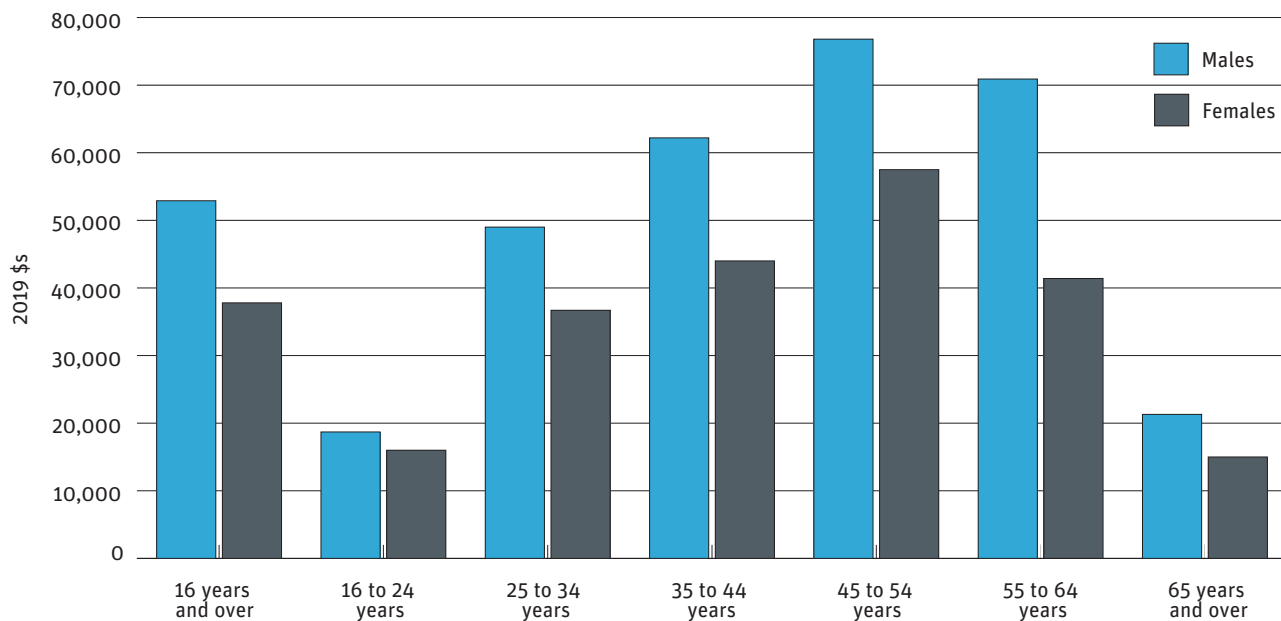
**Source:** Statistics Canada. "Table 37-10-0122-01: Characteristics and median employment income of postsecondary graduates two years after graduation, by educational qualification and field of study (alternative primary groupings)". (October 21, 2021). <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710012201>

of study by credential where employment income data is published for both women and men, women only earn more in four fields.<sup>7</sup>

## Age

Figure 6 presents the distribution of average earned income from wages, salaries, and commissions by age and sex. In Manitoba, for all age groups used by Statistics Canada, men on average earned more in wages, salaries, and commissions than women. The largest gap is in the age 55 to 64 category, with a gap of \$29,500 and women on average earning only 58 per cent of men's earned income from these sources. The smallest gap is in the 16 to 24 group, a gap of \$2,700, with women's earnings equal to 86 per cent of men's. The gap increases with age for the working age population until the oldest age group (65 and older), with women earning 71 per cent of men's earnings from these sources.

**FIGURE 6** Average Wages, Salaries, and Commissions by Age Group in Manitoba, 2019

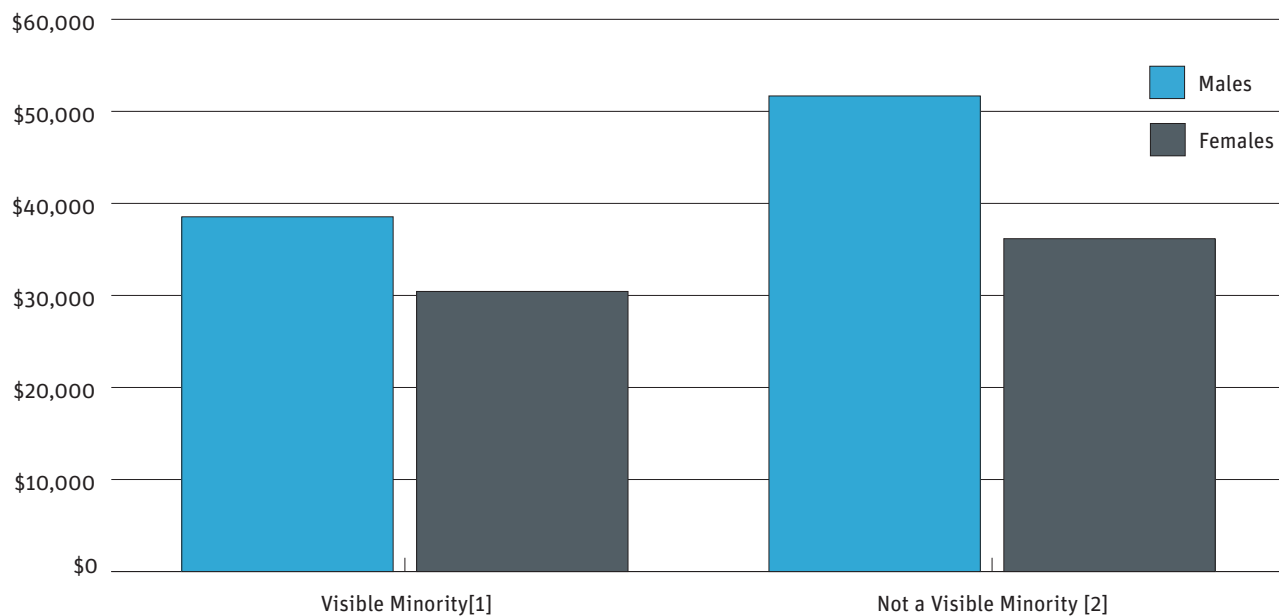


Source: Statistics Canada. "Table 11-10-0239-01: Income of individuals by age group, sex and income source, Canada, provinces and selected census metropolitan areas." (March 23, 2021). <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110023901>

## Racialized Status

Figure 7 compares employment income disparities by sex based on racialized status using data from the 2016 census. The census uses the federal *Employment Equity Act*'s definition of "visible minorities as 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.'" Based on the census definition and people's self-classification, racialized populations earned less than the non-racialized group, with employment income 78 per cent of that of the non-racialized category. Women earn less than men in each group. Both groups of women had an average employment income that was less than that of non-racialized minority men. From an intersectional perspective, while non-racialized minority women on average earned only 70 per cent of non-racialized minority men, racialized women earned only 59 per cent of average non-racialized men's employment income, a gap of \$21,240. Within groups, racialized people have a smaller sex-based self-reported employment earnings gap than non-racialized minorities: racialized women earned 79 per cent of what racialized men earned, or \$8,111 less on average. In comparison, non-racialized women earned 70 per cent

**FIGURE 7** Average Employment Income (\$) by Racialized Status in Manitoba, Census 2016



**Source:** Statistics Canada. “Tables 98-400-X2016210: Visible minority (15), income statistics (17), generation status (4), age (10) and sex (3) for the population aged 15 years and over in private households of Canada, provinces and territories, census metropolitan areas and census agglomerations, 2016 census - 25% sample data.” (October 26, 2017). <https://www150.statcan.gc.ca/n1/en/catalogue/98-400-X2016210>

**Statistics Canada Data Note 1:** The Employment Equity Act defines visible minorities as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.”

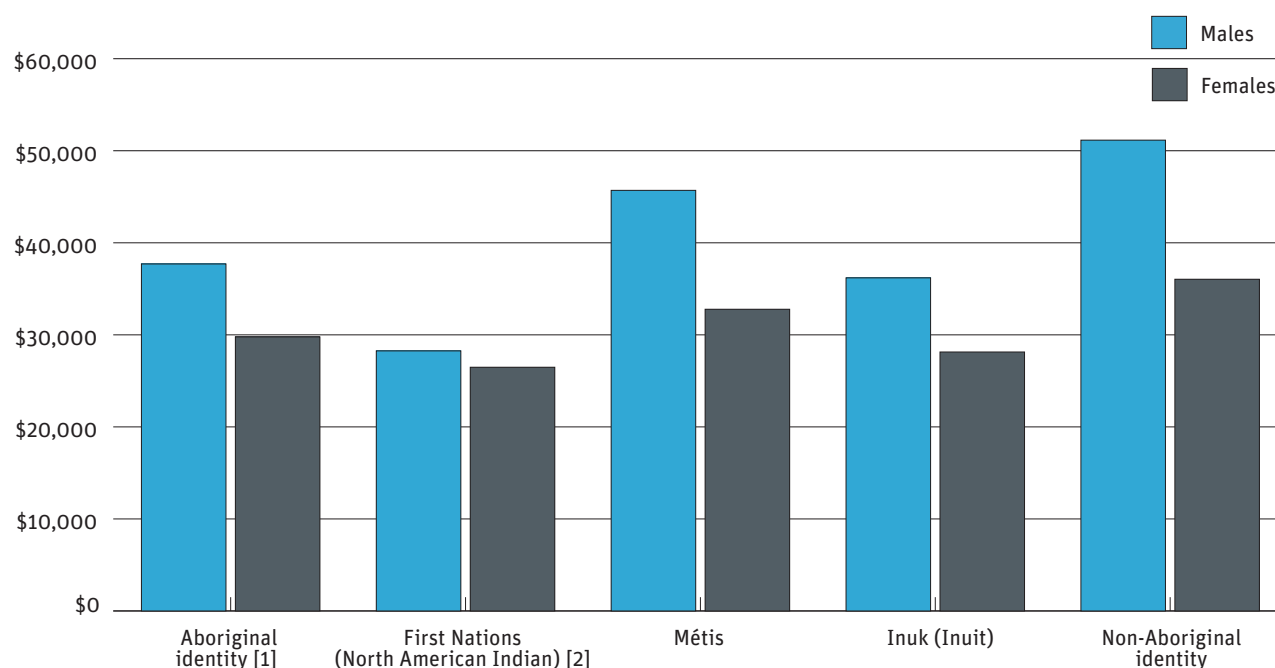
**Statistics Canada Data Note 2:** Includes persons who reported ‘Yes’ to the Aboriginal group question (Question 18) and persons who were not considered to be members of a visible minority group.

or \$15,506 less on average than non-racialized men. Please see Appendix E for the pay gap disaggregated by racialized status by employment earnings.

## Indigenous Identities

The pay gap is also apparent when examined along Indigenous identities, with non-Indigenous men earning more than women across all categories. *Figure 8* presents average employment income by self-identification as belonging to the following categories presented in the 2016 Census: First Nations, Métis, and Inuk (Inuit) all of which are considered as “Aboriginal identity,” as well as those with “non-Aboriginal identity.” From an intersectional perspective, while non-Indigenous women earn 70 per cent of what non-Indigenous men earn, Indigenous women on average make 58 per cent of what a non-Indigenous man makes. The largest gap is for First Nations women, who make 52 per cent relative to non-Indigenous men with \$24,673 less in average employment earnings. Within Indigenous identity categories,

**FIGURE 8** Average Employment Income (\$) by Indigenous Identity in Manitoba, Census 2016



**Source:** Statistics Canada. "Tables 98-400-X2016170: Aboriginal Identity (9), Income Statistics (17), Registered or Treaty Indian Status (3), Age (9) and Sex (3) for the Population Aged 15 Years and Over in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data." (October 25, 2017). <https://www150.statcan.gc.ca/n1/en/catalogue/98-400-X2016170>

**Statistics Canada Data Note 1:** "Aboriginal identity" includes persons who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are registered or Treaty Indians (that is, registered under the Indian Act of Canada) and/or those who have membership in a First Nation or Indian band. Aboriginal peoples of Canada are defined in the *Constitution Act, 1982*, section 35 (2) as including the Indian, Inuit, and Métis peoples of Canada.

**Statistics Canada Data Note 2:** "Aboriginal identity" includes persons who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are registered or Treaty Indians (that is, registered under the Indian Act of Canada) and/or those who have membership in a First Nation or Indian band. Aboriginal peoples of Canada are defined in the *Constitution Act, 1982*, section 35 (2) as including the Indian, Inuit, and Métis peoples of Canada.

there are smaller wage gaps between men and women within the population of persons with Indigenous identity, relative to the non-Indigenous population. However, there is variation among Indigenous groups. Among Indigenous groups, First Nations have the smallest gap of \$1,776, with women earning 94 per cent of what men earn on average. The Métis have the largest gap of \$12,918, with women earning 72 percent of what men earn. The pay gap in the non-Indigenous population is \$15,113.

## Approaches to Analyzing and Addressing the Gender Gap

Across income levels, occupation, industry, educational attainment, age, racialized status, and Indigenous identities, there is a clear and consistent pattern of wage and employment earning disparities, with women earning less than men. A large body of literature on the gender pay gap has been



produced over the past four decades, with a more detailed summary provided in Appendix F. This research can be categorized into two main approaches. The first considers the pay gap to be composed of two components: the portion that can be explained by differences in productive factors and the remaining “unexplained” portion, which is typically interpreted as gendered discrimination.<sup>8</sup> This approach frequently employs quantitative methodologies such as regression analysis. Its conclusions tend to have the overall effect of diminishing the proportion of the pay gap due to gender discrimination.

In contrast with, and highlighting weaknesses in, this first approach, a variety of more critical scholars have underscored that inequalities in the explanatory factors – such as education and experience – are themselves the outcomes of sexism and discrimination, and explain only a minority of the total wage gap.<sup>9</sup> Feminist scholars have also emphasized occupational segregation and the ways that gender norms and patriarchy shape non-labour market variables which influence disparities in earnings, including the unequal distribution of non-wage, non-market labour, and how the public policy and welfare state environment influences the gender pay gap. For example, gendered norms and patriarchy shape educational choices among women, leading to over-representation of women in lower-paid occupations, and occupations can be lower paid because they are gendered.<sup>10</sup> These insights suggest that a combination of existing legislation, tools and practices are required to successfully reduce wage disparities between genders, with, for example, studies suggesting the lower gender wage gap in the public sector can be explained by pay equity legislation, more generous parental leave, and higher unionization rates, and the 2021 report of the Standing Committee on the Status of Women recommending improving pay equity measures.<sup>11</sup> In line with this second approach, we emphasize absolute wage gaps as a public policy issue that needs to be addressed directly in addition to the unequal distribution of non-wage, non-market labour, and public policy environments that perpetuate gender discrimination and inequitable outcomes. The next section looks at the legal frameworks that inform the goal of substantive equality and pay equity in Canada and Manitoba.

# Equality, Equity and Substantive Equality

EQUALITY IS GUARANTEED in the *Canadian Charter of Rights and Freedoms (Charter)*, which states “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law...” For historical reasons, the words equality and equity are used differently in pay equity legislation. Equal pay means that an employer cannot pay different wages to male and female employees who do similar work. “Similar work” is typically determined by comparing the kind/quality of the work, and the amount of work required/done by the employees. If it is discovered that a female and male employee are receiving different wages for similar work, then this would be an instance of discrimination.

Pay equity differs in that it considers the value attributed to jobs typically dominated by women (e.g., nurses), and jobs that are typically dominated by men (e.g., electricians). In other words, pay equity recognizes that female-dominated jobs are typically undervalued in our society. As a result, those employed in these professions (whether they are men or women) are more likely to be paid less than employees doing work of equal or comparable value in male-dominated professions.

Historically, equal pay laws emphasized “equal pay for equal work.” Now, pay equity laws focus on the concept of “equal pay for work of equal value.” Equal pay laws are regressive because they minimize the impact of gender by insisting on a universal worker identity.<sup>12</sup> In application, this universaliza-

tion allows systemic gender inequality and biases to go unaddressed. Pay equity laws are progressive because they make gender the central focus. By emphasizing the persistence of systemic inequality and gendered biases, pay equity law “ostensibly provides female employees with the assurance that their work will not be undervalued.”<sup>13</sup>

In Canada, equality as protected in the *Charter* is substantive equality. Substantive equality “requires attention to the full context of the claimant group’s situation, to the actual impact of the law on that situation, and to the persistent systemic disadvantages that have operated to limit the opportunities available to that group’s members.”<sup>14</sup> Section 15 of the *Charter* sets out the equality guarantee and is interpreted to mean substantive equality.<sup>15</sup> The non-discrimination provisions of Manitoba’s *Human Rights Code* are also interpreted to protect substantive equality.<sup>16</sup> The Supreme Court of Canada affirms this interpretation, stating that “substantive equality is the animating norm of the s. 15 framework.”<sup>17</sup> Section 15 provides protection on the basis of a number of enumerated grounds (sex, for example) and is understood to allow other, unenumerated grounds to be established where members of such groups can demonstrate that they have experienced historical disadvantage (sexual orientation, or gender identity, for example).

# Pay Equity: Federal Legislation

WHILE FEDERAL PAY equity legislation has only recently been adopted in Canada, the country's commitment to equality in the workplace is not new. In 1956, the federal *Female Employees Equal Pay Act* came into force.<sup>18</sup> This statute prohibited wage discrimination on the basis of sex: "No employer shall employ a female employee for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for identical or substantially identical work."<sup>19</sup> However, the legislation was not useful as a tool to address instances of inequality. For example, few employees were successful in seeking recovery under the Act, and the amount recovered was minimal.<sup>20</sup> The *Female Employees Equal Pay Act* did not achieve its purpose of promoting equal pay for female employees because it only guaranteed equal pay for equal work.

The *Charter*, enacted nearly three decades later, applies to legislatures and governments, as established in section 32(1).<sup>21</sup> This means that section 15 of the *Charter* can be used as a tool to hold the public sector accountable for laws and actions that discriminate against protected people. While the *Charter* was enacted in 1982, it was not until 1985 that section 15 came into force. The additional time was to allow "federal, provincial and territorial governments an opportunity to examine and reform any statutes deemed non-compliant with the *Charter*."<sup>22</sup>

Beginning in 2001, various efforts were made to advance pay equity, including the release of several critical reports and the drafting of an Act, which ultimately did not come into force.<sup>23</sup> It was not until 2016 that the federal government finally committed to pay equity reform. The federal *Pay Equity Act* was enacted in 2018 and came into force in 2021.<sup>24</sup> This federal pay equity law applies to the federal public sector, and federally-regulated employers in the private sector.<sup>25</sup>

The principle of pay equity has also been addressed in seminal decisions made by the Supreme Court of Canada. In *Newfoundland (Treasury Board) v NAPE*, it held that the further perpetuation of pay inequity among women in Newfoundland and Labrador was justifiable given the provincial government's financial crisis at the time.<sup>26</sup> The 2020 decision in *Fraser v Canada (Attorney General)* [*Fraser*] is more encouraging.<sup>27</sup> In *Fraser*, three female RCMP officers participated in a job-sharing program in order to balance work and child-care responsibilities. Most people job-sharing were women. Other full-time RCMP members who were suspended, or went on unpaid leave, could obtain full pension credit for those periods of service under the pension plan, but the full-time members who temporarily reduced their hours under a job-sharing agreement were classified as part-time workers and were ineligible for full-time pension credit for their service. The Supreme Court held that it was a violation of section 15(1) of the *Charter* for these participants to not be able to claim pension benefits in the same way as others with interruptions in their full-time service. Substantive equality was foundational to this decision. While the regulation did not explicitly discriminate against women, the reality that women are more likely to provide child care means that it is more likely that women would participate in this job-sharing program and thus be denied full pension benefits; "Membership in such groups often brings with it a unique constellation of physical, economic and social barriers. Laws which distribute benefits or burdens without accounting for those differences ... are the prime targets of indirect discrimination claims."<sup>28</sup>

# Manitoba Pay Equity Legislation

SEVERAL PROVINCES ENACTED their own pay equity laws between 1986 and 1995. Manitoba was the first jurisdiction to do so. Prior to this, the province relied on equal pay laws to mitigate discrimination.<sup>29</sup> In 1956, Manitoba enacted the *Equal Pay Act*.<sup>30</sup> When Manitoba enacted *The Employment Standards Act* in 1987,<sup>31</sup> it still employed the concept of equal pay, not pay equity, as its measurement of equality. While the purpose of the Act was to set minimum standards for Manitoba’s employees,<sup>32</sup> Part IV of the Act dealt specifically with equal pay.<sup>33</sup>

The weakness of *The Employment Standards Act*, and other equal pay laws, was that the scope of their application was limited to employees working in the same establishment.<sup>34</sup> Equal pay for equal work doesn’t account for occupations predominantly made up of women, such as education, health care, and the service industries.<sup>35</sup> These professions became “feminized” as a result of the disproportionate number of women working in them, causing the professions as a whole to be undervalued relative to male-dominated professions, such as electricians. Even if men and women were paid the same in these professions, they were still paid less than employees in professions dominated by men. Some employers used loopholes to get around the equal pay laws. By simply adding unique tasks to jobs predominately done by men, the work could be deemed dissimilar, contrary to the intention of the Act.<sup>36</sup>

As with all legislation, equal pay laws were only as effective as the extent to which they were meaningfully enforced. In Manitoba and across Canada the enforcement of legislation was inconsistent. These failures pointed to the ineffectiveness of *The Employment Standards Act* as a tool to close the pay gap. In response to these letdowns, the Manitoba government took a proactive approach by becoming the first jurisdiction in Canada to create *The Pay Equity Act*.<sup>37</sup> The statute was ushered in by Muriel Smith, the first female deputy premier of Manitoba and a trailblazer in advancing gender equity.<sup>38</sup> Now, instead of attributing job value to “the performance of individuals or innate abilities of particular workers,” the system attributes job value by the “skill, effort, responsibility and working conditions” of the job. When the Act was passed in 1986 it only applied to the public sector — approximately 60,000 employees — for the purpose of increasing the wages of undervalued jobs.<sup>39</sup> More specifically, the Act claimed to have two purposes: “(a) to establish the principle of pay equity in Manitoba; and (b) to inform employers, employees and bargaining agents, within the public and private sectors, of the principles and practices of pay equity.”<sup>40</sup> Its relatively narrow scope meant that many female-dominated workers in social services and child-care organizations funded by the government were not covered.<sup>41</sup> While *The Employment Standards Act* provided a less effective means to ensure pay equity, its scope of application was broader than *The Pay Equity Act*; the former legislation applied to almost all employees in Manitoba,<sup>42</sup> while the latter only applied to the public sector.<sup>43</sup>

Despite this limitation, *The Pay Equity Act* offered a more substantive approach to ensuring equality for those to whom it does apply. While *The Employment Standards Act* did not account for occupations predominately made up of a particular sex, *The Pay Equity Act* did; section 1 makes the distinction between female-dominated and male-dominated classes.<sup>44</sup> A female-dominated class is one where there are a minimum of 10 or more employees and where at least 70 per cent of those employees are women.<sup>45</sup> Conversely, a male-dominated class is one where at least 70 per cent of those employees are men.<sup>46</sup> Pay equity agreements are negotiated between the government and bargaining agents, or a representative chosen by those who are not in a bargaining unit.<sup>47</sup> Despite this formula for comparing female-dominated classes with male-dominated classes, organizations where there are no comparator classes are left out. For example, social services and child-care workers are in a more vulnerable economic position than most other workers in the province. The gap between this traditionally feminized labour funded by the Manitoba government and the total provincial workforce

is significantly more than the gap between average and median wages for both female and male workers.<sup>48</sup>

The Act also established a Pay Equity Bureau that monitors and manages the implementation of pay equity in Manitoba's public service.<sup>49</sup> A pay equity commissioner supported the bureau by "ensur[ing] that pay equity is implemented within the civil service."<sup>50</sup> The authors could not find any evidence of the existence of the bureau or a commissioner past 1995, despite their clear establishment in *The Pay Equity Act*. This may be explained by the significant improvements to pay equity that had taken place by 1995, owing to the work of public sector unions and employers. Since then, the governments of the day have not made any moves to reinvigorate the bureau or a pay equity commissioner.

In 1998, Manitoba replaced *The Employment Standards Act* with *The Employment Standards Code* (the *Code*).<sup>51</sup> A major difference between *The Employment Standards Act* and the *Code* was a switch to gender-neutral terminology. The *Code* also replaced two other statutes that did not use gender-neutral terms.<sup>52</sup> The *Code* provided more benefits to unpaid caregivers, a change that was applauded by the Manitoba Association of Women and the Law in 2006.<sup>53</sup> The *Code* also clarified that wage discrimination on the basis of sex is prohibited,<sup>54</sup> and established a complaint process.<sup>55</sup>

The *Code*, along with *The Pay Equity Act*, governs pay equity in Manitoba today. It is more accurate to say, though, that *The Pay Equity Act* is the only statute promoting pay equity in Manitoba, as the *Code* still uses the more regressive measurement of equal pay, not pay equity, to address discrimination in wage scales.<sup>56</sup>

It is necessary to note that neither of these two statutes take a substantive intersectional approach to the issue of pay equity. Manitoba's pay equity legislation also uses a binary understanding of gender as the statutes do not contemplate gender-diverse individuals. This is particularly concerning given that *The Human Rights Code* in Manitoba does protect gender-diverse individuals by prohibiting discrimination on the basis of gender identity.<sup>57</sup> *The Human Rights Code* is quasi-constitutional and Manitoba's statutes should comply with it.

Despite the shortcomings of pay equity legislation, without it there would be no legal recognition of the issue. Justice Abella has insisted that ensuring "freedom from discrimination requires government intervention through law. It is not a question of whether we need regulation in this area but where and how to apply it."<sup>58</sup> At the very least, *The Pay Equity Act* establishes the principle of pay equity in Manitoba, affirming the guaranteed constitutional



equality rights of all Manitobans. While the current Act has failed to close the pay gap, it has nevertheless brought us closer to making that goal a reality. Still, pay equity legislation works best when coupled with initiatives and policies that support gender equality and workers' rights more broadly, including greater unionization.<sup>59</sup>

The ineffectiveness of *The Pay Equity Act*, and of related legislation, is not inherent in pay equity laws. Rather, these laws fail to close the pay gap because of how they are structured. Since its implementation, amendments to *The Pay Equity Act* have been of minor significance.<sup>60</sup> Meaningful change requires amendments that address the root causes of pay inequity. Improving enforcement and increasing accountability measures would further the effectiveness of the Act. Once we address these issues, Manitobans will be closer to achieving pay equity. When the goal of legislation is the realization of equality rights, we must keep pushing until we get it right.

# Catching Up in Manitoba: *The Pay Transparency Act*

THERE IS A growing movement in Canada to legislate pay transparency as one way to address pay inequity, particularly in the private sector. Pay transparency diminishes the pay gap by making instances of pay inequity visible. Pay transparency legislation mandates both private and public sector employers with a workforce above a specified threshold to carry out an annual gender and diversity pay audit, which is then shared publicly to ensure transparency when workers apply for jobs. By mandating that employers post information about pay in their job postings, the legislation prevents employers from lowballing women on salary offers while empowering employees with more information in the hiring process and during salary negotiations. Pay transparency legislation also prevents employers from seeking information about employees' pay history. This is important because women make less than men, and if current salaries are allowed to be based on past salaries, then this gendered difference will always continue.

In March of 2022, Manitoba MLA Malaya Marcelino introduced Private Member's Bill 222, *The Pay Transparency Act*.<sup>61</sup> Influenced by similar legislation in Ontario, the express purpose of her bill was to provide more accountability for pay rates in areas not currently covered under *The Pay Equity Act*. Unfortunately, Bill 222 died on the Order Paper and it did not proceed. This

year, the same text as the former Bill 222 was reintroduced by MLA Marcelino under Bill 228.<sup>62</sup> On April 6, 2023, Bill 228 received second reading.

The explanatory note of Bill 228 outlines three things that *The Pay Transparency Act* would do: (1) prevent employers from seeking pay history about employees; (2) require employers to include pay information in publicly advertised job postings; and (3) require private sector employees with more than 100 employees to file a pay audit report with the pay equity commissioner, including information on gender diversity and pay of employees.<sup>63</sup> The Act would also mandate that all bids for public tenders must demonstrate that the bidder pays women, gender-diverse individuals, and men equally.<sup>64</sup>

Despite the laudable aspects of Bill 228, there are two concerns that must be addressed to make it an effective pay equity law. First, the scope of the proposed law is too narrow since it only mandates pay audits from private sector employers with 100 or more employees. Ontario's *Pay Transparency Act* has been criticized for taking a similar approach because most businesses in Ontario are small businesses, meaning they have fewer than 100 employees.<sup>65</sup> The same is true in Manitoba; in 2021, 70.5 per cent of private businesses in Manitoba were small businesses.<sup>66</sup> When asked about this 100 employee cut-off during the second reading of Bill 228, Malaya Marcelino explained that the statute's application to medium and large-size firms is only an initial step and she would like to see this legislation expanded to small businesses as well.<sup>67</sup> Pay transparency laws, created for the purpose of achieving pay equity, need to have a broad scope of application to be effective. While privacy concerns may arise by mandating public audits from employers with few employees, a cut-off much lower than 100 employees should ensure protection for more workers while also protecting privacy. By excluding most private employers in our province, Bill 228 greatly limits its potential as a tool for closing the pay gap.

The second concern relates to enforcement. Earlier in this report, the authors stated that Manitoba has not had a pay equity commissioner for several years. Nevertheless, Bill 228 mandates that employers file their pay audits with the commissioner, and that it is the commissioner's job to make these audits publicly available.<sup>68</sup> Given the bill's reliance on the commissioner, this may be the perfect time for the government to revitalize this role, as well as the pay equity bureau. The commissioner and the bureau could collaborate with private sector employers to facilitate the application of pay equity law, as they did with the public sector when *The Pay Equity Act* first came into force. The commissioner and the bureau could also address pay equity issues in organizations with no male comparators through a proxy

process, similar to what Ontario has, which requires employers to implement pay equity for female-dominated classifications that have been found to be of comparable value to jobs in the public sector that were subject to pay equity adjustments.<sup>69</sup> Beyond the role of the commissioner, Bill 228 must address consequences for employers that meet their reporting obligations, but whose report demonstrates a pay gap among their employees. In other words, Bill 228 does not currently provide enforcement measures to close the pay gap when an employer's audit reveals that a pay gap does exist.

Despite these two concerns, the authors believe that Bill 228 would not only increase pay transparency, but also advance pay equity. The enactment of pay transparency legislation in other jurisdictions suggests the increasing popularity of this belief. In 2018, Ontario enacted the *Pay Transparency Act, 2018*,<sup>70</sup> and in 2022, Newfoundland and Labrador enacted the *Pay Equity and Pay Transparency Act*.<sup>71</sup> On March 7, 2023, the *Pay Transparency Act* was introduced in British Columbia.<sup>72</sup> The Manitoba government must not delay pay transparency — and pay equity — for Manitobans.

# Improving Pay Equity Legislation in Manitoba

DESPITE MANITOBA'S INITIAL leadership in provincial pay equity legislation, the province is now lagging behind other jurisdictions. For example, Ontario and Quebec's provincial pay equity legislation applies to both the private and public sector.<sup>73</sup> These provinces also explicitly recognize that pay inequity is a systemic issue.<sup>74</sup> To close the pay gap, Manitoba will need to take a comprehensive approach, which includes implementing legislation that addresses the barriers that allow pay inequity to persist. This requires an approach that is transparent, accountable, intersectional, and broad in its scope.

In 2018, the Canadian Labour Congress (CLC) released a model for ideal pay equity legislation.<sup>75</sup> While it was intended for federal legislation, this is a useful model for Manitoba's laws. The CLC's model legislation applies to all employers with 10 or more employees in both the public and private sectors.<sup>76</sup> The preamble is much more extensive in the CLC's model than the preamble provided in *The Pay Equity Act* in Manitoba. Manitoba's preamble acknowledges that jobs traditionally dominated by women are undervalued and underpaid, thus necessitating the principle of equal pay for work of equal value.<sup>77</sup> The preamble in the CLC's model also sets out important context including the history of pay equity legislation, the move away from binary understandings of gender, the systemic nature of gender discrimination, the explicit recognition of particular groups that face systemic oppression,

the importance of eliminating pay secrecy, and the encouragement of pay transparency and accountability.<sup>78</sup>

The purpose provided in the CLC's model is also more specific and substantive than the purpose of *The Pay Equity Act* in Manitoba. Manitoba's Act simply establishes the principle of pay equity and seeks to inform "employers, employees and bargaining agents" in Manitoba about this principle and related practices.<sup>79</sup> The purpose provided in the CLC model explicitly aims "to achieve equality by redressing systemic intersectional gender discrimination in compensation for work performed by employees in female jobs classes."<sup>80</sup> The CLC's model also defines systemic intersectional gender discrimination and clarifies the method for identifying it.<sup>81</sup>

Key to the potential effectiveness of the CLC's model is the use of clear, specific, and descriptive language. While *The Pay Equity Act* in Manitoba provides a few brief descriptions of obligations that flow from the statute, the CLC model dedicates an entire section to obligations.<sup>82</sup> These obligations are broken into four subheadings. First, the obligation to achieve and maintain pay equity, which involves the obligation of employers to develop a proactive pay equity plan.<sup>83</sup> Second, the obligation of pay transparency, which provides further clarification of mandated pay equity plans, audits, and reports.<sup>84</sup> Third, the obligations subsection notes that pay equity plans prevail over relevant collective agreements.<sup>85</sup> Fourth, employers, employees, or bargaining agents shall not "intimidate, coerce or penalize, or discriminate against" anyone that seeks to utilize the Act.<sup>86</sup> Finally, this subsection on obligations offers clear definitions of terms used in the legislation and the parties targeted by the model statute.<sup>87</sup>

It is worth noting that while Manitoba uses the term "female-dominated class" to describe classes where 70 per cent or more are women, the CLC model uses the term "female job class" to mean classes where 60 per cent or more are women.<sup>88</sup> The CLC model also explicitly accounts for "employees who identify as female and employees who are Indigenous, who are racialized, and/or who have disabilities" within this definition.<sup>89</sup> The CLC model outlines additional resources and supports, such as the establishment of a Canadian Pay Equity Legal Support Centre and designating pay equity funding to Indigenous organizations.<sup>90</sup> Meanwhile, *The Pay Equity Act* in Manitoba does not reference obligations to Indigenous Peoples and organizations even once, nor does it provide additional resources to ensure the effective application of its legislation.<sup>91</sup>

# Conclusion

PAY DISCRIMINATION AND inequality persist in Manitoba, with women earning on average 71 per cent of what men earn. The data in this report documents the extent of the gap, and this review of legislation provides insights into why Manitoba's pay equity legislation has not yet closed the pay gap. We recommend Manitoba update *The Pay Equity Act* to align with the CLC's 2018 model legislation, and amend Manitoba's *Pay Equity Act* in order to:

1. **Provide further context.** The preamble should provide the context for pay equity laws, including the history of pay equity legislation; the move away from binary understandings of gender; the systemic nature of gender discrimination; the explicit recognition of particular groups that face systemic oppression; the importance of eliminating pay secrecy; and the encouragement of pay transparency and accountability.
2. **Provide a more explicit purpose.** The purpose of the Act should be more specific and substantive. The Act should explicitly aim to achieve substantive equality by redressing systemic intersectional gender discrimination in compensation for work performed by employees in female job classes. The purpose should also define systemic intersectional gender discrimination and clarify the method for achieving it.
3. **Clarify obligations created by the Act.** Obligations created by the Act should be clearly stated. This should include: (1) the obligation

to achieve and maintain pay equity, which involves the obligation of employers to develop a proactive pay equity plan; (2) the obligation of pay transparency; (3) the obligation to have pay equity plans prevail over relevant collective agreements; and (4) the obligation for employers, employees, and bargaining agents to not intimidate, coerce, penalize, or discriminate against anyone that seeks to use the Act. Obligations may be further clarified by providing clear definitions of terms used in the legislation and the parties targeted by the Act.

4. **Further define “female-dominated class.”** Lower the percentage of female employees that make up a “female-dominated class.” The percentage should be changed from 70 per cent to 60 per cent. This class should also be extended to include combined representation of employees who identify as female, gender-diverse, Indigenous, racialized, and/or who have disabilities that equals 60 per cent or more of the members of the job class. Where no comparators exist within an organization, access to a proxy method must be established.<sup>92</sup>
5. **Include Pay Transparency.** While Bill 228 is a commendable step toward closing the pay gap, two concerns must be addressed to realize its full potential:
  - i. **Expand the scope of its application.** At the very least, Bill 228 should be extended to smaller employers by reducing the minimum number of employees in a private sector employer required to complete a pay audit.
  - ii. **Increase enforcement measures.** Bill 228 should include effective enforcement measures such as the revitalization of the pay equity Commissioner and the Pay Equity Bureau as established in *The Pay Equity Act*. If these are not revitalized, Bill 228 needs to consider who will take the place of the commissioner’s obligations established in the Bill. In addition, Bill 228 must establish other enforcement mechanisms including consequences when a pay gap is revealed in an employer’s reported audit.
6. **Establish further resources.** Additional resources should be established in the Act to support the purpose of the legislation. For example, the Act may establish a Pay Equity Legal Support Centre, and it may designate pay equity funding to Indigenous organizations.



7. **Be reflected in the Code.** Finally, Division 13 of *The Employment Standards Code* should be updated to include pay equity and equal pay as measures of discrimination in wage scales.

Overall, this review has demonstrated the importance of the legal framework for pay equity, and that Manitoba's pay equity legislation should:

- Encourage transparency.
- Implement measures of accountability (e.g., by tracking annual progress, in addition to an available complaint process).
- Employ an intersectional approach.
- Explicitly recognize the systemic nature of pay inequity.
- Move away from a binary understanding of gender.
- Apply to both the private sector and public sector.
- Provide clear and specific descriptions of: (1) objectives, (2) obligations to achieve those objectives, and (3) who those obligations apply to.
- Offer protections to anyone that fulfills their obligations under the Act or exercises protections afforded by the Act.

Typically, recommendations for closing the pay gap are presented over the short-term, medium-term, and long-term. However, these changes are all needed immediately. The principle of pay equity has been established in Manitoba since 1986 when *The Pay Equity Act* first came into force. The data has been collected. The research has been done. The answers have been provided. With all of this, why must Manitobans wait any longer for their equality rights to be meaningfully recognized?

Justice Abella, writing for the majority in a 2018 Supreme Court of Canada case in which pay equity was the central focus, provides an apt closing to this report:

“ ... working women are told that they must simply live with the reality that they have not been paid fairly, even where a statutorily mandated audit has made that fact clear. In this way, the scheme, by privileging employers, reinforces one of the key drivers of pay inequity: the power imbalance between employers and female workers. By tolerating employer decision-making that results in unfair pay for women, the legislature sends a message condoning that very power imbalance, further perpetuating disadvantage

... it sends the message to female workers that it is they who must bear the financial burdens of employer reluctance. Any benefits of that approach are outweighed by its harmful impact on the very people whom this pay equity scheme was designed to help.”<sup>93</sup>

## APPENDIX A

# Toolbox of Terminology

**TABLE A1** Toolbox of Terminology

<b>Equality</b>	Equality is a protected right in section 15 of the <i>Canadian Charter of Rights and Freedoms</i> which provides, “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination.” The Supreme Court of Canada has held that the “promotion of equality entails the promotion of a society in which all are secure in the knowledge that they are recognized at law as human beings equally deserving of concern, respect and consideration” ( <i>R. v. Kapp</i> , 2008 2 SCC 41). Provincial human rights codes offer similar protection in areas of provincial jurisdiction. In Canada, equality is interpreted to mean substantive equality.
<b>Substantive Equality</b>	The equality guarantees in the <i>Charter</i> and human rights codes have been interpreted to protect Canadians’ right to substantive equality. Substantive equality “Requires attention to the full context of the claimant group’s situation, to the actual impact of the law on that situation, and to the persistent systemic disadvantages that have operated to limit the opportunities available to that group’s members.” ( <i>Fraser v Canada (Attorney General)</i> , 2020 SCC 28 at para 42). Discrimination, in the context of substantive equality, perpetuates or promotes “the view that the individual is less capable or worthy of recognition or value as a human being or as a member of Canadian society, equally deserving of concern, respect, and consideration.” ( <i>Quebec (A.G.) v. A</i> , 2013 SCC 5 at para 417). When some Canadians have experienced discrimination, they may be disadvantaged relative to other Canadians. Substantive equality requires varying interventions to reach equality, and resources and opportunities should be distributed in a way that accounts for the differing disadvantages that have been experienced by individuals and groups.
<b>Equity</b>	Equity is a word that is sometimes used, for historical reasons, to convey the same meaning as substantive equality. Prior to the Supreme Court’s interpretation of the equality guarantee in the <i>Charter</i> as protecting a right to substantive equality, equality had been interpreted in a narrow way that did not take account of historical discrimination and disadvantage. Canada’s pay equity laws were developing in this historical period and reflect this usage.
<b>Gender</b>	<p>“Gender refers to the socially constructed roles, behaviors, expressions and identities of girls, women, boys, men and gender diverse people ...Gender identity is not confined to a binary (girl/woman, boy/man) nor is it static; it exists along a continuum and can change over time.”<sup>i</sup></p> <p>Gender diversity refers to the wide range of gender expressions and gender identities. Gender expression is the way we present our gender to others (e.g., through our clothing or mannerisms). Gender identity refers to one’s internal sense of their own gender. Examples of gender identity include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Trans: a person whose gender identity differs from the sex they were assigned at birth.</li> <li>• Non-binary: a person whose gender identity does not fall within the binary of “man” or “woman”.</li> <li>• Two-spirit: an Indigenous person who is LGBTQ2+ may identify as two-spirit.</li> <li>• Cisgender (cis): a person whose gender identity aligns with the sex they were assigned at birth.<sup>ii</sup></li> </ul>

**TABLE A1** Toolbox of Terminology (continued)

<b>Sex</b>	“Sex refers to a set of biological attributes ... It is primarily associated with physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. Sex is usually categorized as female or male but there is variation in the biological attributes that comprise sex and how those attributes are expressed.” <sup>iii</sup>
<b>*Note: Discussing Gender &amp; Sex</b>	Although gender and sex are different, they are frequently used interchangeably (it is assumed that someone assigned female at birth will also be a woman, and someone assigned male at birth will also be a man). This happens both informally (e.g., in conversation) and formally (e.g., in legislation). While the authors of this report understand that gender and sex are not synonymous, and that gender is a fluid construct, this paper adopts binary language when the legislation being discussed has also adopted binary language. Fortunately, there are increasing attempts to better recognize gender diversity in legislation.
<b>Pay (Wage) Gap</b>	The pay gap is often used in reference to the gender pay gap, which is the difference in average earnings between men and women.
<b>Equal Pay</b>	Equal pay prohibits an employer from paying different wages to male and female employees who do similar work. “Similar work” is typically determined by comparing the kind/quality of the work, and the amount of work required/done by the employees. If it is discovered that a female and male employee are receiving different wages for similar work, then this would be an instance of discrimination. If an employee, no matter their sex/gender, discovers that they are not receiving equal pay, they may file a complaint. Equal pay mandates are typically established in employment legislation (e.g., Division 13 of Manitoba’s <i>Employment Standards Code</i> ) for the purpose of closing the pay gap.
<b>Pay Equity</b>	While pay equity and equal pay both seek to close the pay gap, pay equity differs in that it considers the value attributed to jobs typically dominated by women (e.g., nurses), and jobs that are typically dominated by men (e.g., electricians). In other words, pay equity recognizes that female-dominated jobs are typically undervalued in our society. As a result, those employed in these professions (whether they are men or women) are more likely to be paid less than employees doing work of equal or comparable value in male-dominated professions. Under Manitoba’s <i>Pay Equity Act</i> , a female-dominated job class is one where there are a minimum of 10 or more employees and where at least 70 per cent of those employees are women. Conversely, a male-dominated job class is one where at least 70 per cent of those employees are men. Within this scheme, the value of a job class is determined by a combination of the skill, effort, responsibility, and work conditions of the job class. This formula allows the value of different job classes to become comparable, which makes instances of pay inequity visible.
<b>Pay Transparency</b>	Pay transparency is the practice of openly sharing salaries/wages in a workplace as a way to close the pay gap. Pay transparency diminishes the pay gap by making instances of pay inequity visible. Having this knowledge empowers employees by providing them with more information in the hiring process and during salary negotiations. There is a growing movement in Canada to legislate pay transparency, particularly as a way to address pay inequity in the private sector (e.g., Manitoba’s recently introduced Bill 228, the <i>Pay Transparency Act</i> ).

i: Canadian Institutes of Health Research. “What is gender? What is sex?” Accessed [March 21, 2023]. <https://cihr-irsc.gc.ca/e/48642.html>.

ii: Canadian Union of Public Employees, “Allies on gender diversity.” (July 3, 2019). [cupe.ca/allies-gender-diversity/](https://cupe.ca/allies-gender-diversity/); Canadian Union of Public Employees National Human Rights Branch. “Bargaining Beyond the Binary: A Negotiating Guide for Trans Inclusion and Gender Diversity.” (July 2022). [cupe.ca/sites/default/files/bargaining\\_trans\\_inclusion\\_gender\\_diversity\\_en.pdf](https://cupe.ca/sites/default/files/bargaining_trans_inclusion_gender_diversity_en.pdf).

iii: Canadian Institutes of Health Research. “What is gender? What is sex?” Accessed [ACCESS DATE: MONTH DAY, YEAR]. <https://cihr-irsc.gc.ca/e/48642.html>.

## APPENDIX B

# Summary of Current Equal Pay and Pay Equity Legislation

**TABLE B1** Summary of Current Equal Pay and Pay Equity Legislation

	<i>The Employment Standards Code (Manitoba)</i>	<i>Pay Equity Act (Manitoba)</i>	<i>Pay Equity Act (Canada)</i>
<b>Who does the legislation apply to?</b>	This <i>Code</i> applies to all employers and employees in Manitoba (unless otherwise stated). <sup>i</sup> This includes both the private and public sector.	The public sector, which means: <ul style="list-style-type: none"> <li>• Civil service.</li> <li>• Crown entities.</li> <li>• External agencies (which includes any health-care facility or post-secondary educational institution listed in the Act).<sup>ii</sup></li> </ul> The Act does not apply to the private sector.	Federally-regulated workplaces (with 10 or more employees), which includes: <ul style="list-style-type: none"> <li>• Federally-regulated private and public sectors.</li> <li>• Parliamentary workplaces.</li> <li>• The prime minister's and ministers' offices.<sup>iii</sup></li> </ul> The following are exempt from the Act's application: <ul style="list-style-type: none"> <li>• The governments of Yukon, the Northwest Territories, and Nunavut.</li> <li>• Indigenous governing bodies that are employers.<sup>iv</sup></li> </ul>
<b>What does the legislation seek to achieve and how does it seek to achieve it?</b>	Division 13 of the <i>Code</i> seeks to achieve equal pay for equal work, although it does not state a path for achieving this. Instead, section 82(1) simply prohibits employers from paying male and female employees different wages if the kind/quality of the work required of them is the same/substantially the same. <sup>v</sup>	The Act seeks to achieve pay equity through negotiations with bargaining agents and employee representatives <sup>vi</sup> An employer will be deemed compliant with the Act if female-dominated job classes receive pay equal to male-dominated job classes performing work of equal/comparable value. <sup>vii</sup> The value of a job class is determined by the skill, effort, responsibility, and work conditions of the job. <sup>viii</sup>	The Act seeks to achieve pay equity by requiring employers to develop a pay equity Plan. <sup>ix</sup> The plan must: <ul style="list-style-type: none"> <li>• Identify job classes in the employer's workplace.<sup>x</sup></li> <li>• Determine which of those job classes is predominantly made up of women or predominantly made up of men.<sup>xi</sup></li> <li>• Determine the value of work for those job classes (which is determined by the skill, efforts, responsibility, and work conditions of the job).<sup>xii</sup></li> <li>• Calculate the compensation for the job classes and then compare the compensation of those jobs of equal/comparable value.<sup>xiii</sup></li> </ul> The employer must increase the compensation of employees occupying positions in the predominantly female job classes if, after establishing the pay equity plan, a difference in compensation is discovered. <sup>xiv</sup>

**TABLE B1** Summary of Current Equal Pay and Pay Equity Legislation (continued)

<b>Who enforces the legislation?</b>	Employment standard officers, which includes the director of employment standards, enforce the <i>Code</i> . <sup>xv</sup>	The Act establishes a Pay Equity Bureau which is supported by the establishment of a pay equity commissioner. <sup>xvi</sup> While the bureau and commissioner are supposed to enforce the Act, no evidence could be found of their current existence in Manitoba.	The Act establishes a pay equity Commissioner, and the pay equity commissioner enforces the Act. <sup>xvii</sup>
<b>What is the process for making a complaint under the legislation?</b>	An employee can file a complaint with an employment standards officer. <sup>xviii</sup>	A complaint may be filed with the Manitoba Labour Board. <sup>xix</sup>	All complaints are to be filed with the Pay Equity Commissioner. <sup>xx</sup>
<b>What are the consequences for violating the legislation?</b>	An order may be issued by an employment standards officer requiring the employer to pay the wages due to the employee, as well as administrative costs. <sup>xxi</sup>	The Act does not establish any consequences for violating the Act.	The consequences for violating the Act are monetary. The maximum penalties are either \$30,000 or \$50,000, depending on the nature of the violation. <sup>xxii</sup>

i *The Employment Standards Code*, CCSM c E110 s 2(1).

ii *The Pay Equity Act* CCSM c P13 s 1, 3(a–b).

iii *The Pay Equity Act* SC 2018 c 27 s 416 s 6–9; Employment and Social Development Canada, “Overview of *The Pay Equity Act*.” (2022). <https://www.canada.ca/en/services/jobs/workplace/human-rights/overview-pay-equity-act.html>.

iv *The Pay Equity Act* SC 2018 c 27 s 416 s 10–11.

v *The Employment Standards Code*, CCSM c E110 s 82(1).

vi *The Pay Equity Act* CCSM c P13 s 8(2-3), 12(2), 13(2).

vii *The Pay Equity Act* CCSM c P13 s 6(2).

viii *The Pay Equity Act* CCSM c P13 s 6(1).

ix *The Pay Equity Act* SC 2018 c 27 s 416 s 12.

x *The Pay Equity Act* SC 2018 c 27 s 416 s 32–34.

xi *The Pay Equity Act* SC 2018 c 27 s 416 s 35–40.

xii *The Pay Equity Act* SC 2018 c 27 s 416 s 41–43.

xiii *The Pay Equity Act* SC 2018 c 27 s 416 s 44–50.

xiv *The Pay Equity Act* SC 2018 c 27 s 416 s 60.

xv *The Employment Standards Code*, CCSM c E110 s 1(1), 100–107.

xvi *The Pay Equity Act* CCSM c P13 s 5(1), s 12(2).

xvii *The Pay Equity Act* SC 2018 c 27 s 416 s 104.

xviii *The Employment Standards Code*, CCSM c E110 s 82(2), 92(1).

xix *The Pay Equity Act* CCSM c P13 s 1, 19(e)(ii–iii).

xx *The Pay Equity Act* SC 2018 c 27 s 416 s 149–153.

xxi *The Employment Standards Code*, CCSM c E110 s 82(2), 92, 96(1).

xxii *The Pay Equity Act* SC 2018 c 27 s 416 s 125–132.

## APPENDIX C

# Comparing Provincial Legislation

IT IS BEYOND the scope of this report to provide a detailed legislative review of every province's pay equity scheme. Nevertheless, it is helpful to understand where Manitoba stands in comparison to the rest of the country. Below is a brief comparison of how Manitoba's pay equity legislation compares with pay equity legislation in other Canadian provinces. Not all provinces are listed, because not all provinces have such legislation.

- **Ontario.** Ontario enacted a *Pay Equity Act* in 1987, which provides for a broader application than Manitoba's.<sup>94</sup> Ontario's Act applies to all employers except for private sector employers that have fewer than 10 employees.<sup>95</sup> Ontario's legislation also provides a more active purpose than Manitoba's, as its aim is to "redress systemic gender discrimination in compensation."<sup>96</sup>
- **Prince Edward Island.** Prince Edward Island enacted their *Pay Equity Act* in 1988.<sup>97</sup> This provincial legislation is similar to Manitoba in that it only applies to the public sector.<sup>98</sup> Prince Edward Island's pay equity law is more similar to Ontario's in its purpose, though, as it expressly seeks to redress systemic gender discrimination.<sup>99</sup>

- **New Brunswick.** While New Brunswick introduced a *Pay Equity Act* in 1989, this was repealed and replaced with a new *Pay Equity Act* in 2010.<sup>100</sup> The new statute applies to all those employed in the public sector, with a few exceptions.<sup>101</sup> Its purpose is simply to implement pay equity in the applicable employment areas.<sup>102</sup>
- **Newfoundland and Labrador.** Newfoundland and Labrador passed the *Pay Equity and Pay Transparency Act* in 2022.<sup>103</sup> This Act is not yet in force.
- **Nova Scotia.** Nova Scotia also enacted a *Pay Equity Act* in 1989, which applies to the public sector.<sup>104</sup> The purpose of Nova Scotia's pay equity law is to ensure that employees in female-dominated classes have their pay increased if they are paid less because of sex discrimination.<sup>105</sup> This purpose is more explicit than Manitoba's, but it does not address the systemic nature of pay inequity, as recognized in Ontario or Prince Edward Island's Act.
- **Quebec.** Quebec enacted their *Pay Equity Act* in 1996, and just like Ontario, it applies to the private sector as well as the public sector.<sup>106</sup> Similar to Ontario and Prince Edward Island, Quebec's statute recognizes in its purpose that pay inequity is a systemic issue, which the legislation seeks to redress.<sup>107</sup>



## APPENDIX D

# Brief Timeline of Pay Equity Legislation (Federal; Manitoba)

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### Federal:

- 1956: *Female Employees Equal Pay Act*
- 1977: *Canadian Human Rights Act*
- 1978: *Equal Wages Guidelines*
- 1985: *Canadian Charter of Rights and Freedoms (section 15)*
- 2021: *Pay Equity Act*

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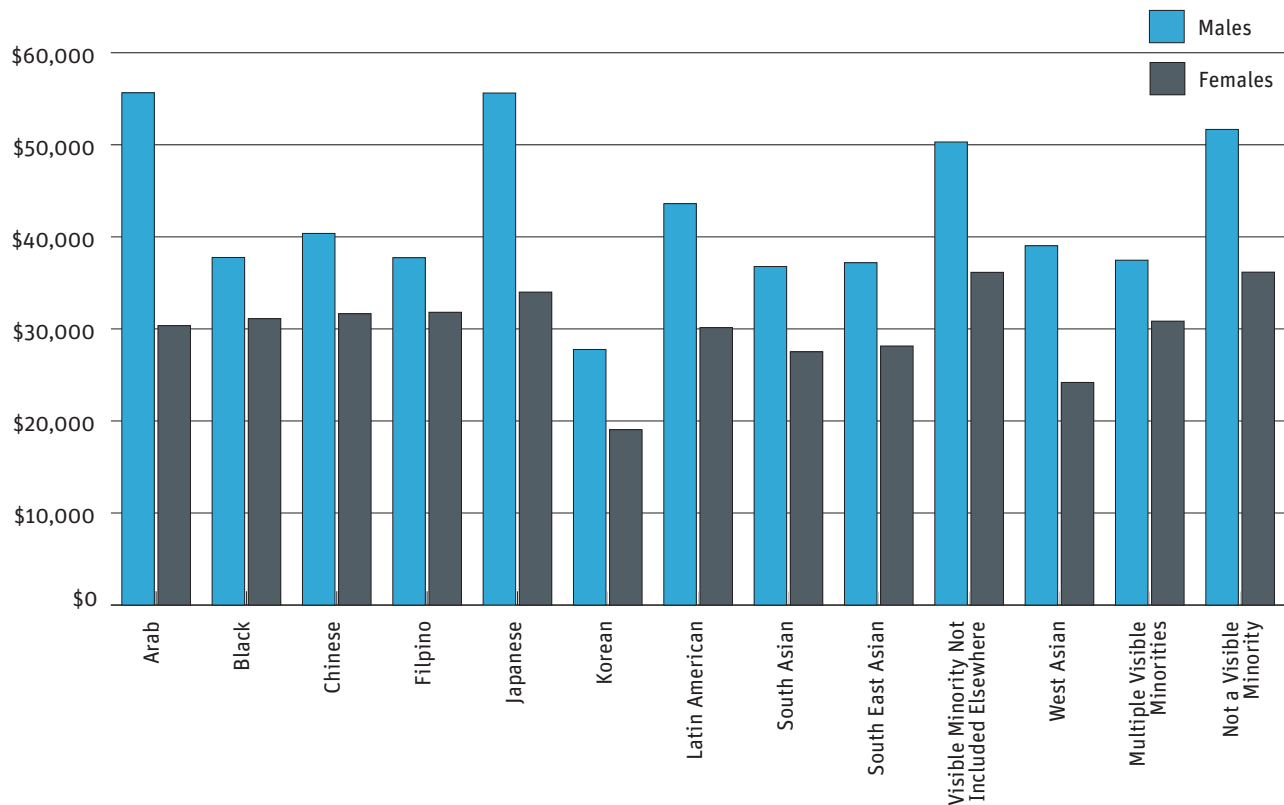
### Manitoba:

- 1956: *Equal Pay Act*
- 1986: *The Pay Equity Act*
- 1987: *The Employment Standards Act; The Human Rights Code*
- 1996: *Public Sector Compensation Disclosure Act*
- 1998: *The Employment Standards Code*
- 2023: *The Pay Transparency Act (Bill 228)* — proposed but died on Order Papers.

## APPENDIX E

# Pay Gap Disaggregated by Visible Minority Status in Manitoba

**FIGURE 9** Average Employment Earnings



**Source:** Statistics Canada. "Tables 98-400-X2016210: Visible minority (15), income statistics (17), generation status (4), age (10) and sex (3) for the population aged 15 years and over in private households of Canada, provinces and territories, census metropolitan areas and census agglomerations, 2016 census - 25% sample data." (October 26, 2017). <https://www150.statcan.gc.ca/n1/en/catalogue/98-400-X2016210>

**Statistics Canada Data Note 1:** The *Employment Equity Act* defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour."

**Statistics Canada Data Note 2:** Includes persons who reported 'Yes' to the Aboriginal group question (Question 18), as well as persons who were not considered to be members of a visible minority group.

## Appendix F

# The Gender Pay Gap in Canada: A Literature Review

THERE IS AN extensive literature on the gender pay gap, particularly since the 1980s. While most researchers agree there is indeed a gap in pay between men and women, there is significant disagreement on how it should be measured, its causes, and steps required to remedy the gap. Much of the mainstream literature emphasizes that the gap decreases greatly when controlling for other variables that affect income, such as education and number of work hours. However, feminist scholars have put gender back at the centre of their analysis, demonstrating how these variables themselves are over-determined by gendered discrimination. This literature review will survey the existing literature on the gender pay gap with particular attention to scholarship in the Canadian context.

Much of the mainstream analysis of the gendered pay gap draws on human capital theory developed by the neoclassical economist Gary Becker in the 1960s. Becker states that human capital — the total productive skills held by an individual — determines one's economic value and, consequently, one's earnings in the labour market.<sup>108</sup> Those who expect to spend more time in

the labour market are incentivized to invest more heavily in their human capital.<sup>109</sup> Jade Mincer and Solomon Polachek state that investment decisions are generally made within the context of the family economic unit rather than as an individual family member.<sup>110</sup> Since women have typically been responsible for a relatively greater share of domestic labour and child rearing, they expect to spend less time in the labour market and therefore have less incentive to invest in their human capital relative to their husbands.<sup>111</sup> Becker also argues that men and women have differing comparative advantages in types of labour, with women being predisposed to non-market production.<sup>112</sup> Following this logic, it is therefore economically rational for women to invest less in skills that would be valued in the labour market.

Many modern interpretations of the gender pay gap draw, directly or indirectly, on Becker's human capital model, pointing to women's lower accumulation of human capital as the main source of wage disparity. Mainstream research on the gender pay gap generally relies on multiple regression analysis, where the dependent variable is some measure of wage or salary and the explanatory variables represent some measures of human capital or other factors assumed to impact salary. Analyses following this approach include Francine D. Blau and Lawrence M. Kahn, who found that in the United States the female-male ratio of average hourly earnings rose from 79.7 per cent to 91 per cent when controlling for education, labour market experience, industry, occupation, and union status.<sup>113</sup> Similar results can be found in Per-Anders Edin and Katarina Richardson's study on Sweden,<sup>114</sup> and Nabanita Datta Gupta et al.'s study on Denmark,<sup>115</sup> with the gap diminishing when controlling for productivity-related variables. In the Canadian context, Carole Vincent found that nearly a third of the gap disappears when controlling for differences in productive characteristics.<sup>116</sup> In all of these studies, the gap is viewed to be composed of two components: the portion that can be explained by differences in productive factors, and the remaining "unexplained" portion, which is typically interpreted as gendered discrimination.<sup>117</sup> This method "explains away" a portion of the pay gap, thus reducing the portion of the gap potentially due to discrimination.

Beyond typical human capital characteristics such as education and experience, researchers have also pointed to "soft factors" as a source of the unexplained wage gap.<sup>118</sup> These soft factors are non-cognitive traits that shape labour market outcomes, such as bargaining skills or competitiveness. For example, Linda Babcock and Sara Laschever argue that women are less confident in the workplace and less likely to negotiate for higher pay.<sup>119</sup> Muriel Niederle and Lise Vesterlund make the case that women are averse

to competition, and are thus underrepresented in high-ranking competitive positions.<sup>120</sup> Similarly, Uri Gneezy, Niederle, and Also Rustichini argue that women are “less effective than men in competitive environments,” particularly in environments where they must compete against men.<sup>121</sup> Women are also said to be more risk-averse, meaning they avoid high-reward, winner-takes-all work environments.<sup>122</sup>

In almost all studies, after productivity-related variables are controlled for, a portion of the pay gap still remains. This remainder is generally understood to be the result differences in the labour market treatment of men and women — discrimination.<sup>123</sup> Becker suggests that discrimination is caused by the discriminatory “taste” of individuals, who prefer to pay more to distance themselves from members of certain groups. Becker postulated that the competitive market would naturally eliminate such discrimination as less discriminatory firms hired more relatively cheaper female labour, thus driving the discriminatory firms out of the market.<sup>124</sup>

Recently, much investigation has focused on the narrowing of the gap over the last few decades in Canada and elsewhere.<sup>125</sup> These studies largely present findings that are consistent with human capital theory, with the wage gap narrowing as women attain greater work experience, education, and other productivity-related factors. In Canada, Racehllle Pelletier et al. show that over half of the narrowing was attributable to gendered characteristics, most importantly, increases in women’s education and changes in occupational distribution.<sup>126</sup> Similar results have been showed in the United States, with improvements in work experience being an important factor in explaining the increase in women’s relative wages through the 1980s,<sup>127</sup> while increases in women’s relative experience and education both contributed to female wage gains in the 1990s.<sup>128</sup> However, Mary Cornish’s study shows that in Ontario, the gender pay gap still exists across all industries, occupations, and education levels, and grows with each income decile, implying that improved human capital endowments have not successfully closed the gap.<sup>129</sup>

Most of these studies measure the gap in hourly wages, as many consider this to be a better measure than annual earnings.<sup>130</sup> Michael Baker and Marie Drolet advocate for this approach since it reflects the price of labour alone and not the combination of the price and the “decisions of how much to work.”<sup>131</sup> Furthermore, comparisons based on wage are easier in the Canadian context due to the data provided by the Labour Force Survey.<sup>132</sup> When measured by hourly wage rather than earnings, the gender pay gap is typically smaller.<sup>133</sup> This reduction reflects women’s higher representation in part-time work, which is captured by annual earnings but is lost in hourly

comparisons. According to Baker and Drolet, this makes wage comparisons a less biased metric.<sup>134</sup>

Other researchers are opposed to the use of hourly wages, asserting that it actually underestimates the full extent of the pay gap. Hilary M. Lips points out that many workers are salaried, meaning that their earnings are not necessarily dependent on the number of hours worked.<sup>135</sup> Gillian Whitehouse suggests that hours may fluctuate from week to week, with many workers putting in unpaid overtime, which may lead to an overestimation of the hourly wage rate.<sup>136</sup> Furthermore, Lips suggests that women may be more likely to underreport their hours worked, whereas men may be more likely to over-report, thus reducing the apparent size of the gap.<sup>137</sup> Studies that focus on hourly wage also miss out on other compensatory benefits such as health-care plans, pensions, employer-issued devices, bonuses, and stock options.<sup>138</sup> Lips argues that since women have lower unionization rates than men, they are less likely to benefit from these other forms of compensation and more likely to work unpaid or underpaid overtime. Therefore, using the hourly indicator to measure the pay gap likely makes it smaller than it should be. Melissa Moyser argues that annual earnings reflect a person's "purchasing power and material well-being" in a way that hourly wage does not.<sup>139</sup>

Pay disparities exist both within occupations and between occupations, with women-dominated fields generally being lower paid. Within occupations, the gap is usually attributed to human capital differences, such as women's purported relative lack of energy available for market labour due to greater responsibility for child care and household labour.<sup>140</sup> Unequal division of unpaid household labour results in women gaining less work experience over the course of their careers, which is reflected in the data as the gender pay gap increases with age.<sup>141</sup> Claudia Goldin suggests that the problem is exacerbated by women taking time off at crucial times in their career, when long hours and continuity are disproportionately rewarded.<sup>142</sup> This phenomenon was particularly apparent among those in law and business professions.<sup>143</sup> In recent years, the literature has highlighted pay equity within the pharmaceutical profession, as it tends to produce earnings that are linear to hours worked, thus resulting in more equitable outcomes.<sup>144</sup>

The human capital-focussed literature also pays considerable attention to the so-called motherhood penalty, or the decreases in expected earnings due to having children.<sup>145</sup> Jane Waldfogel finds that the motherhood penalty remains even when controlling for labour market experience and part-time work.<sup>146</sup> Many of the explanations for pay disparities within occupations are

employed to explain the gap between occupations as well. These theories assume that because women take on a greater burden of domestic labour, women prefer occupations that have more flexible hours and are more amenable to interruptions in work.<sup>147</sup> These occupations are more likely to be low paying. Studies also suggest cisgender heterosexual women who achieve higher paid work that goes against gender stereotypes may face negative consequences with respect to romantic relationships. This incentivizes gender-typical occupational choices, particularly given that marriage or common-law relationships may increase one's economic security.<sup>148</sup>

In an alternative to most mainstream literature, which focuses on supply-side explanations for pay gap between occupations, Barbara Bergmann's "crowding" model uses employer demand to explain the connection between the discriminatory wage gap and occupational segregation.<sup>149</sup> Bergmann asserts that members of a group are crowded into certain occupations and kept out of others, creating a surplus of labour in the occupation and pushing down the wage.<sup>150</sup> Much of the feminist literature on the gender pay gap focuses on occupational segregation and the ways that gender norms and patriarchy shape non-labour market variables that influence disparities in earnings.<sup>151</sup> These authors critique the neoclassical assertion that occupational segregation results from women's preference for flexible hours and career interruptions.

Richard Anker argues that feminists contribute to our understanding of occupational segregation by linking gender stereotypes to gendered outcomes in occupational segregation.<sup>152</sup> Anker lays out the stereotypical characteristics of women and ties them to the occupations in which women are disproportionately represented.<sup>153</sup> Lips also leverages a comprehensive critique of neoclassical supply-side explanations of the gender pay gap. She points out that even within women-dominated occupations, men are paid more than women. Lips suggests that women may not choose lower-paying occupations, but rather "occupations are poorly paid because they are filled by women."<sup>154</sup> Furthermore, Anker points out that women have been increasingly committed to maintaining continuous employment and steadily reducing the number of hours dedicated to housework due to a decrease in the average number of children and improvements in household technologies.<sup>155</sup> Responding to the idea that gender wage gap decreases as women increase their level of education, Lips points to studies showing women are paid less than men at every level of education, with the gap increasing with higher educational attainment.<sup>156</sup> Lips also considers the gender norms that influence women's educational investments.

From a political economy perspective, the gender pay gap can be seen as stemming from women’s disproportionate responsibility for social reproduction. Social reproduction refers to “the activities and attitudes, behaviours and emotions, responsibilities and relationships directly involved in the maintenance of life on a daily basis, and intergenerationally.”<sup>157</sup> Historically, women have been primarily engaged in the socially necessary labour of regenerating workers’ capacity to labour. Meg Luxton argues that, although labour that produces the means of subsistence is often performed for free, it is indispensable to the capitalist system.<sup>158</sup> Nancy Fraser argues that the neoliberal era has seen a decrease in social welfare stemming from both the state and the market, as the welfare state is rolled back and decreases in unionization rates drive down wages and worsen working conditions.<sup>159</sup> At the same time, women are being pulled into the “productive” labour force. This causes what Fraser refers to as a “crisis of care,” where both men and women are having to work longer hours to support their family and are increasingly outsourcing social reproductive activities to other workers. These workers are often migrants from poorer countries, who must also find a way to replace the reproductive labour in their own family, thus creating a chain reaction where the “care gap” is displaced from the rich to the poor.<sup>160</sup> These analysts develop an intersectional analysis of the gender pay gap by analyzing reproductive labour through the lenses of gender, race, and class while also relating it to Marxist models of production and capital accumulation. They explore questions regarding capitalism’s ability to function without gender inequality, and the extent to which this inequality is maintained by gendered engagement with productive and reproductive labour.<sup>161</sup> Following in the Marxist-Feminist tradition, Maria Karamessini and Elias Ioakimoglou propose an analytical framework to serve as an alternative to the Oaxaca-Blinder decomposition that is used in mainstream gender pay gap analyses, emphasizing the social component of the wage gap, in addition to individual level factors.<sup>162</sup>

Finally, a considerable body of work exists in relation to the welfare state and the gender pay gap in Canada and abroad.<sup>163</sup> This literature considers the ways that the specific characteristics of a country’s welfare state influence the gender pay gap. Particularly, Patricia Evans considers how the welfare state, or the retrenchment thereof, impacts women’s unpaid labour.<sup>164</sup> Much has also been written on the impact of pay equity laws in Canada, particularly since the mid-1980s when five provinces — including Manitoba — introduced pay equity legislation.<sup>165</sup> Results of this legislation have been mixed, with some policies, such as pay disclosure laws, effectively reducing the pay



gap<sup>166</sup> while others, such as those tied to collective bargaining, are more problematic.<sup>167</sup> Differences in legislation have played a role in generating differences in the magnitude of the gap across provinces.<sup>168</sup> In addition to conventional pay equity laws, there was also an increased interest in the idea of “equal pay for work of equal value” or “comparable worth,” the aim of which is to specifically target wage discrimination in women-dominated occupations.<sup>169</sup> Reinforcing the importance of policy, the lower gender wage gap in the public sector has been explained by pay equity legislation, more generous parental leave, and higher unionization rates.”<sup>170</sup>

This review has surveyed some of the large body of literature on the gender pay gap produced over the past four decades. It has highlighted two main approaches. The first, which is rooted directly or indirectly in human capital theory, focuses on how some of the pay gap between men and women can be explained by factors other than gender differences, such as educational attainment, work hours, or “soft” factors, such as assertiveness. This approach frequently employs quantitative methodologies such as regression analysis. Its conclusions tend to have the overall effect of diminishing the proportion of the pay gap due to gender discrimination. In contrast with the mainstream human capital theory school, a variety of more critical approaches have emerged. Feminist scholars have emphasized focuses on occupational segregation and the ways that gender norms and patriarchy shape non-labour market variables that influence disparities in earnings. Marxist feminists have made valuable contributions to the debates by incorporating social reproduction theory, which highlights how the role of non-wage, non-market labour in producing workers and regenerating their capacity to labour. Given the importance of the public policy environment, a subset of the literature considers the ways that Canada’s welfare state, and the existence of pay equity laws, influence the gender pay gap.

# References

- Abella, Rosalie Silberman. "Employment Equity," *Manitoba Law Journal*, 16:3 (1987).
- Agarwal, Naresh C. "Male-Female Pay Inequity and Public Policy in Canada and the U.S.," *Relations Industrielles / Industrial Relations*, (Québec, Québec) 37, no. 4 (1982): 780–804.
- Alook, Angela, Sheila Block, and Grace-Edward Galabuzi, "A Disproportionate Burden: COVID-19 labour market impact on Indigenous and racialized workers in Canada," Canadian Centre for Policy Alternatives (2021). <https://policyalternatives.ca/publications/reports/disproportionate-burden>
- Anker, Richard. "Theories of Occupational Segregation by Sex: An Overview," *International Labour Review* 136, no. 3 (1997): 315–339.
- Aranda, Beatriz and Peter Glick, "Signaling devotion to work over family undermines the motherhood penalty," *Group Processes and Intergroup Relations* 17:1 (2014).
- Babcock, Linda, and Sara Laschever. *Women Don't Ask: Negotiation and the Gender Divide*. Princeton, N.J: Princeton University Press (2003).
- Badgett, Lee M. V., and Nancy Folbre. "Job Gendering: Occupational Choice and the Marriage Market." *Industrial Relations* (Berkeley) 42, no. 2 (2003): 270–298
- Baker, Michael, and Marie Drolet. "A New View of the Male/Female Pay Gap," *Canadian Public Policy* 36, no. 4 (2010): 429–464.
- Baker, Michael, Yosh Halberstam, Kory Kroft, Alexandre Mas and Derek Messacar. "Pay Transparency and the Gender Gap," Statistics Canada (2019).
- Becker, Gary Stanley. *Human Capital: a Theoretical and Empirical Analysis, with Special Reference to Education*. New York: Columbia University Press (1964).
- Becker, Gary S. *The Economics of Discrimination*. Chicago: University of Chicago Press (1971).
- Becker, Gary S. "Human Capital, Effort, and the Sexual Division of Labor," *Journal of labor economics* 3, no. 1 (1985): S33–S58.
- Bergmann, Barbara. "Occupational Segregation, Wages and Profits When Employers Discriminate by Race or Sex," *Eastern Economic Journal* 1, no. 2 (1974): 103–110.

- Bertrand, Marianne, Emir Kamenica, and Jessica Pan. "Gender Identity and Relative Income within Households," *The Quarterly Journal of Economics* 130, no. 2 (2015): 571–614.
- Bezanson, Kate, and Meg Luxton. *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism*. Montréal: McGill-Queen's University Press, 2014.
- Bhattacharya, Tithi, and Lise Vogel. *Social Reproduction Theory : Remapping Class, Recentering Oppression*. Edited by Tithi Bhattacharya. London: Pluto Press, 2017.
- Blau, Francine D., and Lawrence M. Kahn. "The Gender Wage Gap: Extent, Trends, and Explanations." *Journal of economic literature* 55, no. 3 (2017): 789–865.
- Blau, Francine D., and Lawrence M. Kahn. "Swimming Upstream: Trends in the Gender Wage Differential in the 1980s," *Journal of Labor Economics* 15, no. 1 (1997): 1–42.
- Blau, Francine D., and Lawrence M. Kahn. "The Gender Pay Gap: Have Women Gone as Far as They Can?" *Academy of Management Perspectives* 21, no. 1 (2007): 7–23.
- Blau, Francine D., and Lawrence M. Kahn. "The U.S. Gender Pay Gap in the 1990s: Slowing Convergence," *Industrial & labor relations review* 60, no. 1 (2006): 45–66.
- Bukhari, Nadia, Mehr Manzoor, Huma Rasheed, Bismah Nayyer, Madeeha Malik, and Zaheer-Ud-Din Babar. "A Step Towards Gender Equity to Strengthen the Pharmaceutical Workforce During COVID-19," *Journal of Pharmaceutical Policy and Practice* 13, no. 1 (2020): 15–15.
- Canadian Human Rights Commission. "Equal Dollars Make Good Sense : a Booklet for Employers on Equal Pay for Work of Equal Value." Ottawa (1991).
- Canadian Human Rights Commission. "Time for action : special report to Parliament on pay equity." Ottawa (2001). [publications.gc.ca/collections/collection\\_2013/ccdp-chrc/HR21-54-2001-eng.pdf](https://publications.gc.ca/collections/collection_2013/ccdp-chrc/HR21-54-2001-eng.pdf).
- Canadian Institutes of Health Research. "What is gender? What is sex?" Accessed [ACCESS DATE: MONTH DAY, YEAR]. <https://cihr-irsc.gc.ca/e/48642.html>.
- Canadian Labour Congress. "A New Proactive Federal Pay Equity Act: Model Legislation," Unpublished (2018).
- Canadian Union of Public Employees. "Allies on gender diversity." (July 3, 2019). [cupe.ca/allies-gender-diversity](https://cupe.ca/allies-gender-diversity).
- Canadian Union of Public Employees, "Pay Equity: Brief to the Government of Manitoba," House of Commons. December 11, 2012. <https://www.ourcommons.ca/Content/Committee/421/ESPE/Brief/BR8201392/br-external/CanadianUnionOfPublicEmployees-e.pdf>
- Canadian Union of Public Employees National Human Rights Branch. "Bargaining Beyond the Binary: A Negotiating Guide for Trans Inclusion and Gender Diversity." (July 2022). [cupe.ca/sites/default/files/bargaining\\_trans\\_inclusion\\_gender\\_diversity\\_en.pdf](https://cupe.ca/sites/default/files/bargaining_trans_inclusion_gender_diversity_en.pdf)
- Carvajal, Manuel J, Ioana Popovici, and Patrick C Hardigan. "Gender and Age Variations in Pharmacists' Job Satisfaction in the United States," *Pharmacy* 7, no. 2 (2019): 46.
- Cornish, Mary. "Every Step You Take: Ontario's Gender Pay Gap Ladder," Canadian Centre for Policy Alternatives (2016).
- Correll, Shelley and Stephen Benard. "Getting a job: Is there a motherhood penalty?" *American Journal of Sociology* 112:5 (2007).
- Drolet, Marie. "Why Has the Gender Wage Gap Narrowed?" *Perspectives on Labour and Income* 11, no. 12 (2010): 3–13.

- Edin, Per-Anders, and Katarina Richardson. "Swimming with the Tide: Solidary Wage Policy and the Gender Earnings Gap," *The Scandinavian journal of economics* 104, no. 1 (2002): 49–67.
- Ellis-Grunfeld, Roberta. "Pay Equity in Manitoba," *Manitoba Law Journal* 16:3 (1986).
- Employment and Social Development Canada. "Overview of the Pay Equity Act." (2022). <https://www.canada.ca/en/services/jobs/workplace/human-rights/overview-pay-equity-act.html>.
- England, Paula, Jonathan Bearak, Michelle J Budig, and Melissa J Hodges. "Do Highly Paid, Highly Skilled Women Experience the Largest Motherhood Penalty?" *American Sociological Review* 81, no. 6 (2016): 1161–1189.
- Evans, Patricia, and Gerda Wekerle, eds. *Women and the Canadian Welfare State: Challenges and Change*. Toronto: University of Toronto Press (1997).
- Nicole Fortin. "Greed, altruism, and the gender wage gap," Working paper, University of British Columbia (2005).
- Fraser, Danielle, "Twenty Years Later: Has the Charter Made a Difference to Manitoba Women?" Manitoba: Manitoba Association of Women and the Law Inc., (2006).
- Fraser, Nancy. "Crisis of Care? On the Social-Reproductive Contradictions of Contemporary Capitalism." In *Social Reproduction Theory: Remapping Class, Recentering Oppression*. Edited by Tithi Bhattacharya. London: Pluto Press (2017).
- Fuller, Sylvia. "Segregation Across Workplaces and the Motherhood Wage Gap: Why Do Mothers Work in Low-Wage Establishments?" *Social Forces* 96, no. 4 (2018): 1443–1476.
- Gneezy, Uri, Muriel Niederle, and Aldo Rustichini. "Performance in Competitive Environments: Gender Differences," *The Quarterly Journal of Economics* 118, no. 3 (2003): 1049–1074.
- Goldin, Claudia, and Lawrence F. Katz. "A Most Egalitarian Profession: Pharmacy and the Evolution of a Family-Friendly Occupation," *Journal of Labor Economics* 34, no. 3 (2016): 705–746.
- Goldin, Claudia. "A Grand Gender Convergence: Its Last Chapter," *The American Economic Review* 104, no. 4 (2014): 1091–1119.
- Government of Canada. "Pay Equity: A New Approach to a Fundamental Right," (2004). [publications.gc.ca/collections/Collection/J2-191-2003E.pdf](https://publications.gc.ca/collections/Collection/J2-191-2003E.pdf).
- Gupta, Nabanita Datta, Ronald L. Oaxaca, and Nina Smith. "Swimming Upstream, Floating Downstream: Comparing Women's Relative Wage Progress in the United States and Denmark," *Industrial & Labor Relations Review* 59, no. 2 (2006): 243–266.
- Henrekson, Magnus, and Mikael Stenkula. "Why Are There So Few Female Top Executives in Egalitarian Welfare States?" *The Independent Review* 14, no. 2 (2009): 239–270.
- Hertwig, Kim. "Pay Equity Legislation in Canada: a Study of the Public Service Alliance of Canada Case," *Canadian Woman Studies* 19, no. 1/2 (1999): 186.
- Innovation, Science and Economic Development Canada. "Key Small Business Statistics 2021," (2021). [ic.gc.ca/eic/site/061.nsf/vwapj/KSBS\\_2021.pdf/\\$FILE/KSBS\\_2021.pdf](https://ic.gc.ca/eic/site/061.nsf/vwapj/KSBS_2021.pdf/$FILE/KSBS_2021.pdf).
- Jarrell, Stephen B., and T. D. Stanley. "Declining Bias and Gender Wage Discrimination? A Meta-Regression Analysis," *The Journal of Human Resources* 39, no. 3 (2004): 828–838.
- Kahn, Joan R., Javier García-Mangano, and Suzanne M. Bianchi. "The Motherhood Penalty at Midlife: Long-Term Effects of Children on Women's Careers," *Journal of Marriage and Family* 76, no. 1 (2014): 56–72.

- Karamessini, Maria, and Elias Ioakimoglou. "Wage Determination and the Gender Pay Gap: A Feminist Political Economy Analysis and Decomposition," *Feminist economics* 13, no. 1 (2007): 31–66.
- Kovach, Kenneth A. "Comparable Worth: The Canadian Legislation," *Business Horizons* 39, no. 1 (1996): 41–46.
- Kruth, Sydney. "A Case for Canadian Pay Equity Reform." *The University of Western Ontario journal of legal studies* 5, no. 2 (2015).
- Laslett, Barbara and Johanna Brenner. "Gender and Social Reproduction: Historical Perspectives," *Annual Review of Sociology* 15 (1989): 381–404.
- Lee Badgett, M. V., and Nancy Folbre. "Job Gendering: Occupational Choice and the Marriage Market," *Industrial Relations* 42, no. 2 (2003): 270–298.
- Lips, Hilary M. "The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models," *Sex Roles* 68, no. 3–4 (2013). 169–185.
- Lips, Hilary, and Katie Lawson. "Work Values, Gender, and Expectations About Work Commitment and Pay: Laying the Groundwork for the 'Motherhood Penalty'?" *Sex Roles* 61, no. 9–10 (2009): 667–676.
- Luxton, Meg. "Feminist Political Economy in Canada and the Politics of Social Reproduction," In *Social Reproduction : Feminist Political Economy Challenges in Neo-Liberalism*. Edited by Kate Bezanson and Meg Luxton. Montréal: McGill-Queen's University Press (2014).
- Mandel, Hadas, and Michael Shalev. "How Welfare States Shape the Gender Pay Gap: A Theoretical and Comparative Analysis," *Social Forces* 87, no. 4 (2009): 1873–1911.
- Marcotte, Marilee. "Equal Pay for Work of Equal Value," Queen's University Industrial Relations Centre (1987). [https://irc.queensu.ca/wp-content/uploads/articles/articles\\_RE-marcotte-equal-pay-for-work-of-equal-value.pdf](https://irc.queensu.ca/wp-content/uploads/articles/articles_RE-marcotte-equal-pay-for-work-of-equal-value.pdf).
- McClintock, Elizabeth Aura. "Occupational Sex Composition and Marriage: The Romantic Cost of Gender-Atypical Jobs," *Journal of Marriage and Family* 82, no. 3 (2020): 911–33.
- McInturff, Kate, and Paul Tulloch, "Narrowing the Gap: The Difference That Public Sector Wages Make," Canadian Centre for Policy Alternatives (2014). [policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2014/10/Narrowing\\_the\\_Gap.pdf](http://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2014/10/Narrowing_the_Gap.pdf).
- Mincer, Jacob, and Solomon Polachek. "Family Investments in Human Capital: Earnings of Women," *The Journal of Political Economy* 82, no. 2 (1974): S76–S108.
- Mojtehdzadeh, Sara. "'Timid' pay transparency legislation misses the mark, critics say," *Toronto Star*, March 6, 2018. [thestar.com/news/gta/2018/03/06/timid-pay-transparency-legislation-misses-the-mark-critics-say.html](http://thestar.com/news/gta/2018/03/06/timid-pay-transparency-legislation-misses-the-mark-critics-say.html).
- Morissette, René, Garnett Picot, and Yuqian Lu. "The Evolution of Canadian Wages over the Last Three Decades," Statistics Canada (2013).
- Moyser, Melissa. "Measuring and Analyzing the Gender Pay Gap: a Conceptual and Methodological Overview," Statistics Canada (2019).
- Moyser, Melissa. "Women and Paid Work," Statistics Canada (2017). <https://www150.statcan.gc.ca/n1/pub/89-503-x/2015001/article/14694-eng.htm>
- Mueller, Richard E. "Gender pay gap in the public sector: Evidence from the Canadian Labour Force Survey," *Labour* 36:1 (2022). 29–70.

- Niederle, Muriel, and Lise Veserlund. “Do Women Shy Away From Competition? Do Men Compete Too Much?” *The Quarterly Journal of Economics* 122, no. 3 (2007): 1067–1101.
- O’Neill, June, and Solomon Polachek. “Why the Gender Gap in Wages Narrowed in the 1980s,” *Journal of Labor Economics* 11, no. 1 (1993): 205–228.
- Olsehovski, V. “Understanding Pay Equity,” *Manitoba Law Journal*, 16:3 (1987).
- Pelletier, Rachelle, Martha Patterson and Melissa Moyser. “The Gender Wage Gap in Canada: 1998 to 2018,” Ottawa: Statistics Canada (2019).
- Province of Manitoba, The Employment Standards Code. Accessed March 24, 2023. <https://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php>
- Province of Manitoba. Pay Equity Act. Accessed March 24, 2023. <https://web2.gov.mb.ca/laws/statutes/ccsm/po13e.php>
- Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux*, 2018 SCC 17 [2018] 1 SCR 464 at paras 38, 56.
- Qian and Fuller, “COVID-19 and the Gender Employment Gap among Parents of Young Children.” In *Canadian Public Policy* August 2020
- Rubery, Jill. “Pay, Gender and the Social Dimension to Europe,” *British Journal of Industrial Relations* 30, no. 4 (1992): 605–621.
- Schirle, Tammy. “The Gender Wage Gap in the Canadian Provinces, 1997–2014,” *Canadian Public Policy* 41, no. 4 (2015): 309–319.
- Statistics Canada. “Canada is the first country to provide census data on transgender and non-binary people.” (2022). [www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P](http://www150.statcan.gc.ca/n1/en/daily-quotidien/220427/dq220427b-eng.pdf?st=gIRW7D9P).
- Statistics Canada. “Characteristics and median employment income of postsecondary graduates two years after graduation, by educational qualification and field of study (alternative primary groupings).” (2021). [www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710012201](http://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710012201).
- Statistics Canada. “The Daily: Labour Force Survey, July 2020,” August 7, 2020. <https://www150.statcan.gc.ca/n1/daily-quotidien/200807/dq200807a-eng.htm>.
- Status of Women Canada. “2007 Recipients,” last modified 27 April 2015. [cfc-swc.gc.ca/com-memoration/gg/ recip-laure/2007-en.html?wbdisable=true](http://cfc-swc.gc.ca/com-memoration/gg/ recip-laure/2007-en.html?wbdisable=true).
- The Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (first reading March 10, 2023).
- Thompson, Emily, Rojemiahd Edjoc, Nicole Atchessi, Megan Striha, Imran Gabrani-Juma1, Thomas Dawson. “COVID-19: A case for the collection of race data in Canada and abroad,” The Public Health Agency of Canada (2021). [www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf](http://www.canada.ca/content/dam/phac-aspc/documents/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2021-47/issue-7-8-july-august-2021/ccdrv47i78a02-eng.pdf).
- Vincent, Carole. “Pourquoi Les Femmes Gagnent-Elles Moins Que Les Hommes?” *Canadian Public Policy* 39, no. 3 (2013): 473–490.
- Waldfogel, Jane. “The Effect of Children on Women’s Wages,” *American Sociological Review* 62, no. 2 (1997): 209–217.
- Whitehouse, Gillian. “Gender and Pay Equity: Future Research Directions,” *Asia Pacific Journal of Human Resources* 41, no. 1 (2003): 116–128.
- Wilson, Bertha. “Law in Society: The Principle of Sexual Equality,” *Manitoba Law Journal*, 13 (1983).

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## Endnotes

- 1** Angela Alook et al, “A Disproportionate Burden: COVID-19 labour market impact on Indigenous and racialized workers in Canada,” Canadian Centre for Policy Alternatives (2021) . <https://policyalternatives.ca/publications/reports/disproportionate-burden>: 4.
- 2** Justice Rosalie Silberman Abella, “Employment Equity,” *Manitoba Law Journal* 16:3 (1987) 185 at 189.
- 3** Qian et al., “COVID-19 and the Gender Employment Gap among Parents of Young Children.” Canadian Public Policy August 2020.
- 4** Statistics Canada. Table 14-10-0324-01 Average and median gender pay ratio in annual wages, salaries and commissions.
- 5** For the natural resources, agriculture and related products category, 2020 data (in 2020 dollars) is used due to missing data for 2018 and 2019.
- 6** For the forestry, fishing, mining, quarrying, oil and gas category, female data is unavailable due to lack of female representation in the data/industry.
- 7** These four fields are arts and humanities, education, teaching and health care at the undergraduate university level, and arts and humanities at the master’s level (women with career, technical, or professional training certificates and diplomas earned less on average in every field with published data, and all STEM fields at the undergraduate and master’s university levels). In the four field-credential pairs where women had higher employment earnings, they earned on average \$1,700 more; in fields where men earned more, the average gap was \$8,877.
- 8** Francine D. Blau et al., “Swimming Upstream: Trends in the Gender Wage Differential in the 1980s,” *Journal of Labor Economics* 15, no. 1 (1997): 1–42.
- 9** Rachele Pelletier et al. “The Gender Wage Gap in Canada: 1998 to 2018,” Statistics Canada (2019.)
- 10** Maria Karamessini et al., “Wage Determination and the Gender Pay Gap: A Feminist Political Economy Analysis and Decomposition,” *Feminist Economics* 13, no. 1 (2007): 31–66; Melissa Moyser “Women and Paid Work,” Statistics Canada (2019). <https://www150.statcan.gc.ca/n1/pub/89-503-x/2015001/article/14694-eng.htm>
- 11** Marilyn Gladu. “Women’s Unpaid Work in Canada: Report of the Standing Committee on the Status of Women,” House of Commons (2019). [https://publications.gc.ca/collections/collection\\_2021/parl/x71-1/XC71-1-1-432-8-eng.pdf](https://publications.gc.ca/collections/collection_2021/parl/x71-1/XC71-1-1-432-8-eng.pdf).; Richard E. Mueller, “Gender pay gap in the public sector: Evidence from the Canadian Labour Force Survey,” *Labour* 36:1 (2022). 29 at 67; Richard E. Mueller, “Gender pay gap in the public sector: Evidence from the Canadian Labour Force Survey,” *Labour* 36:1 (2022). 29 at 30.
- 12** Sydney Kruth, “A Case for Canadian Pay Equity Reform.” *The University of Western Ontario Journal of Legal Studies* 5, no. 2 (2015): 1 at 7.
- 13** Sydney Kruth, “A Case for Canadian Pay Equity Reform.” *The University of Western Ontario Journal of Legal Studies* 5, no. 2 (2015): 1 at 7.
- 14** *Fraser v Canada*, Attorney General. 2020 SCC 28 at para 42.
- 15** *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982 s 15.
- 16** *The Human Rights Code* CCSM c H175.
- 17** *Fraser v Canada*, Attorney General. 2020 SCC 28 at para 42. See also *R. v. C.P.* 2021 SCC 19;
- 18** *Female Employees Equal Pay Act* SC 1956 c 38.



- 19** *Female Employees Equal Pay Act* SC 1956 c 38 s 4(1).
- 20** Narsesh Agarwal, “Male-Female Pay Inequity and Public Policy in Canada and the U.S.,” *Relations Industrielles / Industrial Relations*, (Québec, Québec) 37, no. 4 (1982): 780 at 797.
- 21** *Constitution Act*, 1982, being Schedule B to the Canada Act 1982 (UK), 1982 s 32(1).
- 22** Danielle Fraser et al, “Twenty Years Later: Has the Charter Made a Difference to Manitoba Women?” Manitoba: Manitoba Association of Women and the Law Inc (2006) at i.
- 23** In 2001, a report entitled “Time for Action” was released by the Canadian Human Rights Commission to inform the public about the failures of the pay equity system that was in place: [publications.gc.ca/collections/collection\\_2013/ccdp-chrc/HR21-54-2001-eng.pdf](http://publications.gc.ca/collections/collection_2013/ccdp-chrc/HR21-54-2001-eng.pdf). In the same year, a task force was appointed to review the federal pay equity system that was in place, which resulted in a 2004 report entitled, “Pay Equity: A New Approach to a Fundamental Right,” [publications.gc.ca/collections/Collection/J2-191-2003E.pdf](http://publications.gc.ca/collections/Collection/J2-191-2003E.pdf). While the Canadian government reassured the task force that it was committed to pay equity, it stated that the recommendations in the 2004 report were not comprehensive enough to address the issue of pay discrimination (Minister of Justice and Attorney General of Canada, “Government Response to the Fourth Report of the Standing Committee on the Status of Women.” House of Commons (2005). [ourcommons.ca/DocumentViewer/en/38-1/FEWO/report-4/response-8512-381-167](http://ourcommons.ca/DocumentViewer/en/38-1/FEWO/report-4/response-8512-381-167)). In 2009, the *Public Sector Equitable Compensation Act* was created, but never came into force (*Public Sector Equitable Compensation Act* SC 2009 c 2). In 2016, the federal government finally committed to pay equity reform in response to the Special Committee on Pay Equity’s report, “It’s Time to Act” (President of the Treasury Board and Minister of Employment, “Government Response to the recommendations for the report of the Special Committee on Pay Equity: *It’s Time to Act*.” House of Commons (2016). [ourcommons.ca/DocumentViewer/en/42-1/ESPE/report-1/response-8512-421-69](http://ourcommons.ca/DocumentViewer/en/42-1/ESPE/report-1/response-8512-421-69); The Special Committee on Pay Equity, “It’s Time to Act.” House of Commons (2004) . <https://www.ourcommons.ca/DocumentViewer/en/42-1/ESPE/report-1>
- 24** *The Pay Equity Act* SC 2018 c 27 s 416.
- 25** *The Pay Equity Act* SC 2018 c 27 s 416 s 6 – 11.
- 26** *Newfoundland (Treasury Board) v NAPE* 2004 SCC 66.
- 27** *Fraser v Canada (Attorney General)* 2020 SCC 28.
- 28** *Fraser v Canada (Attorney General)* 2020 SCC 28 at para 34.
- 29** Justice Rosalie Silberman Abella, “Employment Equity,” *Manitoba Law Journal* 16:3 (1987): 185 at 187.
- 30** *Equal Pay Act* SM 1956 c 18
- 31** *The Employment Standards Act* RSM 1987 c E110.
- 32** *The Employment Standards Act* RSM 1987 c E110 s 3(1).
- 33** *The Employment Standards Act* RSM 1987 c E110 s 44–48.
- 34** *The Employment Standards Act* RSM 1987 c E110 s 45(1).
- 35** Sydney Kruth, “A Case for Canadian Pay Equity Reform,” *The University of Western Ontario journal of legal studies* 5, no. 2 (2015): 1 at 7.
- 36** Bertha Wilson, “Law in Society: The Principle of Sexual Equality,” *Manitoba Law Journal*, 13 (1983): 221 at 223.
- 37** *The Pay Equity Act*, SM 1985–1986, c 21, CCSM P13; When *The Pay Equity Act* was first enacted, the Civil Service (Manitoba Civil Service Commission and the Manitoba Government Employees



Association) was responsible for settling three matters. First, the two groups were required to develop a “single, gender-neutral job evaluation system” (Roberta Ellis-Grunfeld, “Pay Equity in Manitoba,” *Manitoba Law Journal* 16:3 (1986), 227 at 228). Instead of attributing job value to “the performance of individuals or innate abilities of particular workers,” the system attributes job value by the “skill, effort, responsibility and working conditions” of the job ([NEED FIRST NAME] Olshevski, “Understanding Pay Equity,” *Manitoba Law Journal*, 16:3 (1987). 237 at 237). This is still the system used to determine job value today (*The Pay Equity Act* CCSM c P13 s 6(1)). Second, the two groups had to determine who the scheme would apply to (Roberta Ellis-Grunfeld, “Pay Equity in Manitoba” (1986) 16:3 Man LJ 227 at 228). Third, the Commission and the Association intended to remove gender bias by setting “wage adjustments for female dominated classes” (Roberta Ellis-Grunfeld, “Pay Equity in Manitoba,” *Manitoba Law Journal* 16:3 (1986). 227 at 228). While the Civil Service’s deadline for these three tasks was 1987, Crown corporations, hospitals, and universities didn’t make similar determinations until a year later (Roberta Ellis-Grunfeld, “Pay Equity in Manitoba,” *Manitoba Law Journal* 16:3 (1986). 227 at 228). Despite Manitobans initially fearing the effectiveness of these negotiations, those that participated in the process reported it as being a positive experience (Roberta Ellis-Grunfeld, “Pay Equity in Manitoba,” *Manitoba Law Journal* 16:3 (1986). 227 at 231).

**38** “2007 Recipients,” Status of Women Canada, last modified 27 April 2015. [cfc-swc.gc.ca/com-memoration/gg/ recip-laure/2007-en.html?wbdisable=true](http://cfc-swc.gc.ca/com-memoration/gg/ recip-laure/2007-en.html?wbdisable=true).

**39** V. Olshevski, “Understanding Pay Equity,” *Manitoba Law Journal*, 16:3 (1987). 237 at 237.

**40** *The Pay Equity Act* CCSM c P13 s 2(a-b).

**41** Canadian Union of Public Employees, “Pay Equity: Brief to the Government of Manitoba,” House of Commons. December 11, 2012. <https://www.ourcommons.ca/Content/Committee/421/ESPE/Brief/BR8201392/br-external/CanadianUnionOfPublicEmployees-e.pdf>

**42** *The Employment Standards Act* RSM 1987 c E110 s 3(2), s 4(1–2).

**43** *The Pay Equity Act* CCSM c P13 s 3(a-b).

**44** *The Pay Equity Act* CCSM c P13 s 1.

**45** *The Pay Equity Act* CCSM c P13 s 1.

**46** *The Pay Equity Act* CCSM c P13 s 1.

**47** *The Pay Equity Act* CCSM c P13 s 13(2)(a-c).

**48** Canadian Union of Public Employees, “Pay Equity: Brief to the Government of Manitoba,” House of Commons. December 11, 2012. <https://www.ourcommons.ca/Content/Committee/421/ESPE/Brief/BR8201392/br-external/CanadianUnionOfPublicEmployees-e.pdf>

**49** *The Pay Equity Act* CCSM c P13 s 5(1).

**50** *The Pay Equity Act* CCSM s P13 s 12(2).

**51** *The Employment Standards Code*, CCSM c E110; The *Code* has had four regulations, only one of which, the *Employment Standards Regulation*, is in force today (*Employment Standards Regulation*, Man Reg 6/2007).

**52** *Payment of Wages Act* RSM 1987 c P31; *Vacations with Pay Act* RSM 1987 c V20.

**53** Danielle Fraser et al, “Twenty Years Later: Has the Charter Made a Difference to Manitoba Women?” Manitoba: Manitoba Association of Women and the Law Inc (2006) at i.

**54** *The Employment Standards Code*, CCSM c E110 s 82(1).

**55** *The Employment Standards Code*, CCSM c E110 s 82(2).

- 56** *The Employment Standards Code*, CCSM c E110 s 82(1).
- 57** *The Human Rights Code* CCSM c H175 s 9(2)(g).
- 58** Justice Rosalie Silberman Abella, “Employment Equity,” *Manitoba Law Journal*, 16:3 (1987). 185 at 200.
- 59** Kate McInturff and Paul Tulloch, “Narrowing the Gap: The Difference That Public Sector Wages Make,” Canadian Centre for Policy Alternatives (2014). [policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2014/10/Narrowing\\_the\\_Gap.pdf](https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2014/10/Narrowing_the_Gap.pdf).
- 60** Changes to the Act in 2004, 2005, and 2011 all related to further specifications of who the statute applies to (*The Pay Equity Act* SM 2004; *The Pay Equity Act* SM 2005; *The Pay Equity Act* SM 2011). In 2019, changes were made to some of the wording within the Act, such as “sub-clause (iii)” changing to “clause(c)” (*The Pay Equity Act* SM 2019). The 2021 amendments largely involved the establishment of the Public Service Commissioner due to the Civil Service Act being repealed (*The Pay Equity Act* CCSM c P13; *Civil Service Act* CCSM c C110).
- 61** *The Pay Transparency Act*, Bill 222. 4th Sess, 42nd Leg, Manitoba, 2022 (first reading March 8, 2022).
- 62** *The Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (first reading March 10, 2023).
- 63** *The Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (first reading March 10, 2023).
- 64** *The Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (first reading March 10, 2023).
- 65** Sara Mojtahedzadeh, “‘Timid’ pay transparency legislation misses the mark, critics say,” *Toronto Star*, March 6, 2018. [thestar.com/news/gta/2018/03/06/timid-pay-transparency-legislation-misses-the-mark-critics-say.html](https://www.thestar.com/news/gta/2018/03/06/timid-pay-transparency-legislation-misses-the-mark-critics-say.html).
- 66** Innovation, Science and Economic Development Canada. “Key Small Business Statistics 2021,” (2021). [ic.gc.ca/eic/site/061.nsf/vwapj/KSBS\\_2021.pdf/\\$FILE/KSBS\\_2021.pdf](https://www.ic.gc.ca/eic/site/061.nsf/vwapj/KSBS_2021.pdf/$FILE/KSBS_2021.pdf).
- 67** *The Pay Transparency Act*, Bill 228. 5th Sess, 42nd Leg, Manitoba, 2023 (second reading April 6, 2023).
- 68** *The Pay Transparency Act*, Bill 222. 4th Sess, 42nd Leg, Manitoba, 2022 (first reading March 8, 2022). ss 6(2), 8.
- 69** Canadian Union of Public Employees, “Pay Equity: Brief to the Government of Manitoba,” House of Commons. December 11, 2012. <https://www.ourcommons.ca/Content/Committee/421/ESPE/Brief/BR8201392/br-external/CanadianUnionOfPublicEmployees-e.pdf>
- 70** *The Pay Transparency Act*, 2018, SO 2018, c 5 [not yet in force].
- 71** *The Pay Equity and Pay Transparency Act*, SNL 2022, c P-3.02 [not yet in force].
- 72** *The Pay Transparency Act*, Bill 13. 4th Sess, 42nd Parl, 2023 (first reading 7 March 2023).
- 73** *The Pay Equity Act* RSO 1990 cP7 s 3(1–2); *The Pay Equity Act* CQLR c E-12.001 s 4.
- 74** *The Pay Equity Act* RSO 1990 c P7 s 4(1–2); *The Pay Equity Act* CQLR c E-12.001 s 1.
- 75** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 76** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 77** *The Pay Equity Act* CCSM c P13 preamble.
- 78** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).

- 79** *The Pay Equity Act* CCSM c P13 s 2(a-b).
- 80** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 81** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 82** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 83** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 84** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 85** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 86** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 87** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 88** *The Pay Equity Act* CCSM c P13 s 1; Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 89** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 90** Canadian Labour Congress, “A New Proactive Federal Pay Equity Act: Model Legislation,” Unpublished (2018).
- 91** *The Pay Equity Act* CCSM c P13.
- 92** Canadian Union of Public Employees, “Pay Equity: Brief to the Government of Manitoba,” House of Commons. December 11, 2012. <https://www.ourcommons.ca/Content/Committee/421/ESPE/Brief/BR8201392/br-external/CanadianUnionOfPublicEmployees-e.pdf>
- 93** *Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux*, 2018 SCC 17 [2018] 1 SCR 464 at paras 38, 56.
- 94** *The Pay Equity Act*, RSO 1990, c P7.
- 95** *The Pay Equity Act*, RSO 1990, c P7, s 3(1–2).
- 96** *The Pay Equity Act*, RSO 1990, c P7, s 4(1–2).
- 97** *The Pay Equity Act*, RSPEI 1988, c P-2.
- 98** *The Pay Equity Act*, RSPEI 1988, c P-2 s 3.
- 99** *The Pay Equity Act*, RSPEI 1988, c P-2 s 2(1).
- 100** *The Pay Equity Act*, SNB 1989, c P-5.01; *The Pay Equity Act*, SNB 2009, c P-5.05.
- 101** *The Pay Equity Act*, SNB 2009, c P-5.05, s 4(1–2).
- 102** *The Pay Equity Act*, SNB 2009, c P-5.05, s 3.
- 103** *The Pay Equity and Pay Transparency Act*, SNL 2022, c P-3.02

- 104** *The Pay Equity Act*, RSNS 1989, c 337, s 4(1).
- 105** *The Pay Equity Act*, RSNS 1989, c 337, s 2.
- 106** *The Pay Equity Act*, CQLR, c E-12.001, s 4.
- 107** *The Pay Equity Act*, CQLR, c E-12.001, s 1.
- 108** Gary Becker, *Human Capital: A Theoretical and Empirical Analysis, with Special Reference to Education*. New York: Columbia University Press (1964).
- 109** Gary Becker, *Human Capital: A Theoretical and Empirical Analysis, with Special Reference to Education*. New York: Columbia University Press (1964).
- 110** Jacob Mincer et al., “Family Investments in Human Capital: Earnings of Women,” *The Journal of Political Economy* 82, no. 2 (1974): S76–S108.
- 111** Jacob Mincer et al., “Family Investments in Human Capital: Earnings of Women,” *The Journal of Political Economy* 82, no. 2 (1974): S76–S108.
- 112** Gary Becker, “Human Capital, Effort, and the Sexual Division of Labor,” *Journal of Labor Economics* 3, no. 1 (1985): 42.
- 113** Francine D. Blau et al., “The U.S. Gender Pay Gap in the 1990s: Slowing Convergence,” *Industrial & Labor Relations Review* 60, no. 1 (2006): 45–66.
- 114** Per-Anders Edin et al., “Swimming with the Tide: Solidary Wage Policy and the Gender Earnings Gap,” *The Scandinavian Journal of Economics* 104, no. 1 (2002): 49–67.
- 115** Nabanita Datta Gupta et al., “Swimming upstream, floating downstream: Comparing women’s relative wage position in the US and Denmark,” *Industrial & Labor Relations Review* 59 (2006): 243–266.
- 116** Carole Vincent. “Pourquoi Les Femmes Gagnent-Elles Moins Que Les Hommes?” *Canadian Public Policy* 39, no. 3 (2013): 473–490.
- 117** Francine D. Blau et al., “Swimming Upstream: Trends in the Gender Wage Differential in the 1980s,” *Journal of Labor Economics* 15, no. 1 (1997): 1–42.
- 118** Nicole Fortin, “Greed, altruism, and the gender wage gap,” Working paper, University of British Columbia (2005).
- 119** Linda Babcock et al., *Women Don’t Ask : Negotiation and the Gender Divide*. Princeton, N.J: Princeton University Press (2003).
- 120** Muriel Niederle et al., “Do Women Shy Away From Competition? Do Men Compete Too Much?” *The Quarterly Journal of Economics* 122, no. 3 (2007): 1067–1101.
- 121** Uri Gneezy et al., “Performance in Competitive Environments: Gender Differences,” *The Quarterly Journal of Economics* 118, no. 3 (2003): 1049–1074.
- 122** Francine D. Blau et al., “The Gender Wage Gap: Extent, Trends, and Explanations,” *Journal of Economic Literature* 55, no. 3 (2017): 789–865.
- 123** Francine D. Blau et al., “The U.S. Gender Pay Gap in the 1990s: Slowing Convergence,” *Industrial & labor relations review* 60, no. 1 (2006): 45–66
- 124** Gary Becker, *The Economics of Discrimination*. Chicago: University of Chicago Press (1971).
- 125** Michael Baker et al., “A New View of the Male/Female Pay Gap.” *Canadian Public Policy* 36, no. 4 (2010): 429–460; Claudia Goldin, “A Grand Gender Convergence: Its Last Chapter.” *The American Economic Review* 104, no. 4 (2014): 1091–1119; Francine D. Blau et al., “The Gender Wage Gap:

Extent, Trends, and Explanations,” *Journal of Economic Literature* 55, no. 3 (2017); Marie Drolet, “Why has the gender wage gap narrowed?” *Perspectives on Labour and Income* 11, no. 12 (2010); René Morissette et al., “The Evolution of Canadian Wages over the Last Three Decades,” Statistics Canada (2013); Tammy Schirle, “The Gender Wage Gap in the Canadian Provinces, 1997–2014,” *Canadian Public Policy* 41, no. 4 (2015): 309–319; Melissa Moyser, “Measuring and Analyzing the Gender Pay Gap: a Conceptual and Methodological Overview,” Statistics Canada (2019); Rachelle Pelletier et al., “The Gender Wage Gap in Canada: 1998 to 2018,” Statistics Canada (2019).

**126** Rachelle Pelletier et al., “The Gender Wage Gap in Canada: 1998 to 2018,” Statistics Canada (2019).

**127** Francine D. Blau et al., “Swimming Upstream: Trends in the Gender Wage Differential in the 1980s,” *Journal of Labor Economics* 15, no. 1 (1997); Francine D. Blau et al., “The U.S. Gender Pay Gap in the 1990s: Slowing Convergence,” *Industrial & labor relations review* 60, no. 1 (2006); June O’Neill et al., “Why the Gender Gap in Wages Narrowed in the 1980s,” *Journal of Labor Economics* 11, no. 1 (1993): 205–228.

**128** Francine D. Blau et al., “The U.S. Gender Pay Gap in the 1990s: Slowing Convergence,” *Industrial & labor relations review* 60, no. 1 (2006)

**129** Mary Cornish, “Every Step You Take: Ontario’s Gender Pay Gap Ladder,” Canadian Centre for Policy Alternatives (2016).

**130** Stephen B. Jarrell et al., “Declining Bias and Gender Wage Discrimination? A Meta-Regression Analysis,” *The Journal of Human Resources* 39, no. 3 (2004): 828–838; Francine D. Blau et al., “The Gender Pay Gap: Have Women Gone as Far as They Can?” *Academy of Management Perspectives* 21, no. 1 (2007): 7–23.

**131** Michael Baker et al., “A New View of the Male/Female Pay Gap,” *Canadian Public Policy* 36, no. 4 (2010): 429.

**132** René Morissette et al. “The Evolution of Canadian Wages over the Last Three Decades,” Statistics Canada (2013).

**133** Michael Baker et al., “A New View of the Male/Female Pay Gap,” *Canadian Public Policy* 36, no. 4 (2010).

**134** Michael Baker et al., “A New View of the Male/Female Pay Gap,” *Canadian Public Policy* 36, no. 4 (2010).

**135** Hilary M. Lips, “The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models,” *Sex Roles* 68, no. 3–4 (2013): 169–185.

**136** Gillian Whitehouse, “Gender and Pay Equity: Future Research Directions,” *Asia Pacific Journal of Human Resources* 41, no. 1 (2003): 116–128.

**137** Hilary M. Lips, “The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models,” *Sex Roles* 68, no. 3–4 (2013).

**138** Hilary M. Lips, “The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models,” *Sex Roles* 68, no. 3–4 (2013).

**139** Melissa Moyser, “Measuring and Analyzing the Gender Pay Gap : a Conceptual and Methodological Overview,” Statistics Canada (2019): 14.

**140** Gary Becker, “Human Capital, Effort, and the Sexual Division of Labor,” *Journal of labor economics* 3, no. 1 (1985).

**141** Claudia Goldin, “A Grand Gender Convergence: Its Last Chapter,” *The American Economic Review* 104, no. 4 (2014).

- 142** Claudia Goldin, “A Grand Gender Convergence: Its Last Chapter,” *The American Economic Review* 104, no. 4 (2014).
- 143** Claudia Goldin, “A Grand Gender Convergence: Its Last Chapter,” *The American Economic Review* 104, no. 4 (2014).
- 144** See Claudia Goldin et al., “A Most Egalitarian Profession: Pharmacy and the Evolution of a Family-Friendly Occupation,” *Journal of Labor Economics* 34, no. 3 (2016); Manuel J. Carvajal, et al. “Gender and Age Variations in Pharmacists’ Job Satisfaction in the United States,” *Pharmacy* 7, no. 2 (2019); Nadia Bukhari et al., “A Step Towards Gender Equity to Strengthen the Pharmaceutical Workforce During COVID-19,” *Journal of Pharmaceutical Policy and Practice* 13, no. 1 (2020): 15–15.
- 145** See Beatriz Aranda et al., “Signaling devotion to work over family undermines the motherhood penalty,” *Group Processes and Intergroup Relations* 17:1 (2014): 91 at 92; [FIRST NAME] Correll et al., “Getting a job: Is there a motherhood penalty?” *American Journal of Sociology* 112:5 (2007): 1297; Sylvia Fuller, “Segregation Across Workplaces and the Motherhood Wage Gap: Why Do Mothers Work in Low-Wage Establishments?” *Social Forces* 96, no. 4 (2018): 1443–1476; Joan R. Kahn et al., “The Motherhood Penalty at Midlife: Long-Term Effects of Children on Women’s Careers,” *Journal of Marriage and Family* 76, no. 1 (2014): 56–72; Jane Waldfogel, “The Effect of Children on Women’s Wages,” *American Sociological Review* 62, no. 2 (1997): 209–217; Paula England et al., “Do Highly Paid, Highly Skilled Women Experience the Largest Motherhood Penalty?” *American Sociological Review* 81, no. 6 (2016): 1161–1189; Hilary Lips et al., “Work Values, Gender, and Expectations About Work Commitment and Pay: Laying the Groundwork for the ‘Motherhood Penalty?’” *Sex Roles* 61, no. 9–10 (2009): 667–676.
- 146** Jane Waldfogel, “The Effect of Children on Women’s Wages,” *American Sociological Review* 62, no. 2 (1997).
- 147** Richard Anker, “Theories of Occupational Segregation by Sex: An Overview,” *International Labour Review* 136, no. 3 (1997): 315–339.
- 148** Marianne Bertrand et al., “Gender Identity and Relative Income within Households,” *The Quarterly Journal of Economics* 130, no. 2 (2015): 571–614. Lee Badgett et al., “Job Gendering: Occupational Choice and the Marriage Market,” *Industrial Relations* 42, no. 2 (2003): 270–298. Elizabeth Aura McClintock, “Occupational Sex Composition and Marriage: The Romantic Cost of Gender-Atypical Jobs,” *Journal of Marriage and Family* 82, no. 3 (2020): 911–33.
- 149** Barbara Bergmann, “Occupational Segregation, Wages and Profits When Employers Discriminate by Race or Sex,” *Eastern Economic Journal* 1, no. 2 (1974): 103–110.
- 150** Barbara Bergmann, “Occupational Segregation, Wages and Profits When Employers Discriminate by Race or Sex,” *Eastern Economic Journal* 1, no. 2 (1974).
- 151** Maria Karamessini et al., “Wage Determination and the Gender Pay Gap: A Feminist Political Economy Analysis and Decomposition,” *Feminist Economics* 13, no. 1 (2007): 31–66.
- 152** Richard Anker, “Theories of Occupational Segregation by Sex: An Overview,” *International Labour Review* 136, no. 3 (1997).
- 153** Richard Anker, “Theories of Occupational Segregation by Sex: An Overview,” *International Labour Review* 136, no. 3 (1997).
- 154** Hilary M. Lips, “The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models,” *Sex Roles* 68, no. 3–4 (2013): 175.
- 155** Richard Anker, “Theories of Occupational Segregation by Sex: An Overview,” *International Labour Review* 136, no. 3 (1997).
- 156** Hilary M. Lips, “The Gender Pay Gap: Challenging the Rationalizations. Perceived Equity, Discrimination, and the Limits of Human Capital Models,” *Sex Roles* 68, no. 3–4 (2013).



- 157** Barbara Laslett et al., “Gender and Social Reproduction: Historical Perspectives,” *Annual Review of Sociology* 15 (1989): 381–404, 382.
- 158** Meg Luxton, “Feminist Political Economy in Canada and the Politics of Social Reproduction,” in *Social Reproduction : Feminist Political Economy Challenges in Neo-Liberalism*, edited by Kate Bezanson et al. Montréal: McGill-Queen’s University Press (2014).
- 159** Nancy Fraser, “Crisis of Care? On the Social-Reproductive Contradictions of Contemporary Capitalism” in *Social Reproduction Theory: Remapping Class, Recentring Oppression*, ed. Tithi Bhattacharya (London: Pluto Press (2017).
- 160** Nancy Fraser, “Crisis of Care? On the Social-Reproductive Contradictions of Contemporary Capitalism” in *Social Reproduction Theory: Remapping Class, Recentring Oppression*, ed. Tithi Bhattacharya. London: Pluto Press (2017).
- 161** Meg Luxton, “Feminist Political Economy in Canada and the Politics of Social Reproduction,” in *Social Reproduction : Feminist Political Economy Challenges in Neo-Liberalism*, edited by Kate Bezanson et al. Montréal: McGill-Queen’s University Press (2014).
- 162** Maria Karamessini et al., “Wage Determination and the Gender Pay Gap: A Feminist Political Economy Analysis and Decomposition,” *Feminist Economics* 13, no. 1 (2007).
- 163** Patricia Evans et al., *Women and the Canadian Welfare State: Challenges and Change*. Toronto: University of Toronto Press (1997); Magnus Henrekson et al., “Why Are There So Few Female Top Executives in Egalitarian Welfare States?” *The Independent Review* 14, no. 2 (2009): 239–270; Jill Rubery, “Pay, Gender and the Social Dimension to Europe,” *British Journal of Industrial Relations* 30, no. 4 (1992): 605–621.
- 164** Patricia Evans et al., *Women and the Canadian Welfare State: Challenges and Change*. Toronto: University of Toronto Press (1997): 108.
- 165** Kim Hertwig, “Pay Equity Legislation in Canada: a Study of the Public Service Alliance of Canada Case,” *Canadian Woman Studies* 19, no. 1/2 (1999); Canadian Human Rights Commission, “Time for action: special report to Parliament on pay equity.” Ottawa (2001). [publications.gc.ca/collections/collection\\_2013/ccdp-chrc/HR21-54-2001-eng.pdf](https://publications.gc.ca/collections/collection_2013/ccdp-chrc/HR21-54-2001-eng.pdf); Naresh C. Agarwal, “Male-Female Pay Inequity and Public Policy in Canada and the U.S.,” *Relations Industrielles / Industrial Relations*, (Québec, Québec) 37, no. 4 (1982): 780–804.
- 166** Michael Baker et al., “Pay Transparency and the Gender Gap,” Statistics Canada (2019).
- 167** Sydney Kruth, “A Case for Canadian Pay Equity Reform.” *The University of Western Ontario journal of legal studies* 5, no. 2 (2015).
- 168** Tammy Schirle, “The Gender Wage Gap in the Canadian Provinces, 1997–2014,” *Canadian Public Policy* 41, no. 4 (2015).
- 169** Marilee Marcotte, , “Equal Pay for Work of Equal Value,” Queen’s University Industrial Relations Centre (1987). [https://irc.queensu.ca/wp-content/uploads/articles/articles\\_RE-marcotte-equal-pay-for-work-of-equal-value.pdf](https://irc.queensu.ca/wp-content/uploads/articles/articles_RE-marcotte-equal-pay-for-work-of-equal-value.pdf); Kenneth A. Kovach “Comparable Worth: The Canadian Legislation,” *Business Horizons* 39, no. 1 (1996): 41–46; Canadian Human Rights Commission. “Equal Dollars Make Good Sense : a Booklet for Employers on Equal Pay for Work of Equal Value.” Ottawa (1991); Hadas Mandel et al., “How Welfare States Shape the Gender Pay Gap: A Theoretical and Comparative Analysis,” *Social Forces* 87, no. 4 (2009): 1873–1911.
- 170** Richard E. Mueller, “Gender pay gap in the public sector: Evidence from the Canadian Labour Force Survey,” *Labour* 36:1 (2022): 29 at 67; Richard E. Mueller, “Gender pay gap in the public sector: Evidence from the Canadian Labour Force Survey,” *Labour* 36:1 (2022): 29 at 30.



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