The Struggle for Pay Equity on the Ground

JUDY HAIVEN

San aucune obligation légale pour les employeurs de Saskatchewan d'implanter l'équité salariale, les employés de la Commission scolaire catholique de Saskatoon ont été très surpris d'apprendre qu'il en serait ainsi. Mais le personnel fut divisé sur cette décision: les secrétaires, les aides-pro-fesseurs et les employés de bureau (presque toutes des femmes) étaient d'accord alors que les gardiens, les concierges (presque tous des hommes) n'étaient pas d'accord. Cet article parle d'un ressac de ce syndicat contre l'équité salariale.

Thousands of pages and millions of dollars[1] have been expended on the subject of pay equity in Canada. Pay equity, meaning equal pay for work of equal value, has been a matter of law in the federal jurisdiction in Canada since 1978 (White). But only two of the provinces, Ontario and Quebec, have similar legislation which covers the private as well as the public sector.[2] The remaining provinces have legislation aimed only at those employed directly by the provincial government and employees on provincial commissions and corporations.[3] For these provinces there is no pay equity legislation that covers employees in the municipal or private sectors.

So in the early 1990s, it came as a surprise to a union in Saskatoon when the employer approached them with the idea of implementing pay equity. The union was the Canadian Union of Public Employees (CUPE) Local 2268, which represented about 300 secretaries, clerks, teachers' aides, caretakers, and maintenance staff at the Saskatoon Catholic School Board. What happened was this: some School Board managers had noticed the pay discrepancy between what the mainly female support staff—secretaries and teachers' aides—earned compared to what the mostly male caretakers and maintenance workers earned. In general the women earned under $20,000, while the men earned a minimum of $28,000 per year.[4] As one senior manager put it,

> *There was the principle of equity here. We know there was a bias in favour of male-dominated jobs.... There was the question of social justice too.*[5]

This paper is about what happened when a progressive and forward-thinking employer made an effort to implement pay equity—without the benefit of enabling legislation. At first the union was happy to co-operate fully with the joint management/union job evaluation scheme which was meant to lead to pay equity. However a turbulent few years later, the union local split along mainly gender lines and pay equity was a troubling memory.

The Need for Pay Equity

The need for pay equity is undeniable. Canadian women in unionised workplaces, employed full-time and year round earn, on average, 82 per cent of what men earn. That figure falls to 61 per cent when including women who are not in unions, those who work part-time, work on contract, or are self-employed (Hadley). Women earn less than men primarily for three reasons. First, downsizing and privatization through the 1990s has resulted in more part-time and contract jobs and these tend to be filled by women (Hadley; Broad 1997; Osberg, Wien and Grude). Secondly, women are employed in what is typically known as "women's work" (Duffy). The occupational segregation of women mainly into clerical work, retail sales, cleaning, nursing and education typifies "women's work," and much of it is low-paid (Broad 2000).[6] Third, the "double shift" or family burden of childcare, housework, and single-parenthood often means that women tend not to be able to access "good jobs" which have decent pay, training opportunities or a career ladder to climb (Broad 2000; Swift). These factors taken together confirm that, on the whole, women earn less and are poorer than men.

Pay equity is one established route to help raise women's wages to the level of men's.[7] Pay equity means

equal pay for work of equal *value* and *not* just that men and women should be paid the same rate for doing the same jobs. The system is based assessing each job in a gender-neutral way by looking at four critical factors—skill, effort, responsibility, and working conditions. The job is then put into a job class with those who do similar work. Finally the job class is compared to an appropriate male comparator, in other words a male job class with similar point values to the female job class (McDermott). From there a wage adjustment can be made.

But as noted earlier, pay equity is usually implemented where legislation exists. Yet, in most jurisdictions, legislation seems to be stalled because pay equity is seen as contentious and mired in politics of both the employers and their unions.

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The JJEC Begins Work

In the early 1990s, the Saskatoon Catholic School Board and its union, CUPE Local 2268, struck a Joint Job Evaluation Committee (JJEC), which was composed of union and management representatives. The committee's first item of business was to write job descriptions for every job in Local 2268. Women formed two-thirds of the membership. As teachers' aides, clerks and school secretaries they earned about $10 per hour on average while men, who were mainly caretakers and tradesmen, earned $15 on average. The women were employed on a ten-month per year basis, but the men worked year round. The JJEC put together these descriptions on forms that summarized each job, its duties and responsibilities. It also outlined what tools, machines, and equipment were used to perform the job. The JJEC composed a 35-page questionnaire and sent it out to all the local union members. The JJEC subsequently went through every questionnaire and analyzed the results. Some members were distrustful of the evaluation process and did not fill in the forms well.

> *An example was the boys at the shop who would just fill out incomplete forms. Some didn't care enough to do a good job especially people in the service areas like caretakers who had to answer questions like "did you use the vacuum" and how often. For people who couldn't read very well, someone helped fill in their forms.* (member of the executive)

Some of the men caretakers took pains to write that they helped children who were lost, cut off the locks on bikes for kids who had forgotten their keys, and wiped kids' noses when they fell down in the playground. Interestingly, none of the women secretaries noted they did the same thing. When asked, one said, "Oh we do that all the time. I never thought of writing it down as part of my job."

Once the questionnaires were handed into the committee, they had to agree about what ratings should stick. They drew up eight pay bands, each with an arbitrary salary attached to it. The questionnaires provoked jealousies among the members, even among the women themselves. The school secretaries were dismayed to see the evaluations proved the teachers' aides were the most undervalued and were earning less than secretaries. The secretaries understood little about the level of personal care the teachers' aides performed. But the more serious problem was the animosity exhibited by a small but vocal contingent of men in the service area. Despite the fairness of the rating system, the male workers refused to believe it. They believed what they saw. They saw the secretary sitting at her job answering the phone. They did not see the secretary answering the phone, counting petty cash, and dealing with a sick child all at the same time. They did not see a secretary suffer headaches and back pain from squinting at an ancient computer screen. By the same token, the secretary saw the caretaker walking down the hall pushing a mop, stopping by the office for a chat because he seemed bored. The secretary thus thought the caretaker did not have enough to do.

Barriers to Change

The School Board had set aside specific amounts of money to allow for the upward adjustments of employees' wages "over and above normal wage increases negotiated in collective bargaining." Most of the tradesmen and caretakers were convinced that they were being asked to sacrifice their wage increases to raise the pay of secretaries or teachers' aides. This was simply not true, but the service workers used it in their battle against pay equity.

One school secretary who was enthusiastic about pay equity believed her job had been undervalued for years. Along with her Grade 12 education and a year of Business College, the secretary had taught herself several computer programs. Her gross pay was $1,789 per month, or $1,454 net. On the second last day of school in June, the secretary and scores of other School Board employees were laid-off and filed for Employment Insurance (EI) benefits. Her EI benefits amounted to $1,260 net for two months. She joked that her ambition was get through the summer without

a trip to the Food Bank.

While the secretary was hopeful about the job evaluation many of her male co-workers were uneasy. One maintenance person discounted the school secretary's situation entirely, yet he earned $2,429 per month, 12 months a year. The spread between the secretary's $1,789 and the caretaker's $2,429 may not look like much, but due to the secretary's compulsory two-month layoff, her yearly income amounted to less than $18,000 while the maintenance person's was just over $29,000. Counting the secretary's Employment Insurance, she still earned less than $20,000 per year.

The maintenance person thought the secretary's work was worth less than his.

> *Secretaries don't want to work that hard. TAs [teachers' aides] look after one kid all day. They are trying to say the TA is worth $400-$500 a month more than me. The secretary makes more money than an assistant caretaker does. For the hours worked, she's making more. Let her get a job as a caretaker but she'd be taking a cut in pay.*

But the secretary was not working the eight-hour day the caretaker was. The secretary was paid for only six-and-a-half-hours per day. Teachers' aides were sometimes paid for as little as three hours a day. Caretakers and other maintenance staff were paid for eight hours a day. Over a year, an assistant caretaker, with a grade ten education, earned at least $4,000 more than a secretary.

The maintenance worker claimed he deserved more money because he had responsibility for a multi-million dollar plant and "if a kid gets locked in a school and there's a fire, my butt is on the line. A secretary ... her biggest responsibility is to switch off the computer at the end of a day."

With so much ill will toward job evaluation, a number of men in maintenance refused to fill in the questionnaires at all. They told the union executive that pay equity was a "women's issue" and it would take money out of their pockets. In spite of the fact that the wage adjustment money had been set aside over and above the negotiated settlement, some men in the union were still sceptical.

It was clear that there was more at stake here than just money. Money may have triggered the men's reaction, but the anti-woman talk, the denigration of women's jobs by saying they worked for "pin money," and some service workers' threats—ultimately made good—to divide the union were typical of the male "backlash." The backlash by the maintenance person and others was as a result of fear that their own jobs would be devalued and "red-circled" by the pay equity program.

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When a worker is "red-circled," it means that after a rigorous job evaluation process, an employee is deemed to be earning more money than the value of the job. A red-circled employee would be entitled to no further wage increase until such time as the relevant salary grid exceeded the employee's wages. In theory, the red-circled employee might not receive a pay raise for five or even ten years, if negotiated settlements were as low as one or two per cent annually.

Not surprisingly, most of those red-circled were in the maintenance and service group. The JJEC determined that 23 employees ought to be red-circled. The maintenance man interviewed was one of them. The job evaluation showed him to be one of the highest paid service staff—he had been *overpaid* by $1,986.40 a year. In other words, he was being paid more than the job was worth. The JJEC found that 233 of the support staff should be green-circled[8] and deserved an upward wage adjustment. The remaining workers were neither green or red-circled and remained "unchanged."

The Union Responds

Report in hand, the union members of the JJEC called a union meeting. But battle lines were drawn. Some of the men lined the hallways ridiculing and jeering at women members who came early for the meeting. Eventually, "the boys" sat in their own corner. One vocal caretaker, who had opposed job evaluation and pay equity, publicly addressed the crowd. "There's no damn secretary who's gonna make as much money as I am," he said. The majority of men in the hall voted against the Committee's report and the pay equity program and most of the women voted for it. It passed by a majority vote.

But opposition to pay equity mounted. Some maintenance men came to meetings and disrupted them or sat in their cars with a video camera trained on anyone who walked inside. Those inside tried to shout down speakers or adjourn the meeting before it began. The caretakers and tradesmen then held their own meetings. At one meeting the service workers moved to split the union. The caretakers and maintenance people wanted to be in their own union apart from the secretaries and aides.

The School Board feared a split in the union and fought the new union's bid for certification at the Labour Relations Board. The breakaway group had hired a lawyer who pushed for a separate local and failing that—decertification of Local 2268.

But CUPE's provincial office did not put up much of a fight, though the local executive wanted to stop it. The CUPE representative—a former school secretary herself—claimed to give in to the union split because it would have been too hard to fight a decertification campaign—with no guarantee the union would win. She said decertification would have put 300 workers at risk of no union representation at all plus the union itself stood to lose thousands of dollars in union dues. There was also the issue of local autonomy[9] that was guaranteed in CUPE's Constitution.

More infuriating for the executive members was the representative's insistence that what had happened at the School Board was never meant to lead to pay equity, but was simply job evaluation. Wait a minute; wasn't that like driving to a supermarket parking lot then not going shopping? Why bother doing job evaluation without the intention of implementing pay equity? But the union representative claimed it was very possible to do job evaluation and then, after looking at the inequities of the pay scales (usually male-dominated versus female-dominated), make wage adjustments at the bargaining table.

Clearly part of the problem was the 23 red-circled positions. CUPE policy was no red-circling. In other words, pay equity could not take away any negotiated wage increase from any member of the bargaining unit. No increase could be held back from the red-circled people. Rather, pay equity was a series of upward adjustments to the green-circled employees' pay cheques. But can there be one without the other? Every time a red-circled person gets a negotiated wage increase—even as little as two per cent—it makes it that much harder for someone on a green-circled pay grid to catch up. So those red-circled could not get the negotiated pay increase if pay equity were to be properly implemented.

In the case of the School Board, the proposal was that everyone would get the negotiated pay increases up to and including 1994, but starting in 1995, red-circled individuals would not be receiving the negotiated increases until the rest of the "grid" (the ones who were green-circled) caught up. As one union official put it mildly, "This can provoke a backlash. Men in general feel they [the employer] are taking money from their pockets."

"I certainly didn't expect it to turn out this way. If there hadn't been any red-circling, if the men hadn't taken the stance they were losing something, it may have worked. They didn't seem to be upset when they were getting over $3,000 a month and I was taking home $1,200."

The Backlash

But the union official could not reassure the maintenance person or his confreres.

> *We would rather wait until pay equity's legislated. And deal with it with intelligence. Management didn't want to do it at the start but with the CUPE plan, it seemed beneficial to them. But it compared apples to oranges. The union official got involved and it got twisted by management.*

This was not true. Management stuck to the plan for pay equity until the stakes got too high. Their resolve diminished when confronted by a possible strike or decertification of the union. Had that happened, labour harmony would have been sacrificed and parents and children might have faced a labour disruption.

Some of the backlash within the union movement could be attributed to the changing demographics of the membership. Two or three decades ago, many of the local unions in educational institutions like school boards or universities were run by men, commonly caretakers and tradesmen. At that time men, on the whole, had little responsibility for childcare. Often the wives stayed at home so men were able to attend evening meetings. That changed for several reasons. First, the gender of the critical mass of educational workers shifted. Women secretaries, teaching assistants, technicians, library workers, and cafeteria staff outnumbered caretakers and tradesmen in these workplaces. Second, more and more families needed both parents working to make ends meet. So the men had more duties at home and could not always participate in union affairs. Finally, an increasing number of women—often single parents—found themselves firmly anchored in the workforce and women thus became more involved in the union. In turn, the union wanted to train and educate them. CUPE, for example, sponsored—and continues to sponsor—a plethora of courses for members including collective bargaining, political action, occupational health and safety training, and assertiveness training. These courses which hone individual skills and encourage community commitment seem to catch the attention of many women who are new union activists. While the old-style union activity was restricted to bargaining and grievance handling, many women began to work to renew the idea of social unionism (White).

CUPE had hoped it could avoid male backlash by adopting a policy against red-circling. The union believed red-circling punished the higher earning groups (usually the men) by withholding negotiated pay increases while tacking those increases onto women's pay. A CUPE representative put it this way: "By wage adjustments you can't deny anyone a regular pay increase."

Another CUPE representative disagreed:

> *I don't know any way of achieving pay equity without freezing the higher wages until the others catch up. I guess another way to achieve it is to lower the number of incremental steps women's jobs have compared to men's. We had attempted that at the bargaining table. For instance, a librarian had seven increments and a painter in the shop had only one.*

Thus, it would have taken the librarian seven years to achieve the highest pay grade in her job, but the painter would have received the maximum hourly rate from the day he was hired.

The union representative explained,

> *I certainly didn't expect it to turn out this way. If there hadn't been any red-circling, if the men hadn't taken the stance they were losing something, it may have worked. They didn't seem to be upset when they were getting over $3,000 a month and I was taking home $1,200.*

When asked if it was a male versus female issue, she responded:

> *I'd like to say it wasn't a male/female thing, but it was. If we had done something to really benefit the men in the local, there wouldn't have been a split. There was a strong sense we were taking away not giving to another group, who had suffered for X number of years.*

The Resolution

The service workers' new Local 3730 voted to split from the support staff and negotiated and signed their first collective agreement in May, 1994. The provincial bargaining pattern had already been established: over three years public service workers received zero per cent in the first year, zero per cent in the second and 2.5 per cent in the third year.

This pattern of settlement was imposed on all of the members of the support staff Local 2268, and most of the members of new Local 3730. However, three lucky members of 3730 actually received an increase of five per cent rather than two-and-a-half per cent in the final year. One of them was a maintenance man who had been promoted to a senior position. How did he get five per cent when everyone else only got two-and-a-half? He explained,

> *We got it in the union agreement. We had to add 15,000 responsibilities. We're grossly underpaid for this job. But we accepted it [the promotion and the raise] for the good of everyone; I would gladly go back to being a regular maintenance man.*

Management insisted that the men were not overpaid and while it was true that a few of them got two years in retroactive pay and a higher wage because they were promoted, it was "based on the competitive marketplace." But to some women, it looked as if pay equity had gone the wrong way.

But for the lone caretaker who had been on Local 2268's executive and had supported pay equity, the certification of Local 3730 was

> *... the end of my involvement in the union. I no longer sat on the local executive. I had to give up my position and couldn't run for office of CUPE Saskatchewan Division, because you have to have credentials from the local union to be on the Division.... I could not be on any committees.... It's like I don't exist; I'm an asshole and a skirt.*

As a caretaker, he was part of Local 3730, not 2688. And the executive of 3730 had no intention of allowing him to participate in the new union. The caretaker had seen the need for pay equity. Because he took a stand that did not go along with the males in the group—even though they were in a minority in the original union local—he was severely punished. His life as a union activist was over, and worse—pay equity for the women was put on permanent hold. But what happened to him was not so exceptional. Men "club" together in a "heightened heterosexual and sexist culture," and their purpose is to marginalize and control women (Cockburn 153). Part of marginalizing is ensuring women do not earn as much as men earn. Thus, the notion of pay equity can be very threatening to men.

Conclusions

So what can be learned from this? There are six points which can help make sense of the situation.

First, pay equity cannot be fully realised with out enabling legislation. Otherwise, at the first hint of trouble or obstinacy from the management or the union, pay equity can be dashed.

Second, pay equity has become a very technical exercise. There are many consultants who specialize in this area and books that detail how to carry out job evaluations, set pay bands and salary grids. What is often not recognized is the very political nature of pay equity—that it is a way to take gender out of the pay equation. As law professor Judy Fudge points out:

> Pay equity embodies the simple idea that people should not be paid less because they work at jobs that have become identi-

fied as women's work. But the problem is that this simple idea has become obscured by a complex maze of statistics and procedures generated by economists and lawyers.

Third, unions must educate their members about pay equity and other unpopular issues. Few would condone the abolition of the Human Rights Commission on the grounds that it represents the interests of minorities and that instead we should pay more attention to the rights of the majority. By the same token, trade unionists must be educated to understand that pay equity is intended to redress the pay imbalance inherent in what is perceived to be "women's work," which has historically been undervalued.

Fourth, women are still relatively underrepresented in trade union executives and in union hierarchy (Cuneo; Bakker). This means that the demand for pay equity and pursuing it through collective bargaining is not always on the agenda (Kumar). Further, it reinforces the unfortunate male trade union view that equal pay for work of equal value is a "women's" issue and thus sidelined.

Fifth, unions themselves—whether at the national, provincial or local levels—cannot be afraid to tackle unpopular causes. This is exactly what happened in this case. While members of the local executive believed they were conducting a job evaluation with a view to achieving pay equity, the provincial union representative turned the tables and denied that was in fact what they were doing. In the face of a mutiny and the potential decertification of union at the school board, she backed down. No one in the provincial office was willing to continue the struggle and the national headquarters of CUPE was probably unaware of what was happening in Saskatoon.

Finally, unions themselves must find a way to bridge the gap between policy and practice. Unions must take sexual politics in their own midst more seriously at all levels—otherwise it could undermine valuable initiatives that bridge to equality.

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[1]According to National Association of Women and the Law, the federal Treasury Board paid more than $3.5 billion to mainly female civil servants in a pay equity settlement for a claim that began in 1985 and concluded in 1999. See Cote.

[2]The remaining provinces have legislation pertaining to government employees and sometimes to those who work for the provincial government's agencies or boards.

[3]For example, in Saskatchewan the legislation covers provincial government employees and those employed by crown corporations such as SaskTel and SaskPower.

[4]In today's money, with inflation, the secretaries would earn about $25,000 while the caretakers would earn about $35,000 according to the Bank of Canada's Inflation Index (see http://www.bankofcanada.ca/en/inflation_calc.htm).

[5]In 1993-94, I interviewed key informants in Saskatoon including members of the support staff union executive, rank and file union members, several caretakers and maintenance men and management spokesmen. There were extensive interviews with members of the executive. In addition I interviewed paid staff representatives of the union, CUPE, both in Saska-toon and in Ottawa.

[6]Of course that has changed in nursing and in teaching. Nurses in many provinces and teachers in all provinces are unionized. This has helped them raise their wages. And even those who work part-time in nursing, earn a decent hourly wage along with some benefits.

[7]There are two other established routes. One is raising the minimum wage and other is being in a unionized environment. According to law professor Judy Fudge, raising minimum wage is perhaps the quickest way of raising women's wages across the board, since many women tend to work at minimum or slightly higher waged jobs. Being in a unionized workplace is another way according to many sources including Freeman and Medoff, Hadley, and White.

[8]When an employee is 'green-circled' it means that he or she has been undervalued and underpaid and that they should receive a wage adjustment as a result of the pay equity program. Not all wage adjustments are dramatic. For example the school secretary in this case was green-circled, but even with pay equity fully implemented she would have received only three per cent more—or about $516 more per year.

[9]Local unions or branches have the right to conduct their own affairs and campaigns without deferring to the national union.

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MARLENE KADAR

Last Few Days Love Thee

Last few days love thee like I remember
soft shouldered man with strong wrists.

Last few days love thee like I speak
holding words and voice unfettered.

Last few days love thee like I mourn
time lost in furies not of our own making.

Last few days love thee like I sleep
in our bed. Our task of rewinding begins.

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ALISON PRYER

Love Poem (for Bobby)

I want
to write a love poem for
you,
but I know
when this is all over you'll
be lying
in bed with some other
woman,
drinking afternoon beers,
and for a laugh
you'll dig out some old
love
letters from other girls,
and maybe, my poem.

You'll read it out loud
and snicker
when you tell her about
the girl who thought she
was a poet,
and you'll both convulse
helplessly
with belly laughs
like two beached jelly fish
as if to prove that you
never
cared for me.

Still, I want
to write you a love poem,
a poem
you might never read.
I want to write
about the fire that
consumed me
that day when I first saw
the love in your eyes,
the day when I gave you
blue flowers
and you first kissed me.

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