



Pay Equity Commission

Annual Report

2023–24

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Pay Equity Commission, Suite 300, 180 Dundas St W, Toronto, ON M7A 2S6

Tel: 1-800-387-8813 | TTY: 1-855-253-8333 | www.payequity.gov.on.ca

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Pay Equity Office

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1. Message from the Pay Equity Commissioner

Fiscal 2023-2024 saw the gender wage gap persist at 13% for average hourly wages for women across Ontario. Research has shown that for BIPOC¹ women and women with disabilities, the disparity grows with every additional dimension of intersectionality and hinders a person's ability reach their full salary potential. The Pay Equity Office remains committed to fulfilling its Mission and legislative mandate of closing the gender wage gap in Ontario.

This year, the team at the PEO renewed their commitment to our Vision, Mission, and Values with a review of our strategic plan and clear articulation of our key performance indicators.

Each year we are proud to deliver educational tools and programming alongside regulatory monitoring that are designed to redress systemic gender-based discrimination. This past year we made significant strides in increasing efficiencies in our Review Services unit by updating our Application for Review Services Form, launching the pilot of our "Pay Equity Solution for Small Businesses Do-It-Yourself Toolkit" with a new evidence-based proactive compliance program. These initiatives help us increase our accessibility to both workers in Ontario seeking pay equity, and employers working towards compliance with the Pay Equity Act.

While regulatory activity and compliance are an important and integral part of our work, we continue to engage in research, public education, and programming to raise awareness of how gender pay gaps are created, why they persist, and what can be done to close them. This fiscal, we launched Season 2 of Level the Paying Field, which continued to attract new audiences. With over 20 speaking engagements, we were able to connect with a broad section of stakeholders across both Ontario and Canada adding to the public discourse and awareness of gender wage gaps. Research continues to be a priority with this fiscal seeing the publication of two significant reports. One looked at how the gender wage gap varies by municipality, and the other looked at the gender pension gap. Both were met with much acclaim. As a result, we expanded our gender pension gap research and look forward to publishing a more fulsome report next fiscal year.

This report highlights how our program delivery measured against our key performance indicators. This format is designed to provide transparency and accountability to Ontario's workforce and the government. More than that, we hope it illustrates the commitment of the entire team that makes up the PEO has to achieving economic justice for workers across Ontario who are employed in job classes that can be categorized as "female".

¹ Black, Indigenous, People of Colour

Collectively, we strive to close the gender wage gap to make the world a more equitable place for women to work, live, and thrive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kadie Philp', written in a cursive style.

Kadie Philp

Commissioner and Chief Administrative Officer

2. About the Pay Equity Office

2.1 The Organization

The Pay Equity Commission (the Commission) was established by Section 27 of the *Pay Equity Act*, R.S.O. 1990, c.P.7 (the Act). Its purpose is to redress gender discrimination in the compensation of employees employed in work stereotyped as female² in Ontario.

The Commission consists of two separate and independent parts: the Pay Equity Office (PEO), headed by the Commissioner, and the Pay Equity Hearings Tribunal (the Tribunal), headed by the Chair. Both the Commissioner and the Chair are appointed by the Lieutenant Governor in Council.

The Minister of Labour, Immigration, Training and Skills Development represents the PEO and the Tribunal in Cabinet and its Committees, in the Legislative Assembly and before Committees of the Legislature. The Minister is accountable to the Legislature for the PEO's and the Tribunal's fulfillment of their mandates and their compliance with statutes and government administrative policies. The Minister is also responsible for the review and approval of their Business Plans and Annual Reports.

2.2 Understanding the Gender Wage Gap

The gender wage gap is the difference between wages³ earned by men and wages earned by women. The most recent [Statistics Canada data \(2022\)](#) shows that the average **hourly** gender wage gap in Ontario is 13%. The gap documented in 2022 has widened by 1% compared to 2021 gender wage gap data. The 2022 gap includes both full and part-time workers who are 15 years old and over. A 13% gap means that for every \$1.00 earned by a male worker, a female worker earns 87 cents. The average **annual salary** gap is 25% as of 2020, i.e. women earned \$0.75 for every dollar earned by men. Measuring the gap by hourly wage better reflects the differences in the number of hours worked (people in waged jobs tend to have different patterns of hours worked, rates per hour, and socio-economic characteristic than salaried jobs), whereas annual earnings better reflect total employment income, including performance-based pay like commissions and bonuses. Researchers frequently use both measures together, as well as both average and median figures, in order to paint the clearest picture possible of the gender wage gap.

² According to the *Pay Equity Act*, a "female job class" is defined as a job in which 60% or more of the incumbents are female.

³ Based on hourly wages, not annualized salaries. For more information on gender compensation differences, visit the PEO's [Gender Wage Gap webpage](#).

The average hourly gender wage gap in Ontario shrank by 5% between 1998 and 2022. [Statistics Canada](#) noted the reduction was largely explained by changes in the distribution of men and women across occupations, women's increased educational attainment, and the decline in the share of men in unionized employment. The average annual earnings gender wage gap in Ontario narrowed by 12% from 1998 to 2020.

More than two-thirds of the gap remains unexplained. The unexplained portion of the gap includes two kinds of effects: measurable and unobservable wage-related characteristics. Measurable effects are those that could be measured but are not, such as total work experience (the higher prevalence of work interruptions among women is strongly linked to caregiving responsibilities) and field of study, which may help to explain the impacts of education level on occupation. Unobservable wage-related characteristics are factors that are recognizable but are difficult to measure, such as gender differences in behaviours (e.g., wage negotiation), societal expectations, constrained choices resulting from gender roles in paid work, and the impact of explicit or implicit gender-based wage discrimination.

Beyond the substantial economic impact of closing the gender wage gap, supporting women's equitable participation and representation in the labour market drives multiple positive outcomes. There are significant opportunity costs to all forms of workplace discrimination and gender-based workplace discrimination is no exception. Evidence shows that diverse and inclusive companies are more likely to make better, bolder decisions — a critical capability in times of crisis.^{4, 5} For example, gender-diverse teams are more likely to radically innovate and anticipate shifts in client needs and consumption patterns — helping their organizations to gain a competitive edge. Companies in the top quartile of gender diversity on executive teams were 25 percent more likely to experience above-average profitability than peer companies in the fourth quartile and these numbers continue to grow.⁶ Diversity is a key driver of an organization's talent pipeline. A recent Glassdoor survey found that over three out of four (76%) of job seekers look at workforce diversity when evaluating an offer.⁷ The most talented individuals go to places that do better with diversity, and this may be what is also driving diverse firms in certain contexts to outperform their peers. Employers risk missing out on top talent if they aren't diverse,

⁴ Rock, D. and Grant, H. (2016). "Why Diverse Teams Are Smarter." Harvard Business Review. Retrieved from: [Why Diverse Teams Are Smarter \(hbr.org\)](#). Accessed: June 13, 2023.

⁵ Bourke, J. (2018). "The diversity and inclusion revolution: Eight powerful truths." Deloitte Review. Retrieved from: [Eight truths about diversity and inclusion at work | Deloitte Insights](#). Accessed: June 13, 2023.

⁶ McKinsey & Company. (2020). "Diversity Wins: How Inclusion Matters." Retrieved from: [Diversity wins: How inclusion matters \(mckinsey.com\)](#). Accessed: June 13, 2023.

⁷ Glassdoor. (2021). "What Job Seekers Really Think About Your Diversity and Inclusion Stats." Retrieved from: <https://www.glassdoor.com/employers/blog/diversity/>. Accessed: June 13, 2023.

equitable and inclusive. Simply put: identifying and addressing workplace discrimination isn't only the right thing to do, it's also critical to organizational success

2.3 Ontario's Pay Equity Act

Pay equity (or equal pay for work of equal value) addresses the undervaluation of women's work. The Act applies to all public sector organizations and to private sector employers with ten or more employees and requires them to have compensation practices that provide for pay equity.

The Act sets out the criteria to be applied by employers to identify systemic gender discrimination in compensation and how it is to be corrected. To meet the minimum requirements and to show that pay equity has been achieved, all employers covered by the Act are required to undertake the following at each of the employer's establishments:

1. Determine job classes, including identifying the gender of the job class and job rate;
2. Determine the value of job classes based on factors of skill, effort, responsibility and working conditions;
3. Conduct comparisons for all female job classes using the job-to-job, proportional value or proxy method of comparison (proxy is for public sector only and of limited application);
4. Adjust the wages of underpaid female job classes so that they are paid at least as much or equal to a comparable male job class or classes within the establishment;
5. Maintain pay equity for female job classes to ensure that new pay equity gaps are not created or do not re-emerge.

2.4 PEO Mandate

The PEO promotes gender economic equality by enforcing pay equity rights and obligations through effective case management; understanding gender wage gaps through research; and promoting awareness to advance economic equality for Ontario's working women.

The PEO fulfills its mandate by:

- Providing information and educational resources to employers and employees about pay equity and pay equity processes;
- Conducting information sessions with a variety of audiences;
- Investigating and resolving complaints through alternative dispute resolution methods, or issuing Orders for compliance;

- Referring Orders to the Tribunal for enforcement;
- Monitoring establishments for compliance with the provisions of the Act;
- Researching and disseminating information about pay equity and gender wage gaps to the public and workplace parties;
- Responding to requests from the Minister and preparing reports and recommendations to the Minister about pay equity and related matters such as the gender wage gap.

2.5 PEO Mission, Vision, and Guiding Principles

In 2023-24, the PEO team reviewed the three-year Strategic Plan it created through staff consultation in 2021-22. The team approached the strategic plan refresh with an open mind and was happy to discover unanimity in the conclusion that the careful thought invested in 2021-22 meant that the Vision, Mission and Guiding Principles remain relevant for the next three years.

Vision: Make the world a more equitable place for women to work, live, and thrive.

Mission: Closing the gender wage gap.

Guiding Principles:

Listen First

Seek first to understand and genuinely respect others' perspectives.

Serve with objectivity and empathy

Serve one another and the public with intent and awareness.

Welcome the new and different

Seek effective and innovative approaches to deliver our work.

Grow together

We are resilient and overcome hurdles together while keeping our sights set on a better tomorrow.

Engage with passion

Our dedication to our mission is apparent to all.

Demonstrate leadership

We show others the way.

2.6 Commitment to Accountability and Transparency

The PEO remains steadfastly committed to respecting public sector accountability expectations. These include but are not limited to:

- Directives issued by Management Board of Cabinet (*Agencies and Appointments Directive; Travel, Meal, and Hospitality Expenses Directive; Internal Audit Directive; among others*);
- All statutes governing the public sector (*Freedom of Information and Protection of Privacy Act; Archives and Recordkeeping Act; Accessibility for Ontarians with Disabilities Act; French Language Services Act; among others*);
- Ontario Public Service's "Common Service Standards" for phone inquiries and correspondence.

3. Report on Activities

3.1 Highlighted Achievements

This year, the PEO closed out the third year of our 2021-2024 Strategic Plan having met or exceeded approximately 85% of its targets. A few select achievements in 2023-24 are highlighted under each of the strategic plan's three objectives.

Objective #1: Be a reputable and trusted voice for women's economic empowerment

The PEO and our commissioner, Kadie Philp, continue to engage with the public and with colleagues in other federal and national jurisdictions to share findings and best practices and to keep pay equity issues in the forefront of conversations on women's economic empowerment, the value of care work, and Diversity, Equity, and Inclusion (DEI) initiatives.

The 2023-2024 fiscal year began with the launch of season two of the award-winning podcast [Level the Paying Field](#). Season two highlighted many of the biases that continue to hinder progress in closing the gender pay gap, including cultural attitudes, both in workplaces and throughout Ontario, regarding paternity leave, care work, and the implicit assumptions behind "meritocracies". With two thirds of Ontario's gender pay gap still [unexplained](#), examining historical attitudes about the role of women, work, and family in our society are vital to uncovering what implicit assumptions need re-examining in service of making work, school, and retirement more equitable for all Ontarians.

Commissioner Philp also connected with some key audiences in the past year at the local, provincial, and federal levels. At the Economic Developers Council of Ontario (EDCO)'s Annual Conference, the commissioner joined representatives from several Ontario municipalities in discussing how DEI can fuel sustainable economic development in Ontario's rural communities. Speaking to the Metrolinx Women's Network, Commissioner Philp shared some of the work the PEO is doing and the historical context that led to the need for Pay Equity in Ontario. Within the Ontario Public Service (OPS), Commissioner Philp has appeared in MLITSD's "Significant" series highlighting the significance of Equal Pay Day and addressed the OPS Leadership Network (OLN) on "How to Lead When No One Wants to Hear Your Message". The PEO also engaged with professionals closest to the daily realities which impact the gender pay gap, including women entrepreneurs of the Canadian Women's Chamber of Commerce (CanWCC) and human resources (HR) professionals as part of a panel discussion on "HR Trends:

Correcting Structural Biases in the Labour Market” at the Human Resources Professionals Association (HRPA)’s annual meeting.

Objective #2: Close the policy, knowledge, and gender wage gaps

The PEO aims to understand the gender wage gap and its drivers by conducting ongoing, high-quality research. By broadly disseminating our findings, the PEO has made great strides toward closing the existing policy, knowledge, and gender wage gaps.

In the course of the PEO’s ongoing explorations into the economic inequalities between men and women, we noticed concerning disparities in retirement income and overall financial security for older Ontarians. This prompted the PEO to engage Dr. Elizabeth Shilton, long-time feminist litigator, labour lawyer and pension expert, to research and analyze the origins, outcomes, and persistence of what is referred to as the Gender Pension Gap. What emerged was evidence of a compelling throughline from early-career earnings disparities that compounded as women moved through their working years toward retirement. Lower starting salaries, slower or stymied career advancement, and time away from the formal workforce for unpaid child and/or elder care all served to widen the income gap from both public and private pension instruments. The results of this investigation into the Gender Pension Gap are set to be published early in the next fiscal year, with the hope of illuminating how income-based retirement plans echo and amplify existing gendered income disparities.

The PEO also published some notable findings about factors that contribute to the variations in pay gaps between municipalities, which were published [on our website](#) and shared at EDCO’s annual conference in February.

The Pay Equity Office continues to follow the progress of pay equity globally, engaging with our colleagues in other jurisdictions to share strategies and lessons learned in enforcement and public outreach. At the Equal Pay International Coalition (EPIC) annual technical meeting, Commissioner Philp engaged with international colleagues on social dialogues, job evaluation tools, and the role of pay equity commissions to help achieve pay equity. The PEO continues to foster a close relationship with Women and Gender Equality Canada (WAGE), our colleagues at the federal Pay Equity Commission, and our pay equity counterparts in Quebec at the Commission des normes, de l’équité, de la santé et de la sécurité au travail (CNESST).

Objective #3: Deliver with excellence

Towards the end of this year, the PEO started to analyze the results of two new proactive compliance initiatives started in 2022-23, designed to test evidence-based approaches to pay equity enforcement. One initiative is designed to gather user feedback on the interactive and self-serve “[Pay Equity Solution for Small Businesses Do-It-Yourself Toolkit](#)” (PESSB) released in 2022-23. The PESSB includes an interactive PDF calculator with explainer videos, frequently asked questions (FAQs) and explanatory infographics for every step of the process. The second proactive compliance initiative is designed to test the use of NAICS⁸ and NOC⁹ data to determine where best to invest the PEO’s limited enforcement resources. The results of these initiatives will be reported separately.

In October, the PEO released a new [Application for Review Services Form](#). The new and dynamic form is designed to improve the quality of information captured and be responsive to the user’s selections. The form has also improved the user experience through the use of plain language, and by simplifying the process for submitting an application. News of the application form’s release was picked up and reported by many media outlets across the HR and legal communities in Ontario.

The PEO’s Review Services Unit (RSU) continues to improve upon its case management practices and has also begun work on several public legal Education and information (often referred to as “PLEI”) initiatives, designed to improve all Ontarians’ understanding and awareness of their rights and responsibilities under the *Pay Equity Act*.

Overall, the PEO experienced many successes this year through a culmination of hard work, passion, and perseverance. By advocating for gender and pay equity as imperative to economic prosperity, the PEO continues to demonstrate the importance of our mission of closing the gender wage gap in Ontario.

⁸ North American Industry Classification System

⁹ National Occupational Classification

4. Performance Measures

Objective #1: Be a reputable and trusted voice for women's economic empowerment (Effectiveness)

<i>Intended Activities</i>	<i>2023-24 Target</i>	<i>2023-24 Actual</i>
Public education events	♦ 8 events	♦ Exceeded target
Public addresses by Commissioner	♦ 8 addresses	♦ Exceeded target
Establish a stakeholder engagement strategy with partnership metrics	♦ Continue implementing strategy; evaluate effectiveness of the stakeholder engagement strategy	♦ Met target
Optimize the use of digital channels (website, social media)	♦ Shift into continuous improvement mode	♦ Met target
Outbound thought leadership contributions across a diversity of publications and media	♦ 12 contributions published ♦ Publications reflect target audiences identified in stakeholder engagement strategy	♦ 11 contributions ¹⁰ ♦ Met target
Media relations	♦ Issue at least four press releases ♦ Number of unsolicited media requests	♦ 3 releases ¹¹ ♦ Met target

¹⁰ An additional publication was ready for release by fiscal year-end but was delayed for reasons outside of the PEO's control. The PEO's publication cycle was also disrupted by the sudden and unexpected discontinuation of the Organisation for Economic Co-operation and Development (OECD) forum, a key platform in previous years.

¹¹ An additional press release regarding a PEO publication was ready for release near fiscal year-end but its release was delayed for reasons outside of the PEO's control.

<i>Intended Activities</i>	<i>2023-24 Target</i>	<i>2023-24 Actual</i>
Collaborate with Ontario ministries, other Canadian jurisdictions, internationally	♦ At least 3 government collaborations	♦ Exceeded target

Objective #2: Close the policy, knowledge, and gender wage gaps (Effectiveness)

Intended Activities	2023-24 Target	2023-24 Actual
Provide thought leadership to optimize policy, program, and legislative instruments to close the gender wage gap	<ul style="list-style-type: none"> ◆ Seek out 3 request or submission opportunities 	<ul style="list-style-type: none"> ◆ Met target
Help HR professionals be equipped to comply with the Act	<ul style="list-style-type: none"> ◆ At least 3 training sessions ◆ Evaluate appropriateness of measure for the strategic objective of connecting/influencing HR (including compensation) professionals ¹² 	<ul style="list-style-type: none"> ◆ Met target ◆ Met target
Partner with intermediaries serving small and micro businesses	<ul style="list-style-type: none"> ◆ 3 new intermediary partners approached ◆ Review outreach strategy for intermediaries 	<ul style="list-style-type: none"> ◆ Met target ◆ Met target
Promote deeper understanding of the factors causing persistence of the gender wage gap, and the most effective tools and instruments to address the factors	<ul style="list-style-type: none"> ◆ Engagement rate of PEO's informational resources (website, social media) ◆ Number of thought leadership requests ◆ Partnership base 	<ul style="list-style-type: none"> ◆ Met target ◆ Met target ◆ Met target
Adopt evidence-based approach to deliver legislated mandate, targeting sectors where research shows the highest potential for impact	<ul style="list-style-type: none"> ◆ Steady increase in number of businesses reached ◆ Pilot one new proactive campaign using innovative evidence-based framework 	<ul style="list-style-type: none"> ◆ Partially met ◆ Met target

¹² In 2022, the Human Resources Professionals Association made significant changes to the format of their professional development events. Because these changes included discontinuation of activities that the PEO used to participate in regularly, the PEO revised this target as part of its 2023-24 strategic plan refresh.

<i>Intended Activities</i>	<i>2023-24 Target</i>	<i>2023-24 Actual</i>
Order employers to comply with the Act as needed	♦ 90% of payment Orders are fulfilled without requiring the PEO to refer matters to the Pay Equity Hearings Tribunal	♦ N/A ¹³

¹³ In 2023-24, only one of the PEO's Orders included an order to pay adjustments. At the time of this writing, the PEO does not know whether a referral will be needed.

Objective #3: Deliver with Excellence (Effectiveness and Efficiency)

Intended Activities	2023-24 Target	2023-24 Actual
Investigate and resolve complaints under the Act	<ul style="list-style-type: none"> ◆ Review case management practices, procedures, and tools for resolving complaints ◆ 80% of complaints are resolved within 18 months ◆ 90% of Orders appealed to the Pay Equity Hearings Tribunal are found to be correct in law 	<ul style="list-style-type: none"> ◆ Met target. Ongoing commitment to continuous improvement. ◆ Partially met. PEO continued to focus on eliminating its backlog of ageing cases while striving to improve timeliness on new complaints. ◆ Partially met target.
Design new proactive compliance programs based on behavioural insights	<ul style="list-style-type: none"> ◆ Establish baseline and targets based on pilot results of new proactive compliance campaign 	<ul style="list-style-type: none"> ◆ Met target
Invest in ongoing professional development	<ul style="list-style-type: none"> ◆ All staff have learning plans ◆ All staff complete planned learning activities 	<ul style="list-style-type: none"> ◆ Met target ◆ Met target
Demonstrate commitment to Guiding Principles	<ul style="list-style-type: none"> ◆ 100% of staff performance plans include commitment to PEO Guiding Principles 	<ul style="list-style-type: none"> ◆ Met target
Demonstrate commitment to equity and inclusion in the workplace	<ul style="list-style-type: none"> ◆ 100% of staff performance plans include commitment to equity and inclusion in the workplace ◆ Evaluate 22-23 plan ◆ Incorporate promising practices from 22-23 plan in the collaborative development of a renewed anti-racism action plan tailored to PEO 	<ul style="list-style-type: none"> ◆ Met target ◆ Met target ◆ Met target

5. Caseload Information

The tables and graphs included in this section present only a snapshot, which in turn is only a partial picture of the full scope of the PEO's enforcement work.

This section presents information about our overall caseload volume (section 5.1) and turnover (section 5.2) in both data table and graphical form, a high-level profile of applicants (section 5.3), the monetary value of upholding pay equity rights and obligations (section 5.4), parties' agreement or disagreement with PEO Orders (section 5.5), and the PEO's public information service (section. 5.6).

5.1 Caseload Volume

Below is a bird's-eye view of the volume of the PEO's cases, showing the sources of the PEO's cases (only the "proactive" portion of which is within the PEO's control), and the types of dispositions during each fiscal year.

Caseload Volume by Fiscal Year

	23-24	22-23	21-22	20-21	19-20	18-19
Apr 1: files carried over from previous fiscal						
Open complaints ¹⁴	101	105	77	59	111	89
Open proactive ¹⁵	20	21	45	65	172	315
Cases returned from Tribunal	1	1	2	3	2	4
Notice of Inability to Achieve Pay Equity ¹⁶	0	0	0	0	0	2
Suspended ¹⁷	11	13	40	40 ¹⁸	n/a	n/a
Sub-total open carried over	133	140	164	167	285	410
Apr 1 – Mar 31: files opened						
New complaints received	49	47	48	57	49	108
New proactive files opened	43	6	5	2	3	41
Cases returned from Tribunal	3	1	0	1	2	1
Notice of Inability to Achieve Pay Equity	0	0	0	0	0	0
Sub-total new opened	95	54	53	60	54	150
Apr 1 – Mar 31: TOTAL files open during fiscal year	228	194	217	227	339	560
Apr 1 – Mar 31: files disposed						
Notice of Decision (no contravention found)	19	14	18	15	60	112
Compliance without an Order	19	14	17	18	68	111
Order ¹⁹ (contravention found)	4	12	10	8	9	8
Withdrawn	15	13	17	10	10	20
Abandoned	4	1	1	2	4	5
Settled	3	6	11	9	13	5
Administrative Closure	0	1	3	1	8	14
Sub-total files disposed	64	61	77	63	172	275
Mar 31 – files carried over to next fiscal	164	133	140	164	167	285

¹⁴ Also referred to as “reactive” files. Complaint files are opened when an Applicant submits an “Application for Review Services”.

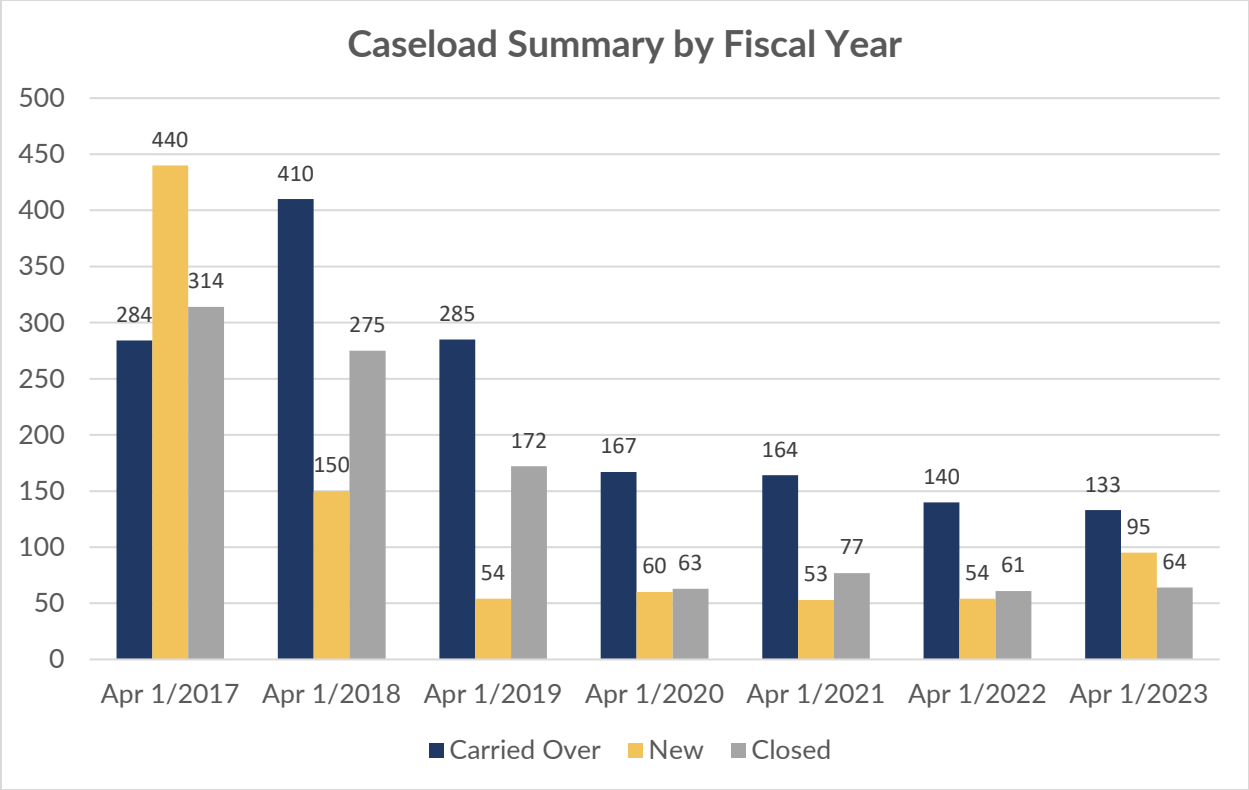
¹⁵ “Proactive” cases include cases described as “monitoring” files in previous annual reports. Proactive cases are files that the PEO open without waiting for a complaint to be filed.

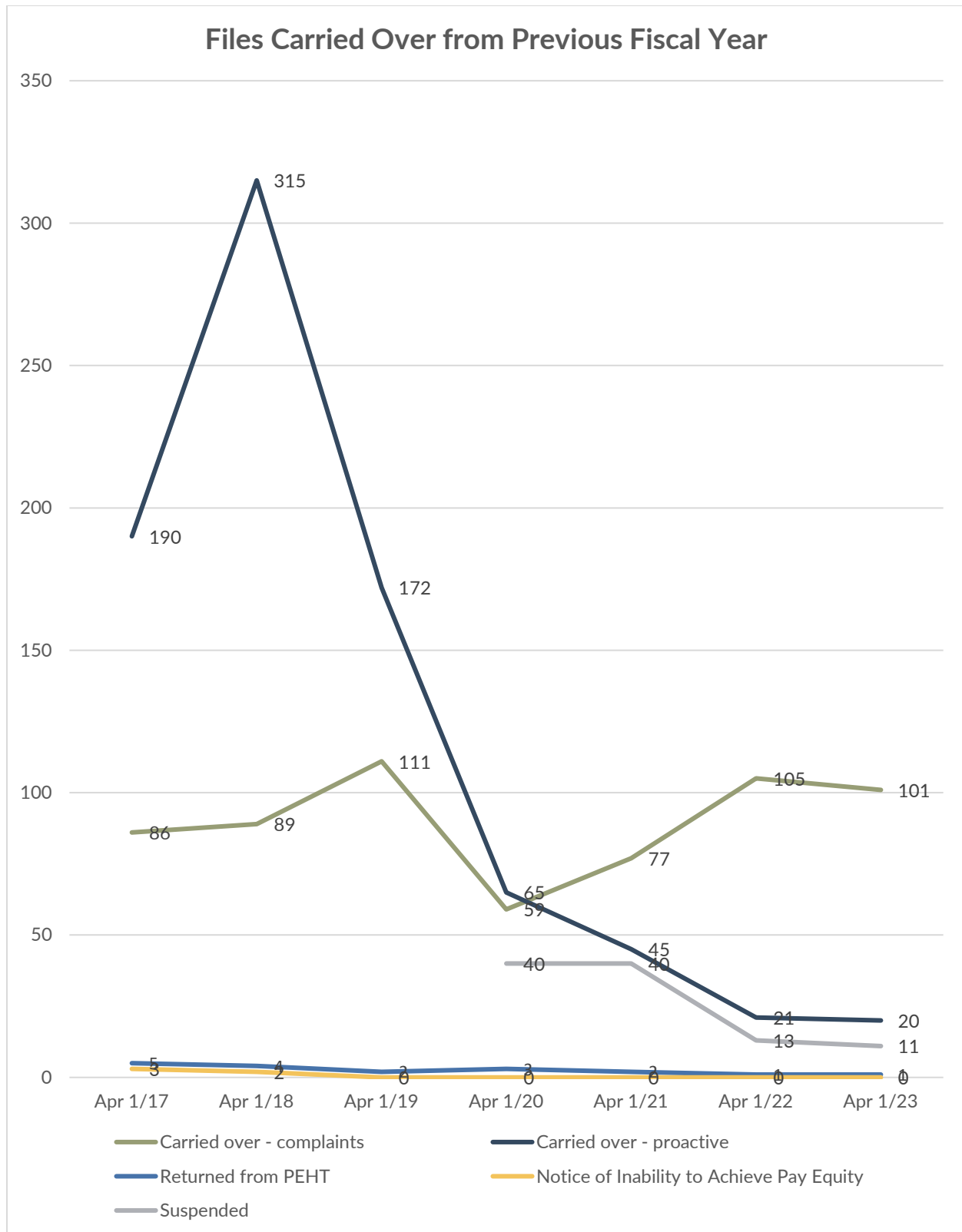
¹⁶ These are files opened in response to an application from an employer where the employer requests the PEO’s assistance by submitting a formal “Notice of Inability to Achieve Pay Equity”.

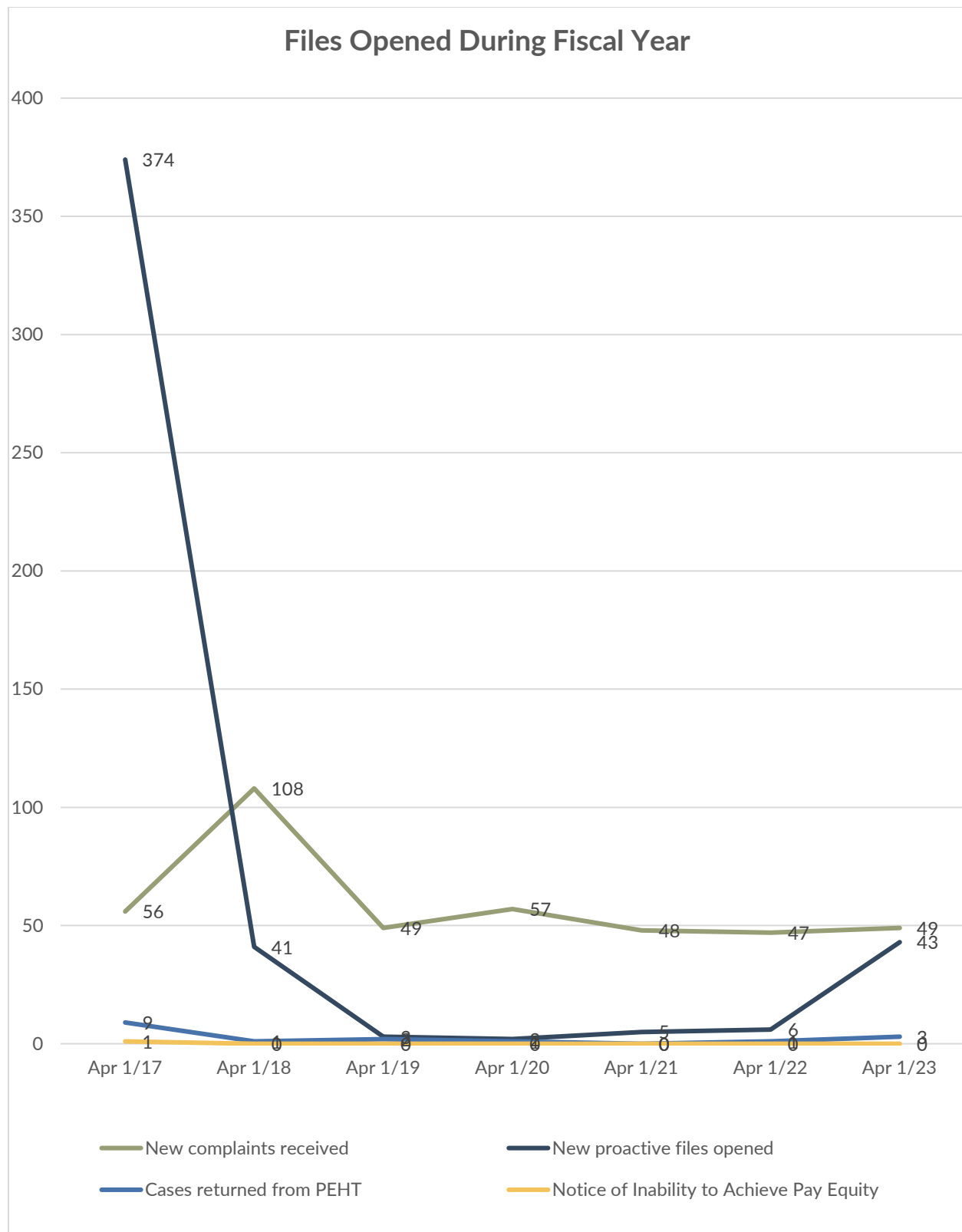
¹⁷ This category was introduced in 2020-21.

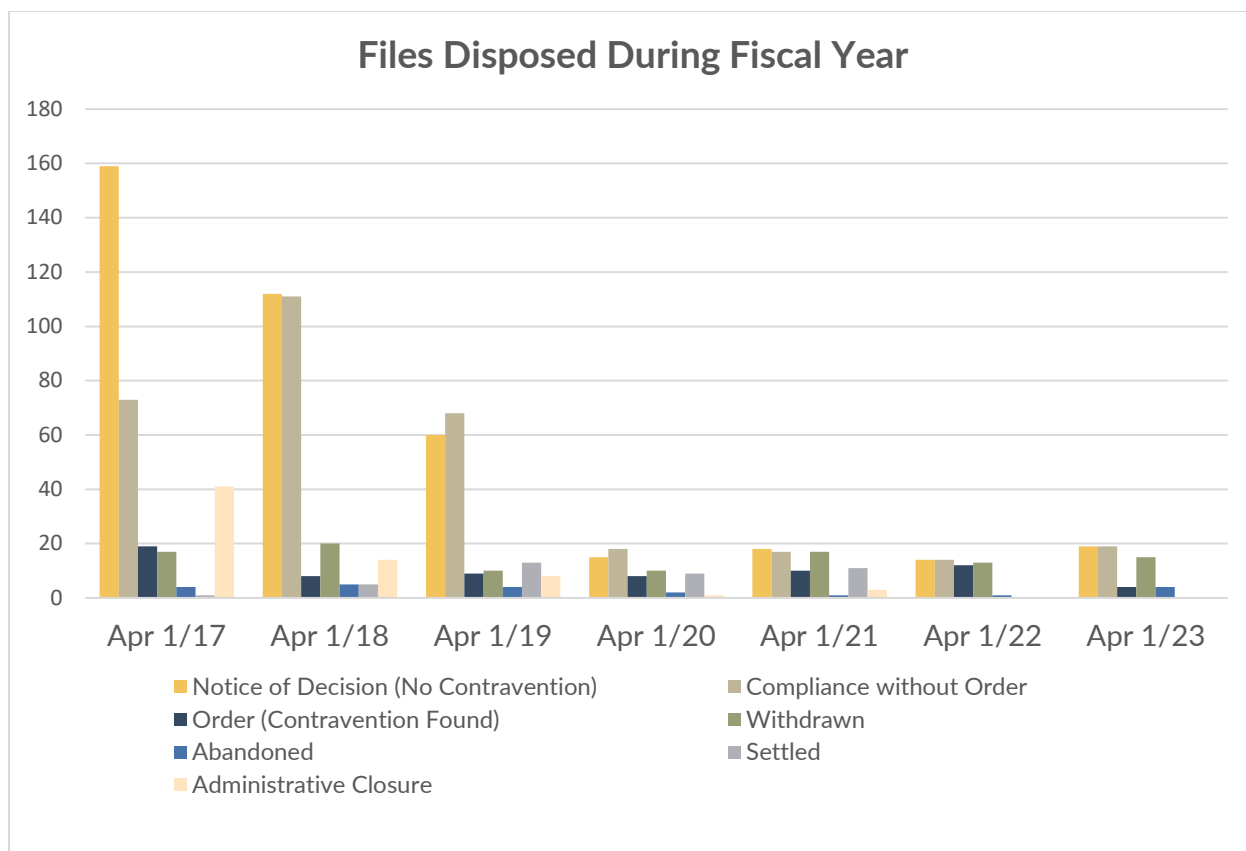
¹⁸ This figure includes three files suspended due to extenuating circumstances related to the global pandemic, and 37 Participating Nursing Home files that were suspended while being litigated in the court system. In 2021-22, the PEO reactivated the 37 Participating Nursing Home files, which are now tracked as “open” files.

¹⁹ Excludes interim Orders.









5.2 Caseload Age

This section presents a snapshot of the rate of turnover of the PEO's files. The proportion of the PEO's caseload that is greater than two years old at the end of the 2023-24 reporting year reflects several realities:

- ◆ The inherent nature of pay equity means that PEO's investigations are unusually time-consuming. For example, since pay equity is about ensuring that positions or groups of positions (called "job classes") are impartially assessed for the value that they contribute to the company's overall success, a complaint about a single employee or a single position or job class cannot be evaluated in isolation – the Review Officer must evaluate the full organizational context of the complaint.
- ◆ Review Officers must routinely obtain documentation from employers. Sometimes an employer provides a substantial level of documentation, while others struggle to find records. Review Officers do their best to tailor timelines that are reasonable for each employer's unique circumstances.
- ◆ Where a Review Officer issues an Order directing a party to carry out specific actions in order to comply with the Act, the file is kept open until the party/ies provide proof that they have fulfilled their obligations. Since many of these

Orders direct employers to update pay equity calculations and pay out adjustments, employers often need an additional 2-6 months to process everything through their payroll systems; very large employers often need a longer period.

Age of files at time of disposition						
Fiscal Year	< 6 months	6 – 12 months	1 - 1.5 years	1.5 – 2 years	> 2 years	Total # of Files Disposed
2023-24	16	15	5	4	24	64
2022-23	14	9	8	12	18	61
2021-22	20	11	7	9	30	77
2020-21	10	8	8	3	34	63
2019-20	17	17	15	27	96	172

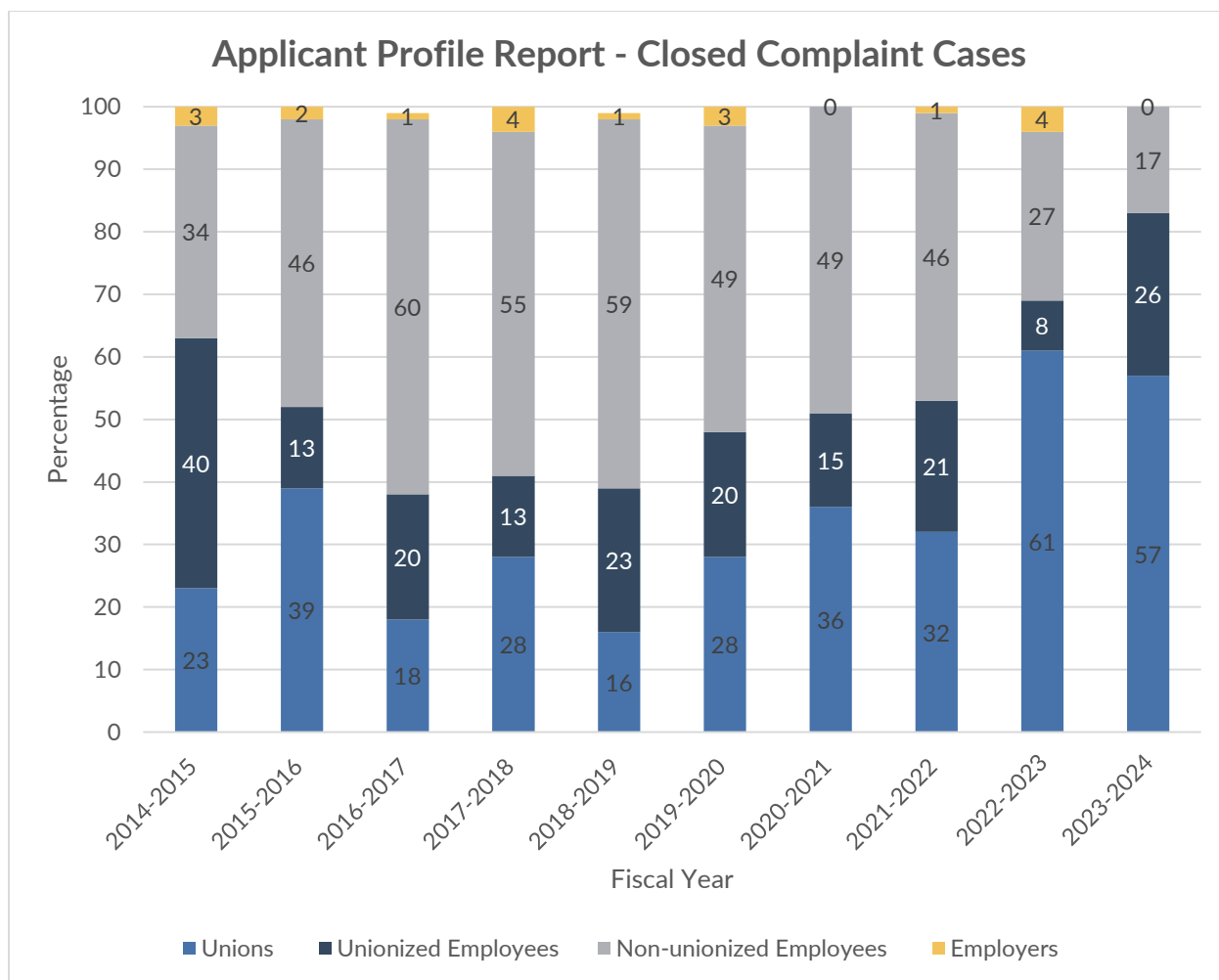
5.3 Complaint Files – Applicant Profile

The *Pay Equity Act* permits any employee (current or former), bargaining unit, or employer to file an Application for Review Services.

Applicant Profile Report – Based on complaint cases closed during the fiscal year ²⁰				
Fiscal Year	Unions	Unionized Employees ²¹	Non-unionized Employees	Employers
2023-24	57%	26%	17%	0%
2022-23	61%	8%	27%	4%
2021-22	32%	21%	46%	1%
2020-21	36%	15%	49%	0%
2019-20	28%	20%	49%	3%
2018-19	16%	23%	59%	1%
2017-18	28%	13%	55%	4%
2016-17	18%	20%	60%	1%
2015-16	39%	13%	46%	2%

²⁰ Values expressed as percentages may not add to 100% due to rounding.

²¹ Unionized employees may file an Application on their own, without their union.



²² Values expressed as percentages may not add to 100% due to rounding.

5.4 Closing the Gap

Since the goal of the *Pay Equity Act* is to remedy inequitable compensation, a natural question that follows is “how much does it cost to bring one or more female job classes in line with their male comparator(s)?” The following table provides a high-level answer to that question. In reality, the size of payments varies considerably from one employer to another based on factors such as the number of affected employees, the time period involved (and whether interest is owed), and the dollar value of the difference in compensation.

Fiscal Year	Total Value of \$ Adjustments Paid Out			# Employees Who Received Payment Adjustments		
	Complaint Files	Proactive Files ²³	Total	Complaint Files	Proactive Files	Total
2023-24	\$66,251.95	\$335,195.52	\$401,447.47	51	89	140
2022-23	\$137,222.18	\$5,535.21	\$142,757.39	16	4	20
2021-22	\$691,499.14	\$2,701,997.86	\$3,393,497.00	103	1,613	1,716
2020-21	\$1,958,542.39	\$1,209,622.43	\$3,168,164.82	1,423	378	1,801
2019-20	\$1,197.97	\$1,200,420.38	\$1,201,618.35	4	343	347
2018-19	\$1,503,774.71	\$742,388.50	\$2,246,163.21	262	215	477
2017-18	\$2,749,122.23	\$550,078.42	\$3,299,200.65	775	146	921
2016-17	\$1,899,082.94	\$2,787,875.36	\$4,686,958.30	444	597	1,041
2015-16	\$1,399,253.12	\$4,913,692.09	\$6,312,945.21	467	1,345	1,812

Fiscal Year	2023-24	2022-23	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
% Cases Resulting in Pay Adjustments ²⁴	11%	8%	22%	29%	19%	15%	9%	19%	23%

²³ Includes files categorized as “monitoring” files in previous annual reports.

²⁴ Calculated based on number of files closed in the fiscal year

5.5 Compliance and Appeals

The *Pay Equity Act* gives the PEO the ability to refer cases of non-compliance to the Tribunal for enforcement. In the spirit of the Act, Review Officers make every attempt to exhaust all other resorts before referring a matter to the Pay Equity Hearings Tribunal. The Act also permits parties who disagree with the PEO to appeal an Order to the Tribunal.

The PEO strives to ensure that all Orders are correct in law and carefully reviews the Tribunal's findings to inform future decisions.

Appeals 2023-24	
Type	Number of Cases
Cases referred to Tribunal by PEO	1
Cases appealed by a party to the Tribunal	3
Cases where Tribunal upheld PEO decision	6 ²⁵

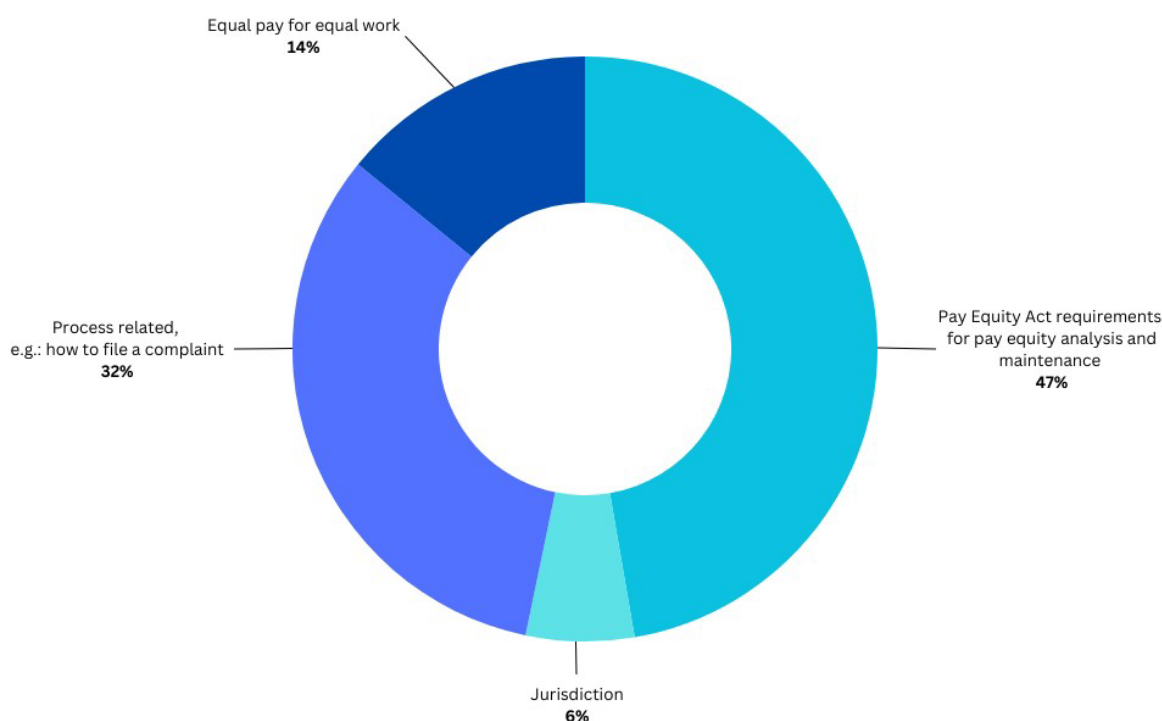
5.6 General Inquiries Service

The PEO also serves the general public by operating a General Inquiries service that receives questions via email, telephone, fax, or TTY. This service is for general information only to explain the provisions of the *Pay Equity Act* or the steps required to do a pay equity analysis. The PEO cannot provide legal advice, nor can the PEO provide advice on specific situations. To assist any workplace party with their particular circumstances, the PEO would have to open a file to ensure that all questions are addressed through a comprehensive review of all relevant information.

This year, the PEO revised the way we display General Inquiries categories to make the categories more meaningful to the average reader.

²⁵ Some Tribunal decisions are released in a different fiscal year than the year of referral.

General Inquiries*



* Amounts may add up to less than 100% due to rounding.

Inquirers utilize email and telephone in roughly equal proportion. The majority of questions relate to one of three themes:

- ◆ Equal pay for equal work, including the common confusion between the *Pay Equity Act* and the *Employment Standards Act* (these inquiries are usually referred to the Ministry of Labour, Immigration, Training and Skills Development);
- ◆ Questions about the process of pay equity, including roles and responsibilities; and
- ◆ Technical questions regarding pay equity analysis and maintenance such as how to determine a job class, how to calculate job rate, and so on.

6. Finances and Human Resources

6.1 Financial Report

The PEO's annual operating budget is part of the Ministry of Labour, Immigration, Training and Skills Development's Estimates and reports quarterly on its expenditures and planned commitments.

Fiscal Year 2023-24 (in thousands of dollars)

Account	2023-24 Expenditure Estimates	2023-24 In-year Board Approvals	2023-24 Year-end Budget	2023-24 Year-end Actuals	Variance	% Variance
Salaries & Wages	2346.0	180.1	2526.1	2223.9	302.2	12%
Benefits	266.1		266.1	285.1	(19.0)	(7%)
Transportation & Communication	20.0	15.0	35.0	29.3	5.7	16%
Services (Including Lease)	358.9		358.9	528.9	(170.0)	(47%)
Supplies & Equipment	5.0		5.0	19.9	(14.9)	(3%)
Total ODOE	383.9	15.0	398.9	578.1	(179.2)	(45%)
Grand Total	2,996.0	195.1	3,191.1	3,087.1	104	3%

6.2 Human Resources

The PEO consists of 20²⁶ Full Time Equivalents. The Commissioner is the sole Order-in-Council appointee.

²⁶ This figure is provided annually by the Ministry.



Section 3.5.1 of the *Agencies and Appointment Directive, April 2020*, requires that remuneration for appointees be included in the annual report. The annualized remuneration (salary not including benefits) for the Commissioner in the 2023-2024 fiscal year was \$186, 621.

As required by the *Public Sector Expenses Review Act, 2009*, the Commissioner's expenses are posted quarterly on the Pay Equity Office website.

The Pay Equity Hearings Tribunal



Annual Report 2023-2024

PEHT Annual Report 2023-2024

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Message from the Presiding Officer

I am pleased to present the 2023-2024 Annual Report for the Pay Equity Hearings Tribunal. The 2023-2024 year was another fantastic year for the Tribunal. When I was appointed as the Tribunal's Presiding Officer, a primary objective of mine was to ensure that cases were addressed effectively and efficiently. I am proud to report that in 2023-24, 76% of all cases were resolved. This could not have been done without the diligent effort of the administrative staff, vice-chairs, and members who are critical to the Tribunal.

In 2023-2024, the Tribunal had the first case that invoked the issue of how to ensure pay equity has been maintained using proxy comparators return before direction. As this is a novel issue that has the potential to impact almost every employer, union, and employee that established their pay equity plan using the proxy method, the Tribunal invited the public to file interventions on this issue. Nine interventions were received and the Tribunal has started the process of receiving submissions on this issue. Hearing dates for oral submissions are scheduled for March 2025.

The Tribunal continues to operate remotely and again in 2023-2024 the Tribunal did not experience any issues with technological issues. No hearings were cancelled or adjourned because of technological issues.

Overview

The Pay Equity Commission (the "Commission") was established by section 27 of the *Pay Equity Act, 1987*, c.34 and is continued by subsection 27(1) of the *Pay Equity Act, R.S.O. 1990*, c.P.7 as amended (the "*PEA*"). The Commission consists of two separate, independent parts: the Pay Equity Hearings Tribunal (the "Tribunal") and the Pay Equity Office. The purpose of the *PEA* is to redress systemic gender discrimination in compensation for work performed by employees in female job classes. Its implementation contributes to a fairer and more productive workplace.

The Tribunal is an adjudicative agency of the Government of Ontario responsible for adjudicating disputes that arise under the *PEA*. Pursuant to section 28(1) of the *PEA*, the Tribunal is a tripartite board, composed of the Presiding Officer, Alternate Presiding Officer, a number of Deputy Presiding Officers and Members, representative of employers and employees (Appendix A).

The Tribunal deals exclusively with issues arising under the *PEA*. The Tribunal has exclusive jurisdiction to determine all questions of fact or law that arise in any matter before it. Tribunal decisions are based on the evidence presented and submissions received and on the panel's interpretation of the facts in dispute, legislation and jurisprudence. The Tribunal is committed to a hearing process that balances the need to be fair, accessible, economical and efficient. It deals as expeditiously and fairly

as reasonably possible in processing, settling or adjudicating all matters that come before it. The decision of the Tribunal is final and conclusive for all purposes. Decisions of the Tribunal cannot be appealed but may be judicially reviewed. The Tribunal encourages co-operation among employers, bargaining agents and employees and is committed to encouraging settlement among the parties.

The Tribunal is entitled to determine its own practices and procedures and has the authority to make rules and forms governing its practices and the conduct of those appearing before it. The Tribunal's Rules, Forms and Information Bulletins are available on its website at <http://www.peht.gov.on.ca> or from its offices at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1.

Organizational Structure

The Ontario Labour Relations Board (the "OLRB") provides administrative and institutional support to the Tribunal. The Tribunal benefits from the OLRB's sophisticated administrative and legal support, as well as information technology and the potential to take advantage of the expertise of its mediators. While the Tribunal has its own complement of Deputy Presiding Officers and Members, the Tribunal Presiding Officer is currently cross-appointed to the OLRB and the Alternate Presiding Officer/Deputy Presiding Officer and one Member are cross-appointed from the OLRB. A second Deputy Presiding Officer was cross-appointed from the OLRB until February 16, 2024 and two of the current Members are cross-appointed from another tribunal. This arrangement ensures that the Tribunal is staffed with experienced decision-makers at a cost that is shared with other tribunals (full-time appointments only). (Appendix A)

The Tribunal also participates in a broader, shared-services arrangement with the OLRB and the Workplace Safety and Insurance Appeals Tribunal. These adjudicative agencies share printing and production, mail services and common library services.

Operations

The OLRB staff who perform the administrative functions for the Tribunal currently work a combination of remote and in-office days. Front desk staff are available for in-person filing as well as continuing to take calls and provide information to the public and stakeholders.

PEHT adjudicators and members continued to hear cases remotely. All hearings and pre-hearings in 2023-2024 were held by video or teleconference where appropriate and no in-person hearings took place. The PEHT has notified the community that video conference will continue to be the presumptive method of hearing. Parties may write to

the Tribunal to request an alternative to video hearing and such requests will be considered on a case by case basis.

Electronic filing of applications, responses and all other material remains available and the increased space size for documents allows for greater accessibility. In 2023-2024, 95% of the Tribunal's forms and submissions were filed electronically. The Tribunal continues to allow for the filing of a large volume of documents through the use of a third party cloud tool (such as Drop Box, Google Drive or Microsoft OneDrive), delivery by email, where appropriate, and the use of an electronic summons form.

Tribunal Processes

On January 1, 2024, the Tribunal revised its Rules of Practice to clarify the Tribunal's procedural powers, codify practices that were not expressly set out in the Rules, increase efficiency, and reflect the post-pandemic reality regarding the conduct of hearings and communications. For example, the Rules were updated to remove delivery by facsimile as an accepted method of service or filing. However, email delivery has been included as an accepted means of service where it is known by the party that the email address is used by the party recipient or its representative.

The Rules of Practice also reflect the practice that requests on consent for extensions for no less than a month are presumed to be granted, unless the Tribunal declares otherwise.

Information Bulletins were also updated to, among other things, include the changes to the Rules of Practice as well as to reflect that most hearings are now held electronically and that documentary evidence must be filed electronically. New forms were also introduced to address constitutional questions and requests to intervene.

Upon receipt of an application, the Tribunal sends a Confirmation of Filing to the parties confirming that the application has been filed, providing the Tribunal file number and advising the parties of the date by which a response must be filed.

With respect to the adjudication of disputes, the Tribunal continues to encourage the parties to resolve their disputes without the need for adjudication. Once the response has been filed, many cases which involve more than a single party are scheduled for a Pre-Hearing Conference with the Presiding Officer, Alternate Presiding Officer or Deputy Presiding Officer where one of the objectives is to explore with the parties opportunities to settle all or a part of the dispute.

In order to increase its efficiency and reduce the parties' costs, the Tribunal continues its efforts to reduce the number of days it takes to adjudicate a matter. The Tribunal proactively identifies preliminary issues and directs the parties to address them, and encourages the parties to raise any issues they may identify well in advance of the hearing with a view to determining these matters on the basis of written

submissions. The Tribunal continues to use Pre-Hearing Conferences and/or case management hearings to organize and streamline the issues in dispute so that a matter can be adjudicated as efficiently as possible. In addition, parties are routinely asked to exchange detailed submissions and documents well in advance of a hearing in order to make better use of available hearing time. It has been the Tribunal's experience that requiring the exchange of detailed submissions, witness statements, and documents in advance of the hearing not only serves to reduce hearing time but also facilitates the parties' ability to resolve some or all of the dispute.

In order to support a timely and efficient resolution of disputes, the Tribunal discourages adjournments except where compelling circumstances arise. In those circumstances, the Tribunal requires parties to offer substitute dates within 72 hours.

Key Activities

The Tribunal's key activities are adjudication and dispute resolution in the area of Pay Equity. These two functions are the foundation for the Tribunal's objective of adjudicative and dispute resolution excellence.

Adjudication

The Tribunal is tripartite in nature, comprised of neutral Presiding Officers and member representatives of employers and employees/trade unions. The Members are expected to bring the perspective and concerns of their community to the task of adjudication. All of the Presiding Officers have adjudicative experience or cross-appointments with other adjudicative agencies. The Tribunal holds hearings where evidence is presented and oral arguments are made. Pay equity issues are often complex; hearings can take multiple days to complete. Tribunal decisions are issued in writing and posted on accessible websites (www.canlii.org). Parties are encouraged to seek independent legal advice before coming to the Tribunal.

Mediation

Almost every case is scheduled for a pre-hearing conference before a Presiding Officer, different from the one who will hear the case. The purpose of the pre-hearing conference is to identify and narrow the issues in dispute, organize the litigation to ensure that it is ready for hearing and explore opportunities to settle some or all of the issues. Pre-hearings are more informal than a hearing and provide an opportunity for parties to ask questions about the Tribunal's hearing procedures. Pre-hearings reduce hearing time, saving time and expense for both parties and the Tribunal. In addition, in March 2023, the Tribunal initiated a pilot project to explore the use of mediators in resolving or narrowing issues in the litigation as a further means of improving the efficiency and dispute resolution excellence for the parties and the Tribunal. Experienced mediators with the Ontario Labour Relations Board were engaged as part of the pilot project, and the experience of appointing mediators has been helpful in

resolving matters. To date, every file where a mediator was appointed has resulted in a resolution, before a final decision.

IT Initiatives and Electronic Filing

The Tribunal's forms, in French and English, are available electronically on its website and are hosted by Ontario Shared Services. A total of seven forms are currently available to be submitted electronically, and parties can file correspondence, submissions and other material electronically. In 2023-2024, 95% of the total number of forms and submissions filed with the Tribunal were filed electronically.

All OLRB staff and PEHT Presiding officers, Deputy Presiding Officers and Members are issued laptops with VPN to allow them electronic access to files while working remotely.

The OLRB continues to build its statistical data and reporting capabilities on a Power BI platform allowing for future access to real-time data, which the PEHT may also access.

Caseload Processing

The total caseload for the fiscal year 2023-2024 amounted to 17 applications, which was a combination of 10 pending applications carried over from the previous year, 3 files re-opened and 4 new applications. The Tribunal's caseload each year is made up of two parts: the cases carried over into the year from the previous year and the cases filed during the current year.

During the 2023-2024 fiscal year, the Tribunal disposed of 13 applications. Four applications were granted, six were dismissed, and three were settled. A total of four files were pending at year-end.

The Tribunal has made a practice in its Annual Report of providing caseload data of the kind set out in the preceding paragraphs and in the Caseload Statistics table. These numbers alone do not always provide a meaningful picture of the demand that those cases place on adjudicative resources, principally because that demand varies significantly from one application to another. A more nuanced understanding emerges from statistics relating to the number of pre-hearing conference dates scheduled (3) and held (3), hearings scheduled (24) and held (11), and number of written decisions issued this year: interim decisions (21) and final decisions (11). Even then, of course, there is considerable variation in the complexity of the decisions and the amount of time required to generate the reasons.

Caseload Statistics

	Caseload				Disposed of							
Fiscal Year	Total	Pending April 1	Received Fiscal Year	Re-Opened	Total Disposed	Granted	Dismissed	Terminated	Settled	Pending Other Case	Pending March 31	
2023-24	17	10	4	3	13	4	6	0	3	0	4	
2022-23	34	23	9	2	24	6	2	11	3	2	10	
2021-22	31	20	9	2	8	2	1	2	3	0	23	
2020-21	27	21	6	-	7	1	4	1	1	0	20	
2019-20	39	29	10	-	18	1	13	0	1	3	21	
2018-19	36	31	5	-	8	3	0	2	3	-	29	
2017-18	44	37	7	-	13	4	2	2	5	-	31	
2016-17	46	25	21	-	13	3	0	2	8	-	37	
2015-16	45	13	32	-	21	5	3	1	12	-	25	
2014-15	30	18	12	-	17	3	2	2	10	-	13	
2013-14	31	20	11	-	14	5	2	4	3	-	18	
2012-13	35	21	14	-	11	0	4	4	3	-	23	
2011-12	39	21	18	-	21	3	4	3	11	-	21	
2010-11	35	13	22	-	16	4	3	5	4	-	21	
2009-10	50	28	22	-	37	8	4	1	24	-	13	
2008-09	48	25	23	-	20	0	4	0	16	-	28	
2007-08	34	12	22	-	9	2	1	0	6	-	25	
2006-07	25	10	15	-	13	3	4	0	6	-	12	
2005-06	16	5	11	-	6	3	2	0	1	-	10	
2004-05	5	0	5	-	0	0	0	0	0	-	5	

Definition of Terms:

- 1) Granted means that the application was, in whole or in large part, successful.
- 2) Dismissed means that the application was, in whole or in large part, not successful.
- 3) Terminated means that the application was not granted, dismissed or settled but was terminated at the parties' request or abandoned.
- 4) Settled includes all cases where the parties, either with or without the assistance of the Tribunal, settled the dispute, as well as cases that were adjourned.

Key Decisions

Renegotiation of pay equity plan and maintenance procedure - Employer and bargaining agent signed Terms of Reference (“TOR”) by which new pay equity plan and maintenance procedure would be negotiated - New plan and maintenance procedure necessitated by amalgamation of hospitals and bargaining units - Dispute over gender-neutral comparison system filed with Pay Equity Office and settled - Various other disputes arose regarding evaluation of subfactors and whether additional classes existed and required evaluation, as well as whether pay equity plan would cover period 2003 to present or only 2003 to 2008 as contended by the Union - Union applied for review services - Negotiations floundered and Employer refused to further negotiate and unilaterally posted a pay equity plan and made pay equity adjustments - Employer argued that negotiations were clearly not going to achieve a pay equity plan and it was the Employer’s obligation to create a pay equity plan, a direction from Review Services that the parties negotiate a plan would be pointless, and so the Employer could therefore unilaterally create and post the pay equity plan - Union argued that pay equity plan had to be created by agreement pursuant to the Pay Equity Act (the “Act”) and the TOR - Tribunal determined that Employer could not ignore dispute resolution processes in the Act or refuse to negotiate as required by the Act - Tribunal noted that the Union’s actions in the negotiations were also counter-productive and that there was some merit to the Employer’s position that a direction for further negotiation would be pointless - Given the lengthy period of approximately fifteen years in which the parties had not achieved a pay equity plan, appropriate remedy was to direct that a Review Officer prepare a pay equity plan covering the period from 2003 to present - Any adjustments already paid by the Employer could be offset against payments required by plan prepared by Review Officer - Any challenge to pay equity plan prepared by Review Officer would be subject to challenge on a reasonableness standard - Application granted

Bluewater Health, Applicant v Service Employees International Union, Respondent; Tribunal File No. 0311-22-PE; June 6, 2023 (2023 CanLII 54283)

Objection to pay equity plan prepared by Review Officer - Preliminary objection - Tribunal had previously directed that a Review Officer prepare a pay equity plan after concluding that Employer had not negotiated in good faith with Union in respect of achieving an amended pay equity plan - Tribunal had directed parties to resume negotiation on certain terms to negotiate amendments to the pay equity plan by a certain date, failing which a Review Officer would prepare amended pay equity plan - Parties did not achieve agreement and Review Officer prepared amended plan - Union sought review of plan, arguing that Tribunal’s earlier decisions had made certain findings of fact, and requirements in respect of the pay equity plan, that the Review Officer was obliged to observe - Employer argued that the requirements asserted by the Union were effectively the remedies sought by the Union in the earlier proceedings before the Tribunal, which the Tribunal had declined to order - Employer argued that nothing fettered the Review Officer’s process - No estoppel - Nothing in Tribunal’s previous decisions fettered the

Review Officer's preparation of the plan - Preliminary objection dismissed - Matter continues to determine whether or not plan was compliant with the Act.

Ontario Secondary School Teachers' Federation, District 17, Applicant v **Simcoe Muskoka Catholic District School Board**, Respondent; Tribunal File No. 0165-21-PE; June 9, 2023 (2023 CanLII 54358)

Application by Union concerning dispute over term in minutes of settlement in which the parties "acknowledge[d] the obligation to ensure that pay equity is maintained for the bargaining units" - Union asserted that this represented an agreement to negotiate the maintenance of pay equity - Parties disputed whether or not the term was patently or latently ambiguous and submitted declarations setting out the parties' views regarding the proper interpretation of this provision - Tribunal noted that the Pay Equity Act imposed the obligation to maintain pay equity on the employer, in contrast to the provisions of the Act that required the employer and union to negotiate a gender-neutral comparison system and the pay equity plan itself and other examples of an obligation to negotiate - If parties agree to expand the union's role in respect of maintenance, the Tribunal will hold the parties to that agreement, but these parties did not do so - Tribunal concluded that the minutes were clear and unambiguous - Nothing in the minutes of settlement referred to "negotiation" or a joint obligation to maintain pay equity - At best, this agreement was an "agreement to agree" which is not enforceable - Minutes did not alter the statutory condition that maintenance of pay equity is the Employer's responsibility - Tribunal noted that union had every right to raise concerns about maintenance and to seek review if it took issue with the employer's maintenance of pay equity, but there were no such allegations in this case - Application dismissed

OPSEU/SEFPO, Applicant v **Canadian Blood Services**, Respondent; Tribunal File No. 2721-22-PE; September 11, 2023 (2023 CanLII 93702)

Application by employer challenging Review Officer's decision - Employer filed pay equity plan in 1989, and it was unchallenged - As part of ongoing monitoring program, Pay Equity Office initiated a review and Employer conducted a pay equity maintenance review and created an amended pay equity plan, which included adjustments retroactive to 2016 - Review Officer concluded that the plan posted in 1989 was not compliant with the Act, and gave directions to the employer in order to determine whether further adjustments were required for the period prior to 2016 - Pay Equity Office did not respond to application or participate in the hearing - Tribunal found that the pay equity plan was deemed approved by the Pay Equity Commission and it was not open for the Review Officer to declare that it was invalid 30 years later - the Tribunal concluded that the Order was fundamentally flawed and it raised presented issues of prejudice and fairness given that the plan was deemed approved by operation of the Act over 30 years previously. Application granted and Review Officer's order revoked.

The Corporation of the Township of Emo, Applicant v Pay Equity Office, Respondent;
Tribunal File No. 1132-23-PE; September 26, 2023 (2023 CanLII 96980)

Court Activity

Parties may seek judicial review of a PEHT decision to the Divisional Court. In 2023-2024, there was one judicial review application filed and heard. The application was dismissed on May 29, 2024.

Performance Measures

Efficient Case Processing

2023-2024 Commitments

- 75% of new files opened within two business days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 75% of confirmations of filing of applications sent to parties within four business days of application filed in accordance with the Tribunal's Rules of Practice.
- 75% of files closed within two business days following final decision.

2023-2024 Achievements

- 100% of new files opened within two business days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 100% of confirmations of filing of applications sent to parties within four business days of application filed in accordance with the Tribunal's Rules of Practice.
- 85% of files closed within two business days following final decision.

Adjudication and Disposition

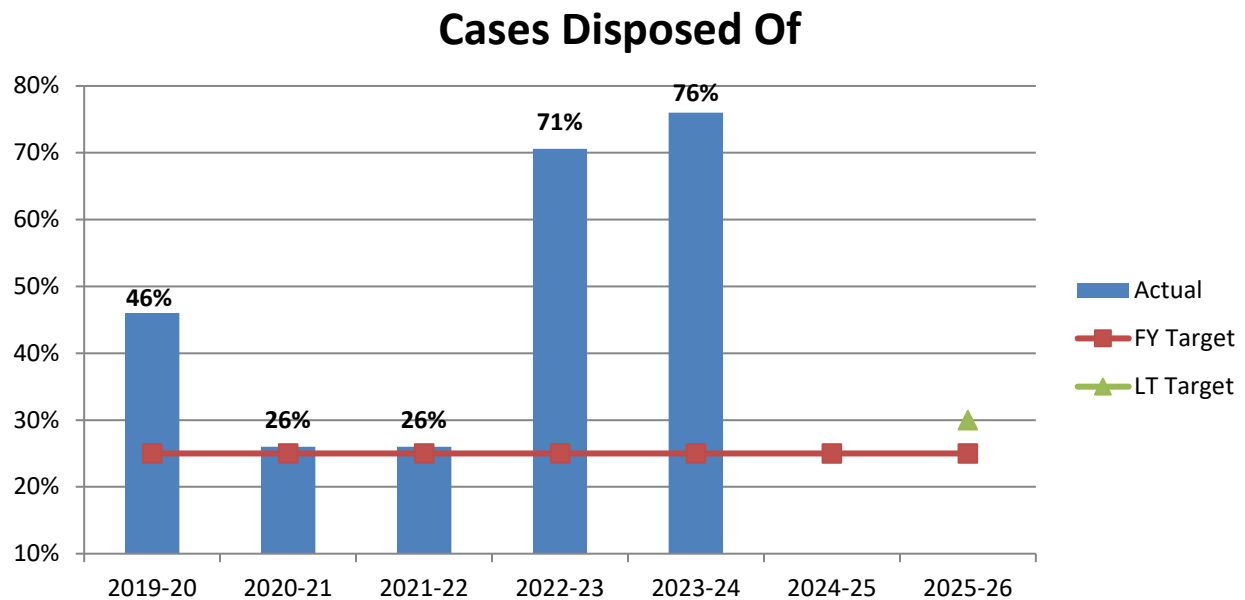
2023-2024 Commitments

- 90% of files reviewed by Presiding Officer or Deputy Presiding Officer within two weeks of response date.
- Where a pre-hearing conference is held, in 50% of those cases at least one issue is resolved.
- 25% of outstanding cases disposed of during the year.

2023-2024 Achievements

- 100% of files reviewed within two weeks of response date.
- Where a pre-hearing conference was held, the parties resolved at least one procedural or substantive issue in every instance.
- 76% of cases disposed of during the year overall.

Note: The settlement rate and time to conclude cases recognizes the complex nature of pay equity disputes which results in few negotiated settlements. As a result, almost all cases are decided only after lengthy hearings. In general, the same counsel represent the parties in pay equity cases and the scheduling of hearings is further extended by the availability of counsel as well as Presiding Officers and Members who are cross-appointed to other Tribunals. In addition, a number of cases may arise out of the same Order or be otherwise related or will remain pending at the Tribunal as they work their way through the courts on judicial review or appeal, which also impacts the disposal rate.



Ombudsman Review

The Ontario Ombudsman has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2023/24.

Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner of Ontario has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2023-2024.

Requests for Access to Documents in the Tribunal's Adjudicative Files

Since the Superior Court Decision in *Toronto Star v. AG Ontario*, 2018 ONSC 2586 (CanLII) and the subsequent enactment of the *Tribunal Adjudicative Records Act* ("TARA") in 2019, the Tribunal receives more frequent requests for adjudicative records. During the 2023-2024 fiscal year, the Tribunal received and processed three requests for documents from Tribunal files. Those making requests included parties to a case, lawyers not involved in the file and members of the public. The requests sought records in active files currently being heard by Presiding and Deputy Presiding Officers and older closed files. Requests were processed in accordance with the Tribunal's Policy, TARA and the Tribunal's Rules of Practice, as applicable.

Financial Performance

In accordance with the Ministry of Labour, Immigration, Training and Skills Development, Delegation of Financial Authority Framework, financial authority is delegated to the Presiding Officer (Chair) of the Tribunal. The Presiding Officer is required to ensure that public funds are used with integrity and honesty. The Tribunal's operating budget is included in the Ministry's estimates and allocation process, and the Tribunal is required to report to the Ministry each quarter with respect to its expenditures and planned future financial commitments. The total annual remuneration paid by the Tribunal for OIC appointees was \$209,244.

The PEHT's financial performance for the 2023-2024 fiscal year resulted in a savings for the Tribunal. Salaries and wages and transportation/communication costs are comparable to the previous fiscal year with only minor non-material changes in salaries due to cost-sharing arrangements with the OLRB. Services expenditures were marginally overspent due to higher part-time per diem costs. Supplies and equipment expenses were not incurred this fiscal as the Tribunal was able to operate with existing equipment and supplies.

All figures in \$000.0 thousand

Category	Expenditure Estimates	In-Year Board Approvals	Year-end Budget	Year-end Actuals	Variance	% Variance
Salaries & Wages	275.8	(54.6)	221.2	200.0	21.2	10.3%
Benefits	39.7	(20.0)	19.7	17.3	2.4	12.1%
Transportation & Communication	14.9	(10.0)	4.9	0.4	4.5	92.6%
Services (incl Lease)	134.9	(90.0)	44.9	49.5	(4.6)	-10.3%
Supplies & Equipment	1.0	-	1.0	-	1.0	100.0%
Total ODOE	150.8	(100.0)	50.8	49.9	0.9	1.8%
Grand TOTAL	466.3	(174.6)	291.7	267.2	24.5	8.9%

Appendix A

Order in Council Appointments

The Tribunal's adjudicators (Presiding Officer, Alternate Presiding Officer, Deputy Presiding Officer and Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. The following is a chart of OICs working in 2023-2024, their appointment terms and remuneration:

Name	First Appointed	Term of Appointment	Annual Remuneration
Presiding Officer			
Ross, David	August 13, 2019	April 1, 2025	\$ 182,909.03
Alternate Presiding Officer			
Rowan, Caroline	August 6, 2020	August 5, 2025	\$ 1,660.64
Deputy Presiding Officer			
Lawrence, Lindsay	February 17, 2022	February 16, 2024	\$ -
Sanderson, Douglas	April 13, 2023	April 12, 2025	\$ 1,576.00
P/T Members (Employer)			
Zabek, Carla	April 4, 2012	April 3, 2027	\$ 3,743.00
Bolton, Lori	September 13, 2017	September 25, 2027	\$ 5,516.00
Greenside, Patricia	November 21, 2019	November 20, 2024	\$ 2,659.50
P/T Members (Employee)			
Phillips, Carol	August 15, 2012	September 28, 2024	\$ 7,830.75
Roth, Stephen	December 12, 2019	December 11, 2024	\$ 3,349.00
Irwin, Mackenzie	March 23, 2024	January 8, 2024	\$ -

* Remuneration of full-time Appointees is representative of their cross-appointments with the OLRB. The Presiding Officer is currently cross-appointed to the OLRB. The Alternate Presiding Officer is cross-appointed from the OLRB. A Deputy Presiding Officer was cross-appointed from the OLRB until her appointment ended in February 16, 2024. A cost recovery model is in place between OLRB and PEHT. Salaries in the PEHT's remuneration chart for the above three positions is reflective of the actual amounts paid by the PEHT. Part-time Appointees are paid on a per diem basis. Their annual remuneration is the actual amount paid to them by the PEHT.

Accountability Statement

The Tribunal's Annual Report for the fiscal year ending March 31, 2024 was prepared under my direction for submission to the Minister of Labour, Immigration, Training and Skills Development in accordance with the Agencies and Appointments Directive as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in accordance with the accounting principles for governments issued by the Public Sector Accounting Board (PSAB). The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the Tribunal verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

As an agency of the Ministry of Labour, Immigration, Training and Skills Development, the Tribunal's Annual Report is subject to the minimum reporting requirements established in the Agencies and Appointments Directive, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance;
- Analysis of operational performance;
- Analysis of financial performance;
- Names of appointees, term of appointments and remuneration;
- Performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2023 to March 31, 2024.

For More Information

Local: 416-326-7500

Toll-Free: 1-877-339-3335

Hearing Impaired (TTY): 416-212-7036

Hours of Operation: 8:30am – 5:00pm

Website: <http://www.peht.gov.on.ca>

505 University Ave, 2nd Floor
Toronto, Ontario
M5G 2P1

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