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The Supreme Court has decided

Par Richard Saucier
richard.saucier@saucierconseil.com

Pay Equity maintenance in Quebec must be on a continuous basis

On May 10th 2018, The Supreme Court of Canada has rendered its decision on selected sections of The Quebec Pay Equity Act.

According to the Revised Act (2009), employers had to assess the organization's pay equity situation at a given date every five years rather than on a continuous basis which would require retroactive payments. The Supreme Court has decided that this was discriminatory according to the Human Rights Act. As Justice Arabella puts it: *'As the trial Judge and the Court of Appeal found, this effectively gives an amnesty to the employer for discrimination between audits...'*

Impact of this decision will depend on individual situations. The Commission is working on changes required but it will take some time. It is obvious however is that it will be very substantial for some employers. Important sums of money might be involved.

Employers will have to assess their situation in the coming months to ensure that they are not accumulating a liability. Every organization should (in the coming months):

- Ensure that their salary structure is exempt from pay equity discrepancies. A salary structure is the most effective and efficient mean for pay equity analyses.
- Ensure that other compensation modes do not introduce pay equity discrepancies.

It is not difficult to respect the Act. It must however be done timely and within the rules.