

Pay Equity Act

R.S.O. 1990, CHAPTER P.7

Consolidation Period: From January 1, 2011 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 18, s. 24.

Note: This consolidation incorporates the amendments, repeals, enactments and re-enactments of provisions of the *Pay Equity Act* effected by Schedule J of the *Savings and Restructuring Act, 1996*, S.O. 1996, c. 1. That schedule was declared to be unconstitutional and of no force and effect by the Divisional Court on Sept. 5, 1997 in *Service Employees International Union, Local 204 v. Ontario (Attorney General)*, 1997 CanLII 12286 (On. S.C.).

Skip Table of Contents

CONTENTS

PREAMBLE

PART I

GENERAL

1.	Interpretation, posting and miscellaneous
1.1	Crown as employer
2.	Combined establishments
3.	Application
4.	Purpose
5.	Value determination
5.1	Achievement of pay equity
6.	Achievement of pay equity
7.	Pay equity required
7.1	Posting of notice
8.	Exceptions
9.	Reduction, intimidation, adjustments

PART II

IMPLEMENTATION: PUBLIC SECTOR AND LARGE PRIVATE SECTOR EMPLOYERS

10.	Definition
11.	Application
12.	Comparison of job classes
13.	Pay equity plans required
13.1	Sale of a business
13.2	Application of s. 13.1 in other circumstances
14.	Establishments with bargaining units
14.1	Changed circumstances
14.2	Changed circumstances, no bargaining units
15.	Establishments without bargaining units
16.	Investigation by review officer
17.	Settling of plan

PART III.1

PROPORTIONAL VALUE METHOD OF COMPARISON

21.1	Application
21.2	Proportional method required
21.3	Proportional value comparison method
21.4	Amended pay equity plans
21.5	Plan binding
21.6	Contents of plans
21.7	Requirement to post plans
21.8	Bargaining unit employees

21.9	Non-bargaining unit employees
21.10	Date of first compensation adjustments

PART IV
ENFORCEMENT

22.	Complaints
23.	Investigation of complaints
24.	Orders by review officers
25.	Hearings
25.1	Settlements
26.	Offences and penalties

PART V
ADMINISTRATION

27.	Commission continued
28.	Hearings Tribunal
29.	Powers and duties of Tribunal
29.1	Death or incapacity of member
30.	Exclusive jurisdiction
31.	Testimony in civil proceedings
32.	Parties to proceedings
33.	Pay Equity Office
34.	Review officers
35.	Warrants

PART VI
REGULATIONS AND MISCELLANEOUS

36.	Regulations
37.	Review of Act
38.	Crown bound
Schedule	

Preamble

Whereas it is desirable that affirmative action be taken to redress gender discrimination in the compensation of employees employed in female job classes in Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I
GENERAL

Interpretation, posting and miscellaneous

Definitions

1. (1) In this Act,

“bargaining agent” means a trade union as defined in the *Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in an establishment and includes an organization representing employees to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such employees; (“agent négociateur”)

“collective agreement” means an agreement in writing between an employer and a bargaining agent covering terms and conditions of employment; (“convention collective”)

“Commission” means the Pay Equity Commission of Ontario established by this Act; (“Commission”)

“compensation” means all payments and benefits paid or provided to or for the benefit of a person who performs functions that entitle the person to be paid a fixed or ascertainable amount; (“rétribution”)

“effective date” means the 1st day of January, 1988; (“date d’entrée en vigueur”)

“employee” does not include a student employed for his or her vacation period; (“employé”)

“establishment” means all of the employees of an employer employed in a geographic division or in such geographic divisions as are agreed upon under section 14 or decided upon under section 15; (“établissement”)

“female job class” means, except where there has been a decision that a job class is a male job class as described in clause (b) of the definition of “male job class”,

- (a) a job class in which 60 per cent or more of the members are female,
- (b) a job class that a review officer or the Hearings Tribunal decides is a female job class or a job class that the employer, with the agreement of the bargaining agent, if any, for the employees of the employer, decides is a female job class; (“catégorie d’emplois à prédominance féminine”)

“geographic division” means,

- (a) a county, territorial district or regional municipality described in the Territorial Division Act,
- (b) the City of Toronto,
- (c) the City of Hamilton,
- (d) the City of Ottawa,
- (e) the Town of Haldimand,
- (f) the Town of Norfolk, and
- (g) the combination of the Territorial District of Sudbury and the City of Greater Sudbury; (“zone géographique”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “geographic division” is repealed by the Statutes of Ontario, 2002, chapter 17, Schedule C, subsection 20 (1) and the following substituted:

“geographic division” means a geographic area prescribed under the *Territorial Division Act, 2002*; (“zone géographique”)

See: 2002, c. 17, Sched. C, ss. 20 (1), 20 (2).

“Hearings Tribunal” means the Pay Equity Hearings Tribunal established by this Act; (“Tribunal”)

“job class” means those positions in an establishment that have similar duties and responsibilities and require similar qualifications, are filled by similar recruiting procedures and have the same compensation schedule, salary grade or range of salary rates; (“catégorie d’emplois”)

“job rate” means the highest rate of compensation for a job class; (“taux de catégorie”)

“job-to-job method of comparison” means the method of determining whether pay equity exists that is set out in section 6; (“méthode de comparaison d’un emploi à l’autre”)

“male job class” means, except where there has been a decision that a job class is a female job class as described in clause (b) of the definition of “female job class”,

- (a) a job class in which 70 per cent or more of the members are male, or
- (b) a job class that a review officer or the Hearings Tribunal decides is a male job class or a job class that the employer, with the agreement of the bargaining agent, if any, for the employees of the employer, decides is a male job class; (“catégorie d’emplois à prédominance masculine”)

“Minister” means the Minister of Labour; (“ministre”)

“pay equity plan” means,

- (a) a document as described in section 13, for a plan being prepared under Part II, or
- (b) a document as described in section 21.6, for a plan being prepared or revised under Part III.1; (“programme d’équité salariale”)

“private sector” means all of the employers who are not in the public sector; (“secteur privé”)

“proportional value method of comparison” means the method of determining whether pay equity exists that is described in Part III.1; (“méthode de comparaison de la valeur proportionnelle”)

“public sector” means all of the employers who are referred to in the Schedule; (“secteur public”)

“regulations” means the regulations made under this Act; (“règlements”)

“review officer” means a person designated as a review officer under subsection 34 (1). (“agent de révision”) R.S.O. 1990, c. P.7, s. 1 (1); 1993, c. 4, s. 1; 1996, c. 1, Sched. J, s. 1; 1997, c. 26, Sched.; 2000, c. 5, s. 19.

Posting

(2) Where this Act requires that a document be posted in the workplace, the employer shall post a copy of the document in prominent places in each workplace for the establishment to which the document relates in such a manner that it may be read by all of the employees in the workplace. R.S.O. 1990, c. P.7, s. 1 (2).

Idem

- (3) The employer shall provide a copy of every document posted in the workplace under this Act,
- (a) to the bargaining agent, if any, that represents the employees who are affected by the document;
 - (b) to any employee who requests a copy of the document, if the employee is not represented by a bargaining agent and the employee is affected by the document. R.S.O. 1990, c. P.7, s. 1 (3).

Calculation of number of employees

(4) If Part II or III applies to an employer, a reference in this Act to the number of employees of the employer shall be deemed to be a reference to the average number of employees employed in Ontario by the employer during the twelve-month period preceding the effective date or during the period from the day the first employee commenced employment in Ontario with the employer until the effective date, whichever period is shorter. R.S.O. 1990, c. P.7, s. 1 (4).

Decisions re job classes

(5) In deciding or agreeing whether a job class is a female job class or a male job class, regard shall be had to the historical incumbency of the job class, gender stereotypes of fields of work and such other criteria as may be prescribed by the regulations. R.S.O. 1990, c. P.7, s. 1 (5).

One-member job classes

(6) A job class may consist of only one position if it is unique in the establishment because its duties, responsibilities, qualifications, recruiting procedures or compensation schedule, salary grade or range of salary rates are not similar to those of any other position in the establishment. R.S.O. 1990, c. P.7, s. 1 (6).

Disabled, etc., not to be classed separately

(7) A position shall not be assigned to a job class different than that of other positions in the same establishment that have similar duties and responsibilities, require similar qualifications, are filled by similar recruiting procedures and have the same compensation schedule, salary grade or range of salary rates only because the needs of the occupant of the position have been accommodated for the purpose of complying with the *Human Rights Code*. R.S.O. 1990, c. P.7, s. 1 (7).

Crown as employer

- 1.1** (1) For the purposes of this Act, the Crown is not the employer of a person unless the person,
- (a) is a public servant employed under Part III of the *Public Service of Ontario Act, 2006*; or
 - (b) is employed by a body prescribed in the regulations. 2006, c. 35, Sched. C, s. 107 (1).

Plans posted before Dec. 18, 1991

(2) If the Crown and a bargaining agent have agreed that the Crown is the employer of the employees represented by the bargaining agent and a pay equity plan in accordance with that agreement was posted before the 18th day of December, 1991, the Crown shall be deemed to be the employer of those employees. 1993, c. 4, s. 2.

Same

(3) If the Crown posted a pay equity plan before the 18th day of December, 1991 for employees who are not represented by a bargaining agent, the Crown shall be deemed to be the employer of those employees. 1993, c. 4, s. 2.

Application

- (4) This section does not apply,
- (a) if a determination that the Crown is the employer was made by the Hearings Tribunal before the 18th day of December, 1991; or
 - (b) if an application respecting a proceeding in which the Crown's status as an employer is an issue was filed with the Hearings Tribunal before the 18th day of December, 1991. 1993, c. 4, s. 2.

Same

(5) This section, except for subsections (2) and (3), does not apply to determine the identity of the employer of an individual if a pay equity plan applicable to that individual prepared in accordance with a review officer's order was posted before the 18th day of December, 1991. 1993, c. 4, s. 2.

Combined establishments

2. (1) Two or more employers and the bargaining agent or agents for their employees, who come together to negotiate a central agreement, may agree that, for the purposes of a pay equity plan, all the employees constitute a single establishment and the employers shall be considered to be a single employer.

Idem

(2) Two or more employers who are municipalities in the same geographic division and the bargaining agent or agents for their employees or, if there is no bargaining agent, the employees, may agree that, for the purposes of a pay equity plan, all the employees constitute a single establishment and the employers shall be considered to be a single employer.

Employers to implement plans

(3) Despite the fact that the employees of two or more employers are considered to be one establishment under subsection (1) or (2), each employer is responsible for implementing and maintaining the pay equity plan with respect to the employer's employees. R.S.O. 1990, c. P.7, s. 2.

Application

3. (1) This Act applies to all employers in the private sector in Ontario who employ ten or more employees, all employers in the public sector, the employees of employers to whom this Act applies and to their bargaining agents, if any.

Idem

(2) If at any time after the coming into force of this Act an employer employs ten or more employees in Ontario, this Act applies with respect to the employer although the number of employees is subsequently reduced to fewer than ten. R.S.O. 1990, c. P.7, s. 3.

Purpose

4. (1) The purpose of this Act is to redress systemic gender discrimination in compensation for work performed by employees in female job classes.

Identification of systemic gender discrimination

(2) Systemic gender discrimination in compensation shall be identified by undertaking comparisons between each female job class in an establishment and the male job classes in the establishment in terms of compensation and in terms of the value of the work performed. R.S.O. 1990, c. P.7, s. 4.

Value determination

5. (1) For the purposes of this Act, the criterion to be applied in determining value of work shall be a composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed.

Idem, disabled employees, etc.

(2) The fact that an employee's needs have been accommodated for the purpose of complying with the *Human Rights Code* shall not be considered in determining the value of work performed. R.S.O. 1990, c. P.7, s. 5.

Achievement of pay equity

5.1 (1) For the purposes of this Act, pay equity is achieved in an establishment when every female job class in the establishment has been compared to a job class or job classes under the job-to-job method of comparison or the proportional value method of comparison and any adjustment to the job rate of each female job class that is indicated by the comparison has been made. 1996, c. 1, Sched. J, s. 2.

Deemed compliance

(2) A pay equity plan that used the proportional value method of comparison shall be deemed to have complied with section 6, as it reads immediately before this section comes into force,

- (a) from the date on which the plan is posted if it is posted before Part III.1 comes into force by an employer to whom Part II applies; or
- (b) from the date on which the plan is prepared if it is prepared before Part III.1 comes into force by an employer to whom Part III applies. 1993, c. 4, s. 3.

Achievement of pay equity

6. (1) For the purposes of this Act, pay equity is achieved under the job-to-job method of comparison when the job rate for the female job class that is the subject of the comparison is at least equal to the job rate for a male job class in the same

establishment where the work performed in the two job classes is of equal or comparable value. R.S.O. 1990, c. P.7, s. 6 (1); 1993, c. 4, s. 4 (1).

Idem

(2) Where there is no male job class with which to make a comparison for the purposes of subsection (1), pay equity is achieved when the job rate for the female job class that is the subject of the comparison is at least equal to the job rate of a male job class in the same establishment that at the time of comparison had a higher job rate but performs work of lower value than the female job class.

Basis of comparison

(3) If more than one comparison is possible between a female job class in an establishment and male job classes in the same establishment, pay equity is achieved when the job rate for the female job class is at least as great as the job rate for the male job class,

- (a) with the lowest job rate, if the work performed in both job classes is of equal or comparable value; or
- (b) with the highest job rate, if the work performed in the male job class is of less value. R.S.O. 1990, c. P.7, s. 6 (2, 3).

Idem

(4) Comparisons under the job-to-job method of comparison,

- (a) for job classes inside a bargaining unit, shall be made between job classes in the bargaining unit; and
- (b) for job classes outside any bargaining unit, shall be made between job classes that are outside any bargaining unit. R.S.O. 1990, c. P.7, s. 6 (4); 1993, c. 4, s. 4 (2).

Idem

(5) If, after applying subsection (4), no male job class is found in which the work performed is of equal or comparable value to that of the female job class that is the subject of the comparison, the female job class shall be compared to male job classes throughout the establishment.

Groups of jobs

(6) An employer may treat job classes that are arranged in a group of jobs as one female job class if 60 per cent or more of the employees in the group are female.

Idem

(7) An employer shall treat job classes that are arranged in a group of jobs as one female job class if a review officer or the Hearings Tribunal decides that the group should be treated as one female job class.

Idem

(8) An employer may, with the agreement of the bargaining agent, if any, for the employees of the employer, decide to treat job classes that are arranged in a group of jobs as one female job class.

Job rate, value of work

(9) Where a group of jobs is being treated as a female job class, the job rate of the individual job class within the group that has the greatest number of employees is the job rate for the group and the value of the work performed by that individual job class is the value of the work performed by the group.

Definition

(10) In this section,

“group of jobs” means a series of job classes that bear a relationship to each other because of the nature of the work required to perform the work of each job class in the series and that are organized in successive levels. R.S.O. 1990, c. P.7, s. 6 (5-10).

Pay equity required

7. (1) Every employer shall establish and maintain compensation practices that provide for pay equity in every establishment of the employer.

Idem

(2) No employer or bargaining agent shall bargain for or agree to compensation practices that, if adopted, would cause a contravention of subsection (1). R.S.O. 1990, c. P.7, s. 7.

Posting of notice

7.1 (1) Every employer to whom Part III applies and any other employer who is directed to do so by the Pay Equity Office shall post in the employer's workplace a notice setting out,

- (a) the employer's obligation to establish and maintain compensation practices that provide for pay equity; and
- (b) the manner in which an employee may file a complaint or objection under this Act.

Language

(2) The notice shall be in English and the language other than English that is understood by the greatest number of employees in the workplace.

Form of notice

(3) The notice shall be in a form made available to employers by the Pay Equity Office. 1993, c. 4, s. 5.

Exceptions

8. (1) This Act does not apply so as to prevent differences in compensation between a female job class and a male job class if the employer is able to show that the difference is the result of,

- (a) a formal seniority system that does not discriminate on the basis of gender;
- (b) a temporary employee training or development assignment that is equally available to male and female employees and that leads to career advancement for those involved in the program;
- (c) a merit compensation plan that is based on formal performance ratings and that has been brought to the attention of the employees and that does not discriminate on the basis of gender;
- (d) the personnel practice known as red-circling, where, based on a gender-neutral re-evaluation process, the value of a position has been down-graded and the compensation of the incumbent employee has been frozen or his or her increases in compensation have been curtailed until the compensation for the down-graded position is equivalent to or greater than the compensation payable to the incumbent; or
- (e) a skills shortage that is causing a temporary inflation in compensation because the employer is encountering difficulties in recruiting employees with the requisite skills for positions in the job class.

Idem

(2) After pay equity has been achieved in an establishment, this Act does not apply so as to prevent differences in compensation between a female job class and a male job class if the employer is able to show that the difference is the result of differences in bargaining strength.

Idem

(3) A position that an employer designates as a position that provides employment on a casual basis may be excluded in determining whether a job class is a female job class or a male job class and need not be included in compensation adjustments under a pay equity plan.

Idem

(4) A position shall not be designated under subsection (3) if,

- (a) the work is performed for at least one-third of the normal work period that applies to similar full-time work;
- (b) the work is performed on a seasonal basis in the same position for the same employer; or
- (c) the work is performed on a regular and continuing basis, although for less than one-third of the normal work period that applies to similar full-time work. R.S.O. 1990, c. P.7, s. 8.

Limitation re maintaining pay equity

(5) The requirement that an employer maintain pay equity for a female job class is subject to such limitations as may be prescribed in the regulations. 1993, c. 4, s. 6.

Reduction, intimidation, adjustments**Reduction of compensation prohibited**

9. (1) An employer shall not reduce the compensation payable to any employee or reduce the rate of compensation for any position in order to achieve pay equity.

Intimidation prohibited

(2) No employer, employee or bargaining agent and no one acting on behalf of an employer, employee or bargaining agent shall intimidate, coerce or penalize, or discriminate against, a person,

- (a) because the person may participate, or is participating, in a proceeding under this Act;
- (b) because the person has made, or may make, a disclosure required in a proceeding under this Act;
- (c) because the person is exercising, or may exercise, any right under this Act; or
- (d) because the person has acted or may act in compliance with this Act, the regulations or an order made under this Act or has sought or may seek the enforcement of this Act, the regulations or an order made under this Act.

Compensation adjustments

(3) Where, to achieve pay equity, it is necessary to increase the rate of compensation for a job class, all positions in the job class shall receive the same adjustment in dollar terms. R.S.O. 1990, c. P.7, s. 9.

**PART II
IMPLEMENTATION: PUBLIC SECTOR AND LARGE PRIVATE SECTOR EMPLOYERS**

Definition

10. In this Part,

“mandatory posting date” means,

- (a) the second anniversary of the effective date, in respect of employers in the public sector and in respect of employers in the private sector who have at least 500 employees on the effective date,
- (b) the third anniversary of the effective date, in respect of employers in the private sector who have at least 100 but fewer than 500 employees on the effective date,
- (c) the fourth anniversary of the effective date, in respect of employers in the private sector who have at least fifty but fewer than 100 employees on the effective date and who have posted a notice under section 20, and
- (d) the fifth anniversary of the effective date, in respect of employers in the private sector who have at least ten but fewer than fifty employees on the effective date and who have posted a notice under section 20. R.S.O. 1990, c. P.7, s. 10.

Application

11. (1) This Part applies to all employers in the public sector, all employers in the private sector who, on the effective date, employ 100 or more employees and those employers in the private sector who post a notice under section 20.

Idem

(2) This Part does not apply to an employer who does not have employees on the effective date. R.S.O. 1990, c. P.7, s. 11.

Same

(3) Despite subsection (2), sections 13.1, 14.1 and 14.2 apply to public sector employers that did not have employees on the effective date but that had employees on July 1, 1993. 1994, c. 27, s. 121 (1).

Comparison of job classes

12. Before the mandatory posting date, every employer to whom this Part applies shall, using a gender-neutral comparison system, compare the female job classes in each establishment of the employer with the male job classes in the same establishment to determine whether pay equity exists for each female job class. R.S.O. 1990, c. P.7, s. 12.

Pay equity plans required

13. (1) Documents, to be known as pay equity plans, shall be prepared in accordance with this Part to provide for pay equity for the female job classes in each establishment of every employer to whom this Part applies and, without restricting the generality of the foregoing,

- (a) shall identify the establishment to which the plan applies; and
- (b) shall identify all job classes which formed the basis of the comparisons under section 12.

Idem

(2) If both female job classes and male job classes exist in an establishment, every pay equity plan for the establishment,

- (a) shall describe the gender-neutral comparison system used for the purposes of section 12;
- (b) shall set out the results of the comparisons carried out under section 12;
- (c) shall identify all positions and job classes in which differences in compensation are permitted by subsection 8 (1) or (3) and give the reasons for relying on such subsection;
- (d) shall, with respect to all female job classes for which pay equity does not exist according to the comparisons under section 12, describe how the compensation in those job classes will be adjusted to achieve pay equity; and
- (e) shall set out the date on which the first adjustments in compensation will be made under the plan, which date shall not be later than,
 - (i) the second anniversary of the effective date, in respect of employers in the public sector,
 - (ii) the third anniversary of the effective date, in respect of employers in the private sector who have at least 500 employees on the effective date,
 - (iii) the fourth anniversary of the effective date, in respect of employers in the private sector who have at least 100 but fewer than 500 employees on the effective date,
 - (iv) the fifth anniversary of the effective date, in respect of employers in the private sector who have at least fifty but fewer than 100 employees on the effective date and who have posted a notice under section 20, and
 - (v) the sixth anniversary of the effective date, in respect of employers in the private sector who have at least ten but fewer than fifty employees on the effective date and who have posted a notice under section 20.

Idem

(3) A pay equity plan shall provide that the female job class or classes that have, at any time during the implementation of the plan, the lowest job rate shall receive increases in rates of compensation under the plan that are greater than the increases under the plan for other female job classes until such time as the job rate for the female job class or classes receiving the greater increases is equal to the lesser of,

- (a) the job rate required to achieve pay equity; and
- (b) the job rate of the female job class or classes entitled to receive an adjustment under the plan with the next lowest job rate.

Minimum adjustments

(4) The first adjustments in compensation under a pay equity plan are payable as of the date provided for in clause (2) (e) and shall be such that the combined compensation payable under all pay equity plans of the employer during the twelve-month period following the first adjustments shall be increased by an amount that is not less than the lesser of,

- (a) 1 per cent of the employer's payroll during the twelve-month period preceding the first adjustments; and
- (b) the amount required to achieve pay equity.

Idem

(5) Adjustments shall be made in compensation under a pay equity plan on each anniversary of the first adjustments in compensation under the plan and shall be such that during the twelve-month period following each anniversary the combined compensation payable under all pay equity plans of the employer shall be increased by an amount that is not less than the lesser of,

- (a) 1 per cent of the employer's payroll during the twelve-month period preceding the anniversary; and
- (b) the amount required to achieve pay equity.

Maximum adjustments

(6) Except for the purpose of making retroactive adjustments in compensation under a pay equity plan or unless required to do so by an order described in clause 36 (g), nothing in this Act requires an employer to increase compensation payable under the pay equity plans of the employer during a twelve-month period in an amount greater than 1 per cent of the employer's payroll during the preceding twelve-month period. R.S.O. 1990, c. P.7, s. 13 (1-6).

Exception

(7) Despite subsection (6), pay equity plans in the public sector shall provide for adjustments in compensation such that the plan will be fully implemented not later than the 1st day of January, 1998.

Transition, application

(7.1) Subsections (7.2) and (7.3) apply with respect to an employer in the public sector who has set out in a pay equity plan that was posted or in another agreement that was made before this subsection comes into force a schedule of compensation adjustments for achieving pay equity.

Same, bargaining agent

(7.2) If the employees to whom the plan or agreement applies are represented by a bargaining agent, the employer is not bound by the schedule set out in it if the employer gives written notice to the bargaining agent that the employer wishes to enter into negotiations concerning a replacement schedule.

Same, no bargaining agent

(7.3) The employer is not bound by the schedule set out in the plan or agreement if the employees to whom it applies are not represented by a bargaining agent. 1993, c. 4, s. 7 (1).

Definition

(8) In this section, “payroll” means the total of all wages and salaries payable to the employees in Ontario of the employer.

Pay equity plan binding

(9) A pay equity plan that is approved under this Part binds the employer and the employees to whom the plan applies and their bargaining agent, if any.

Plan to prevail

(10) A pay equity plan that is approved under this Part prevails over all relevant collective agreements and the adjustments to rates of compensation required by the plan shall be deemed to be incorporated into and form part of the relevant collective agreements.

Deemed compliance

(11) Every employer who prepares and implements a pay equity plan under this Part shall be deemed not to be in contravention of subsection 7 (1) with respect to those employees covered by the plan or plans that apply to the employees but only with respect to those compensation practices that existed immediately before the effective date. R.S.O. 1990, c. P.7, s. 13 (8-11).

Application

(12) If a pay equity plan is amended under section 14.1 or 14.2, subsections (9), (10) and (11) apply, with necessary modifications, to the amended plan. 1993, c. 4, s. 7 (2).

Sale of a business

13.1 (1) If an employer who is bound by a pay equity plan sells a business, the purchaser shall make any compensation adjustments that were to be made under the plan in respect of those positions in the business that are maintained by the purchaser and shall do so on the date on which the adjustments were to be made under the plan.

Plan no longer appropriate

(2) If, because of the sale, the seller’s plan or the purchaser’s plan is no longer appropriate, the seller or the purchaser, as the case may be, shall,

- (a) in the case of employees represented by a bargaining agent, enter into negotiations with a view to agreeing on a new plan; and
- (b) in the case of employees not represented by a bargaining agent, prepare a new plan. 1993, c. 4, s. 8.

Same

(3) Clause 14 (2) (a), subsections 14.1 (1) to (6) and 14.2 (1) and (2) apply, with necessary modifications, to the negotiation or preparation of a new plan. 1997, c. 21, s. 4 (1).

(4) REPEALED: 1997, c. 21, s. 4 (1).

Application to certain events

(4.1) This section applies with respect to an occurrence described in sections 3 to 10 of the *Public Sector Labour Relations Transition Act, 1997*. For the purposes of this section, the occurrence shall be deemed to be the sale of a business, each of the

predecessor employers shall be deemed to be a seller and the successor employer shall be deemed to be the purchaser. 1997, c. 21, s. 4 (2).

Definitions

(5) In this section,

“business” includes a part or parts thereof; (“enterprise”)

“sells” includes leases, transfers and any other manner of disposition. (“vend”) 1993, c. 4, s. 8.

Application of s. 13.1 in other circumstances

13.2 Section 13.1 applies with respect to an event to which the *Public Sector Labour Relations Transition Act, 1997* applies in accordance with the *Local Health System Integration Act, 2006*. 2006, c. 4, s. 50 (1).

Establishments with bargaining units

14. (1) In an establishment in which any of the employees are represented by a bargaining agent, there shall be a pay equity plan for each bargaining unit and a pay equity plan for that part of the establishment that is not in any bargaining unit.

Bargaining unit plans

(2) The employer and the bargaining agent for a bargaining unit shall negotiate in good faith and endeavour to agree, before the mandatory posting date, on,

- (a) the gender-neutral comparison system used for the purposes of section 12; and
- (b) a pay equity plan for the bargaining unit.

Idem

(3) As part of the negotiations required by subsection (2), the employer and the bargaining agent may agree, for the purposes of the pay equity plan,

- (a) that the establishment of the employer includes two or more geographic divisions; and
- (b) that a job class is a female job class or a male job class.

Posting of plan

(4) When an employer and a bargaining agent agree on a pay equity plan, they shall execute the agreement and, on or before the mandatory posting date, the employer shall post a copy of the plan in the workplace.

Deemed approval and first adjustments

(5) When a pay equity plan has been executed by an employer and a bargaining agent, the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity.

Failure to agree

(6) Where an employer and a bargaining agent fail to agree on a pay equity plan by the mandatory posting date, the employer, forthwith after that date, shall give notice of the failure to the Commission.

Idem

(7) Subsection (6) does not prevent the bargaining agent from notifying the Commission of a failure to agree on a pay equity plan by the mandatory posting date.

Non-bargaining unit plan

(8) An employer shall prepare a pay equity plan for that part of the employer’s establishment that is outside any bargaining unit in the establishment and, on or before the mandatory posting date, shall post a copy of the plan in the workplace.

Idem

(9) Subsections 15 (2) to (8) apply to a pay equity plan described in subsection (8). R.S.O. 1990, c. P.7, s. 14.

Changed circumstances

14.1 (1) If, in an establishment in which any of the employees are represented by a bargaining agent, the employer or the bargaining agent is of the view that because of changed circumstances in the establishment the pay equity plan for the

bargaining unit is no longer appropriate, the employer or the bargaining agent, as the case may be, may by giving written notice require the other to enter into negotiations concerning the amendment of the plan.

Application of s. 14

(2) Clause 14 (2) (b) and subsections 14 (3), (4) and (5) apply, with necessary modifications, to the negotiations and to any amendment of the plan that is agreed upon.

Failure to agree

(3) If the employer and the bargaining agent do not agree on an amendment before the expiry of 120 days from the date on which notice to enter into negotiations is given, the employer shall give notice of the failure to the Commission.

Same

(4) Subsection (3) does not prevent the bargaining agent from notifying the Commission of a failure to agree on an amendment by the date referred to in that subsection.

Non-bargaining unit plan

(5) If the employer is of the view that, because of changed circumstances in the establishment, the pay equity plan for that part of the establishment that is outside any bargaining unit is no longer appropriate, the employer may amend the plan and post in the workplace a copy of the amended plan with the amendments clearly indicated.

Same

(6) Subsection 15 (2) and subsections 15 (4) to (8) apply, with necessary modifications, in respect of an amended plan described in subsection (5).

Adjustments

(7) If a plan is amended under this section, the compensation adjustment for each position to which the amended plan applies shall not be less than the adjustment that would have been made under the plan before it was amended. 1993, c. 4, s. 9.

Changed circumstances, no bargaining units

14.2 (1) In an establishment where no employee is represented by a bargaining agent, if the employer is of the view that because of changed circumstances in the establishment the pay equity plan for the establishment is no longer appropriate, the employer may amend the plan and post in the workplace a copy of the amended plan with the amendments clearly indicated.

Application of s. 15

(2) Subsections 15 (2) to (8) apply, with necessary modifications, in respect of the amended plan.

Adjustments

(3) If a plan is amended under this section, the compensation adjustment for each position to which the amended plan applies shall not be less than the adjustment that would have been made under the plan before it was amended. 1993, c. 4, s. 9.

Establishments without bargaining units

15. (1) In an establishment where no employee is represented by a bargaining agent, the employer shall prepare a pay equity plan for the employer's establishment and the employer, on or before the mandatory posting date, shall post a copy of the plan in the workplace.

Idem

(2) For the purposes of a pay equity plan required by this section or subsection 14 (8), the employer may decide,

- (a) that the establishment of the employer includes two or more geographic divisions; and
- (b) that a job class is a female job class or a male job class.

Idem

(3) An agreement under section 14 between an employer and a bargaining agent shall not affect any pay equity plan required by this section or subsection 14 (8). R.S.O. 1990, c. P.7, s. 15 (1-3).

Employee review

(4) The employees to whom a pay equity plan required by this section or subsection 14 (8) applies shall have until the ninetieth day after the date on which the copy of the plan is posted to review and submit comments to the employer on the plan. R.S.O. 1990, c. P.7, s. 15 (4); 1993, c. 4, s. 10.

Changes

(5) If as a result of comments received during the review period referred to in subsection (4), the employer is of the opinion that a pay equity plan should be changed, the employer may change the plan.

Posting of notice

(6) Not later than seven days after the end of the review period referred to in subsection (4), the employer shall post in the workplace a notice stating whether the pay equity plan has been amended under this section and, if the plan has been amended, the employer shall also post a copy of the amended plan with the amendments clearly indicated.

Objections

(7) Any employee or group of employees to whom a pay equity plan applies, within thirty days following a posting in respect of the plan under subsection (6), may file a notice of objection with the Commission whether or not the employee or group of employees has submitted comments to the employer under subsection (4).

Deemed approval and first adjustments

(8) If no objection in respect of a pay equity plan is filed with the Commission under subsection (7), the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity. R.S.O. 1990, c. P.7, s. 15 (5-8).

Investigation by review officer

16. (1) If the Commission,

- (a) is advised by an employer or a bargaining agent that no agreement has been reached on a pay equity plan or an amendment to a pay equity plan; or
- (b) receives a notice of objection to a pay equity plan for employees who are not represented by a bargaining agent or a notice of objection to an amendment of such a plan,

a review officer shall investigate the matter and endeavour to effect a settlement. R.S.O. 1990, c. P.7, s. 16 (1); 1993, c. 4, s. 11.

Orders by review officer

(2) If the review officer is unable to effect a settlement as provided for in subsection (1), he or she shall by order decide all outstanding matters.

Posting of plan

(3) Where a review officer effects a settlement under subsection (1) or makes an order under subsection (2), the employer shall forthwith post in the workplace a copy of the pay equity plan that reflects the settlement or order.

Objections

(4) Where a pay equity plan has been posted under subsection (3), objections with respect to the plan may be filed with the Commission within thirty days of the posting as follows:

- 1. If the plan relates to a bargaining unit, objections may be filed only if the review officer has made an order under subsection (2) and only the employer or the bargaining agent for the bargaining unit may file objections.
- 2. If the plan does not relate to a bargaining unit and a review officer effected a settlement under subsection (1) with the agreement of the objector who filed the objection under subsection 15 (7), only an employee or group of employees to whom the plan applies, other than the objector, may file an objection.
- 3. If the plan does not relate to a bargaining unit and a review officer has made an order under subsection (2), the employer or any employee or group of employees to whom the plan applies may file an objection.

Deemed approval and first adjustments

(5) If a review officer effects a settlement of a pay equity plan for a bargaining unit under subsection (1) or, if in any other case, no objection in respect of a pay equity plan is filed with the Commission in accordance with subsection (4), the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity.

Idem

(6) Where adjustments in compensation are made after the day provided for in the pay equity plan, the employer shall make the adjustments retroactive to that date. R.S.O. 1990, c. P.7, s. 16 (2-6).

Settling of plan

17. (1) If the Commission receives a notice of objection under subsection 16 (4), the Hearings Tribunal shall hold a hearing and, in its decision, shall settle the pay equity plan to which the objection relates.

Posting of plan

(2) Forthwith after receiving the decision of the Hearings Tribunal, the employer shall post a copy of the decision in the workplace and, on the day provided for in the plan, shall make the first adjustments in compensation required to achieve pay equity.

Idem

(3) Where adjustments in compensation are made after the day provided for in a pay equity plan, the employer shall make the adjustments retroactive to that date. R.S.O. 1990, c. P.7, s. 17.

PART III (ss. 18-21) REPEALED: R.S.O. 1990, c. P.7, s. 21 (2).

**PART III.1
PROPORTIONAL VALUE METHOD OF COMPARISON**

Application

21.1 (1) This Part applies to employers to whom Part II applies and to public sector employers that did not have employees on the effective date but that had employees on July 1, 1993.

Transition, deemed plan

(2) A plan for the achievement of pay equity shall be deemed to be a pay equity plan if it was prepared by a public sector employer described in subsection (1) before the coming into force of this subsection as if this Part applied to the employer. 1994, c. 27, s. 121 (2).

Proportional method required

21.2 (1) If a female job class within an employer's establishment cannot be compared to a male job class in the establishment using the job-to-job method of comparison, the employer shall use the proportional value method of comparison to make a comparison for that female job class.

Adjustments

(2) If an employer uses the proportional value method of comparison to make a comparison for a female job class that can be compared to a male job class using the job-to-job method of comparison, the compensation adjustment made for members of that female job class shall not be less than the adjustment that is indicated under the job-to-job method.

Exception, Part II

(3) Subsection (2) does not apply to an employer to whom Part II applies if the employer prepared a pay equity plan using the proportional value method of comparison and posted it before the coming into force of this Part. However, subsection (2) does apply if the employer has also posted a pay equity plan using the job-to-job method of comparison.

Exception, Part III

(4) Subsection (2) does not apply to an employer to whom Part III applies if the employer prepared a pay equity plan using the proportional value method of comparison before the coming into force of this Part. However, subsection (2) does apply if the employer has also prepared a pay equity plan using the job-to-job method of comparison.

Notice

(5) If a female job class within an employer's establishment cannot be compared to a male job class within the establishment under either the job-to-job method of comparison or the proportional value method of comparison, the employer shall notify the Pay Equity Office.

Investigation and complaints

(6) If notice is given under subsection (5),

(a) section 16 applies, with necessary modifications, as if the review officer had received advice under clause 16 (1) (a) or a notice under clause 16 (1) (b);

- (b) section 22 applies, with necessary modifications, as if a person had filed a complaint with the Commission concerning whether the job-to-job method or the proportional value method of comparison can be used in the circumstances;
- (c) section 23 applies, with necessary modifications, as if the Commission had received a complaint concerning whether the job-to-job method or the proportional value method can be used in the circumstances;
- (d) subsection 24 (1) applies. 1993, c. 4, s. 12.

Proportional value comparison method

21.3 (1) Pay equity is achieved for a female job class under the proportional value method of comparison,

- (a) when the class is compared with a representative male job class or representative group of male job classes in accordance with this section; and
- (b) when the job rate for the class bears the same relationship to the value of the work performed in the class as the job rate for the male job class bears to the value of the work performed in that class or as the job rates for the male job classes bear to the value of the work performed in those classes, as the case may be.

Comparisons required

(2) Comparisons required by this section,

- (a) for job classes inside a bargaining unit shall be made between job classes in the unit; and
- (b) for job classes outside any bargaining unit shall be made between job classes that are outside any bargaining unit.

Same

(3) If, after applying subsection (2), no representative male job class or classes is found to compare to the female job class, the female job class shall be compared to a representative male job class elsewhere in the establishment or to a representative group of male job classes throughout the establishment.

Comparison system

(4) The comparisons shall be carried out using a gender-neutral comparison system.

Group of jobs

(5) Subsections 6 (6) to (10) apply, with necessary modifications, to the proportional value method of comparison. 1993, c. 4, s. 12.

Amended pay equity plans

21.4 (1) If a pay equity plan prepared under Part II for an establishment does not achieve pay equity for all the female job classes at the establishment, the employer shall amend the plan to the extent necessary to achieve pay equity in accordance with this Part.

Same

(2) Subject to subsection 21.2 (2), an employer may, with the agreement of the bargaining agent, if any, replace a pay equity plan prepared under Part II with another plan prepared under this Part using the proportional value method of comparison. 1993, c. 4, s. 12.

Plan binding

21.5 (1) A pay equity plan prepared or amended under this Part binds the employer and the employees to whom the plan applies and their bargaining agent, if any.

Plan to prevail

(2) A pay equity plan prepared or amended under this Part prevails over all relevant collective agreements and the adjustments to rates of compensation required by the plan shall be deemed to be incorporated into and form part of the relevant collective agreements. 1993, c. 4, s. 12.

Contents of plans

21.6 (1) A pay equity plan prepared or amended under this Part must contain the information required by this section.

Same

(2) Subsections 13 (1) and (2) apply, with necessary modifications, with respect to a pay equity plan prepared or amended under this Part.

Method of comparison

- (3) The plan must,
- (a) state, for each female job class, what method of comparison has been used to determine whether pay equity exists;
 - (b) describe the methodology used for the calculations required by the proportional value method of comparison; and
 - (c) describe any amendments to be made to the pay equity plan prepared under Part II. 1993, c. 4, s. 12.

Requirement to post plans

21.7 The employer shall post a copy of each pay equity plan prepared or amended under this Part in the workplace not later than six months after this section comes into force. 1993, c. 4, s. 12.

Bargaining unit employees

21.8 Sections 14, 16 and 17 apply, with necessary modifications, with respect to a pay equity plan that is prepared or amended under this Part for employees in a bargaining unit. 1993, c. 4, s. 12.

Non-bargaining unit employees

21.9 (1) This section applies with respect to pay equity plans prepared or amended under this Part for employees who are not in a bargaining unit.

Review period

(2) Employees shall have until the ninetieth day after the plan is posted to review it and submit comments to the employer on the plan or, if the plan is an amended plan, the amendments to the plan. 1993, c. 4, s. 12.

Same

(2.1) For a plan described in subsection 21.1 (2) that is posted before this subsection comes into force, employees shall have until the ninetieth day after this subsection comes into force to review the plan and submit comments on it. 1994, c. 27, s. 121 (3).

Application of certain provisions

(3) Subsections 15 (2), (3) and (5) to (8) and sections 16 and 17 apply, with necessary modifications, with respect to the plan. 1993, c. 4, s. 12.

Date of first compensation adjustments

21.10 (1) If a pay equity plan is prepared or amended under this Part, the employer shall make the first adjustments in compensation in respect of the new or amended portions of the plan,

- (a) in the case of employers in the private sector with 100 or more employees, effective as of the 1st day of January, 1993;
- (b) in the case of employers in the public sector, effective as of the 1st day of January, 1993;
- (c) in the case of employers in the private sector with at least fifty but fewer than 100 employees, effective as of the 1st day of January, 1993;
- (d) in the case of employers in the private sector with at least ten but fewer than fifty employees, on or before the 1st day of January, 1994.

Same

(2) An employer described in clause (1) (a), (b) or (c) shall make the first payment in respect of the first adjustment within six months after the coming into force of this Part. 1993, c. 4, s. 12.

Same

(2.1) A public sector employer that did not have employees on the effective date but that had employees on July 1, 1993 shall make the first payment in respect of the first adjustment within six months after the coming into force of this subsection. 1994, c. 27, s. 121 (4).

Application of certain provisions

(3) Subsections 13 (3) to (8) apply, with necessary modifications, to compensation payable under a pay equity plan prepared or amended under this Part.

Deemed compliance

(4) Every employer who prepares or amends a pay equity plan under this Part and implements it shall be deemed not to be in contravention of subsection 7 (1) with respect to those employees covered by the plan or plans that apply to the employees

but only with respect to those compensation practices that existed immediately before the 1st day of January, 1993. 1993, c. 4, s. 12.

Credit for payments

(5) A payment made under a plan described in subsection 21.1 (2) before this subsection comes into force shall be taken into account in determining whether the employer has complied with this Act. 1994, c. 27, s. 121 (4).

PART III.2 (ss. 21.11-21.23) REPEALED: 1996, c. 1, Sched. J, s. 4.

**PART IV
ENFORCEMENT**

Complaints

22. (1) Any employer, employee or group of employees, or the bargaining agent, if any, representing the employee or group of employees, may file a complaint with the Commission complaining that there has been a contravention of this Act, the regulations or an order of the Commission.

Idem

(2) Any employee or group of employees, or the bargaining agent, if any, representing the employee or group of employees, may file a complaint with the Commission complaining with respect to a pay equity plan that applies to the employee or group of employees that,

- (a) the plan is not being implemented according to its terms; or
- (b) because of changed circumstances in the establishment, the plan is not appropriate for the female job class to which the employee or group of employees belongs.

Combining of complaints

(3) The Hearings Tribunal may combine two or more complaints and deal with them in one proceeding if the complaints,

- (a) are made against the same person and bring into question the same or a similar issue; or
- (b) have questions of law or fact in common. R.S.O. 1990, c. P.7, s. 22.

Investigation of complaints

23. (1) Subject to subsection (2), when the Commission receives a complaint, a review officer shall investigate the complaint and may endeavour to effect a settlement.

Idem

(2) The review officer shall notify the parties and the Hearings Tribunal as soon as he or she decides that a settlement cannot be effected and that he or she will not be making an order under subsection 24 (3).

Decision to not deal with complaint

(3) A review officer may decide that a complaint should not be considered if the review officer is of the opinion that,

- (a) the subject-matter of the complaint is trivial, frivolous, vexatious or made in bad faith; or
- (b) the complaint is not within the jurisdiction of the Commission.

Hearing before Tribunal

(4) The review officer shall notify the complainant of his or her decision under subsection (3) and the complainant may request a hearing before the Hearings Tribunal with respect to the decision. R.S.O. 1990, c. P.7, s. 23.

Orders by review officers

24. (1) Where a review officer is of the opinion that a pay equity plan is not being prepared as required by Part II or III.1, the review officer may order the employer and the bargaining agent, if any, to take such steps as are set out in the order to prepare the plan. R.S.O. 1990, c. P.7, s. 24 (1); 1993, c. 4, s. 14 (1); 1996, c. 1, Sched. J, s. 5 (1).

Idem

(2) Where a review officer is of the opinion that a pay equity plan is not being implemented according to its terms, the review officer may order the employer to take such steps as are set out in the order to implement the plan. R.S.O. 1990, c. P.7, s. 24 (2).

Same

(2.1) If a review officer is of the opinion that because of changed circumstances a pay equity plan is no longer appropriate, the officer may order the employer to amend the plan in such manner as is set out in the order or to take such steps with a view to amending the plan as are set out in the order. 1993, c. 4, s. 14 (2).

Same

(3) If a review officer is of the opinion that there has been a contravention of this Act by an employer, employee or bargaining agent, the officer may order the employer, employee or bargaining agent to take such steps to comply with the Act as are set out in the order. 1993, c. 4, s. 14 (3).

Idem

(4) An order under subsection (1) may provide for a mandatory posting date that is later than the one provided in section 10 or a posting date that is later than the one provided under section 21.7. R.S.O. 1990, c. P.7, s. 24 (4); 1993, c. 4, s. 14 (4); 1996, c. 1, Sched. J, s. 5 (2).

Reference to Tribunal

(5) Where an employer or a bargaining agent fails to comply with an order under this section, a review officer may refer the matter to the Hearings Tribunal. R.S.O. 1990, c. P.7, s. 24 (5).

Same

(5.1) The Pay Equity Office shall be deemed to be the applicant for a reference under subsection (5).

Same

(5.2) On a reference under subsection (5), the Hearings Tribunal shall not consider the merits of the order that is the subject of the reference.

Burden of proving compliance

(5.3) On a reference under subsection (5), the person against whom the order was made has the burden of proving that he, she or it has complied with the order. 1993, c. 4, s. 14 (5).

Hearing before Tribunal

(6) An employer or bargaining agent named in an order under this section may request a hearing before the Hearings Tribunal with respect to the order, and, where the order was made following a complaint but the complaint has not been settled, the complainant may also request a hearing. R.S.O. 1990, c. P.7, s. 24 (6).

Hearings

25. (1) The Hearings Tribunal shall hold a hearing,

- (a) if a review officer is unable to effect a settlement of a complaint and has not made an order under subsection 24 (3);
- (b) if a request for a hearing, as described in subsection 23 (4) or 24 (6), is received by the Hearings Tribunal; or
- (c) if a review officer refers a matter to the Hearings Tribunal under subsection 24 (5). R.S.O. 1990, c. P.7, s. 25 (1).

Reference stayed

(1.1) A reference under subsection 24 (5) respecting an order shall not proceed if the Hearings Tribunal has confirmed, varied or revoked the order following a hearing requested under subsection 23 (4) or 24 (6). 1993, c. 4, s. 15 (1).

Orders

(2) The Hearings Tribunal shall decide the issue that is before it for a hearing and, without restricting the generality of the foregoing, the Hearings Tribunal,

- (a) where it finds that an employer or a bargaining agent has failed to comply with Part II or III.1, may order that a review officer prepare a pay equity plan for the employer's establishment and that the employer and the bargaining agent, if any, or either of them, pay all of the costs of preparing the plan;
- (b) where it finds that an employer has contravened subsection 9 (2) by dismissing, suspending or otherwise penalizing an employee, may order the employer to reinstate the employee, restore the employee's compensation to the same level as before the contravention and pay the employee the amount of all compensation lost because of the contravention;
- (c) where it finds that an employer has contravened subsection 9 (1) by reducing compensation, or has failed to make an adjustment in accordance with subsection 21.2 (2), may order the employer to adjust the compensation of all employees affected to the rate to which they would have been entitled but for the reduction in compensation and to pay compensation equal to the amount lost because of the reduction;

- (d) may confirm, vary or revoke orders of review officers;
- (e) may, for the female job class that is the subject of the complaint or reference, order adjustments in compensation in order to achieve pay equity, where the Hearings Tribunal finds that there has been a contravention of subsection 7 (1);
- (e.1) may determine whether a sale of a business has occurred;
- (f) may order that the pay equity plan be revised in such manner as the Hearings Tribunal considers appropriate, where it finds that the plan is not appropriate for the female job class that is the subject of the complaint or reference because there has been a change of circumstances in the establishment; and
- (g) may order a party to a proceeding to take such action or refrain from such action as in the opinion of the Hearings Tribunal is required in the circumstances. R.S.O. 1990, c. P.7, s. 25 (2); 1993, c. 4, s. 15 (2-4); 1996, c. 1, Sched. J, s. 6 (1).

Idem

(3) An order under clause (2) (a) may provide that a review officer may retain the services of such experts as the review officer considers necessary to prepare a pay equity plan. R.S.O. 1990, c. P.7, s. 25 (3).

Application of Parts II, III.1 and III.2

- (4) Parts II and III.1, apply with necessary modifications to a pay equity plan prepared under clause (2) (a) but,
 - (a) the order of the Hearings Tribunal may provide for a mandatory posting date that is later than the one provided in section 10 or a posting date that is later than the one provided under section 21.7;
 - (b) the order of the Hearings Tribunal shall not provide for a compensation adjustment date that is different than the relevant date set out in clause 13 (2) (e) or a date that is later than the one provided under section 21.10;
 - (c) the review officer shall perform the duties of the employer and the bargaining agent, if any;
 - (d) when the review officer posts the plan in the workplace as subsection 14 (4) or 15 (6) provides, the employer, the bargaining agent (if the plan relates to a bargaining unit), or any employee or group of employees to whom the plan applies (if the plan does not relate to a bargaining unit) may file an objection with the Hearings Tribunal; and
 - (e) an objection under clause (d) shall be dealt with by the Hearings Tribunal under section 17. R.S.O. 1990, c. P.7, s. 25 (4); 1993, c. 4, s. 15 (5-7); 1996, c. 1, Sched. J, s. 6 (2-4).

Same

(4.1) Despite subsection (4), section 16 does not apply with respect to a pay equity plan prepared under clause (2) (a). 1993, c. 4, s. 15 (8).

Retroactive compensation adjustments

- (5) An order under clause (2) (e) may be retroactive to the day of the contravention of subsection 7 (1).

Idem

(6) An order under clause (2) (f) may provide that adjustments in compensation resulting from the revision of the pay equity plan be made retroactive to the day of the change in circumstances that gave rise to the order. R.S.O. 1990, c. P.7, s. 25 (5, 6).

Burden of proof

(7) In a hearing before the Hearings Tribunal, a person who is alleged to have contravened subsection 9 (2) has the burden of proving that he, she or it did not contravene the subsection. 1993, c. 4, s. 15 (9).

Settlements

25.1 (1) The parties to a matter in respect of which the Hearings Tribunal is required to hold a hearing may settle the matter in writing.

Binding effect

- (2) A settlement under subsection (1) binds the parties to it.

Bargaining unit employees

(3) If a bargaining agent is a party to a settlement under subsection (1), the settlement also binds the employees who are represented by the bargaining agent.

Complaint

(4) A party to the settlement may file with the Hearings Tribunal a complaint that the settlement is not being complied with.

Hearing

(5) The Hearings Tribunal shall hold a hearing respecting the complaint.

Finding

(6) If the Hearings Tribunal finds that a party is not complying with the settlement, it may order the party to take such steps as it may specify to come into compliance or to rectify the failure to comply. 1993, c. 4, s. 16.

Offences and penalties

26. (1) Every person who contravenes or fails to comply with subsection 9 (2) or subsection 35 (5) or an order of the Hearings Tribunal is guilty of an offence and on conviction is liable to a fine of not more than \$5,000, in the case of an individual, and not more than \$50,000, in any other case.

Parties

(2) If a corporation or bargaining agent contravenes or fails to comply with subsection 9 (2) or subsection 35 (5) or an order of the Hearings Tribunal, every officer, official or agent thereof who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and, on conviction, is liable to the penalty provided for the offence whether or not the corporation or bargaining agent has been prosecuted or convicted. R.S.O. 1990, c. P.7, s. 26 (1, 2).

Confidentiality

(2.1) Every person who uses information obtained under Part III.2 other than for the purposes of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 in the case of an individual, and not more than \$50,000 in any other case.

Parties

(2.2) If a corporation or bargaining agent contravenes subsection (2.1), every officer, official or agent of the corporation or bargaining agent who authorizes, permits or acquiesces in the contravention is party to and guilty of the offence and, on conviction, is liable to the penalty provided for the offence whether or not the corporation or bargaining agent has been prosecuted or convicted. 1996, c. 1, Sched. J, s. 7.

Prosecution against bargaining agent

(3) A prosecution for an offence under this Act may be instituted against a bargaining agent in its own name.

Consent

(4) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Hearings Tribunal. R.S.O. 1990, c. P.7, s. 26 (3, 4).

PART V ADMINISTRATION

Commission continued

27. (1) The commission known in English as the Pay Equity Commission of Ontario and in French as Commission de l'équité salariale de l'Ontario is continued. R.S.O. 1990, c. P.7, s. 27 (1).

Idem

(2) The Commission shall consist of the Pay Equity Hearings Tribunal and the Pay Equity Office. R.S.O. 1990, c. P.7, s. 27 (2).

Employees

(3) Such employees as are necessary for the proper conduct of the Commission's work may be appointed under Part III of the *Public Service of Ontario Act, 2006* to serve in the Pay Equity Office. R.S.O. 1990, c. P.7, s. 27 (3); 2006, c. 35, Sched. C, s. 107 (2).

Services of ministries, etc.

(4) The Commission shall, if appropriate, use the services and facilities of a ministry, board, commission or agency of the Government of Ontario. R.S.O. 1990, c. P.7, s. 27 (4).

Hearings Tribunal

28. (1) The Hearings Tribunal shall be composed of a presiding officer, one or more deputy presiding officers and as many other members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council considers proper, all of whom shall be appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. P.7, s. 28 (1).

Alternate presiding officer

(2) The Lieutenant Governor in Council shall designate one of the deputy presiding officers to be alternate presiding officer and the person so designated, in the absence of the presiding officer or if the presiding officer is unable to act, shall have all of the powers of the presiding officer. R.S.O. 1990, c. P.7, s. 28 (2).

Remuneration and expenses

(3) The members of the Hearings Tribunal who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act. R.S.O. 1990, c. P.7, s. 28 (3); 2006, c. 35, Sched. C, s. 107 (3).

Resignation of member

(4) Where a member of the Hearings Tribunal resigns, he or she may carry out and complete any duties or responsibilities and exercise any powers that he or she would have had if he or she had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he or she participated as a member of the Hearings Tribunal. R.S.O. 1990, c. P.7, s. 28 (4).

Powers and duties of Tribunal

29. (1) The Hearings Tribunal may exercise such powers and shall perform such duties as are conferred or imposed upon it by this Act or the regulations. R.S.O. 1990, c. P.7, s. 29 (1).

Idem

- (2) Without limiting the generality of subsection (1), the Hearings Tribunal,
- (a) may decide in an order made under subsection 17 (1) or clause 25 (2) (a) that any job class is a female job class or a male job class;
 - (b) may make rules for the conduct and management of its affairs and for the practice and procedure to be observed in matters before it;
 - (c) may require that any person seeking a determination of any matter by the Hearings Tribunal shall give written notice, in such form and manner as the Hearings Tribunal specifies, to the persons that the Hearings Tribunal specifies;
 - (d) may, upon the request of the parties or on its own initiative, convene one or more pre-hearing conferences;
 - (e) may order a party to disclose such evidence and to produce such documents and other things as the Tribunal may specify before the commencement of a hearing;
 - (f) may authorize the presiding officer or a deputy presiding officer to exercise the powers of the Tribunal under clause (d) or (e); and
 - (g) may in a hearing admit such oral or written evidence as it, in its discretion, considers proper, whether admissible in a court of law or not. R.S.O. 1990, c. P.7, s. 29 (2); 1993, c. 4, s. 17.

Panels

(3) The presiding officer may establish panels of the Hearings Tribunal and it may sit in two or more panels simultaneously so long as a quorum of the Hearings Tribunal is present on each panel.

Quorum

(4) The presiding officer or a deputy presiding officer, one member representative of employers and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Hearings Tribunal.

Decisions

(5) The decision of the majority of the members of the Hearings Tribunal present and constituting a quorum is the decision of the Hearings Tribunal, but, if there is no majority, the decision of the presiding officer or deputy presiding officer governs. R.S.O. 1990, c. P.7, s. 29 (3-5).

Death or incapacity of member

29.1 (1) If, after a panel of the Hearings Tribunal begins holding a hearing respecting a matter but before it reaches a decision on all the issues before it, the presiding officer or deputy presiding officer dies or becomes incapacitated, another panel of the Tribunal shall decide whether,

- (a) the hearing should continue but with the member who died or became incapacitated having been replaced by a presiding officer or deputy presiding officer; or
- (b) a new hearing should be held before another panel.

Same

(2) If, after a panel of the Hearings Tribunal begins holding a hearing respecting a matter and before it reaches a decision on all the issues before it, a member who is a representative of employers or employees dies or becomes incapacitated, another panel of the Tribunal shall decide whether,

- (a) the hearing should continue but with the member who died or became incapacitated having been replaced by another representative of employers or employees, as the case may be;
- (b) the hearing should continue but with the members who are representative of employers and employees having been replaced by other representatives of employers and employees;
- (c) the hearing should continue without representatives of either employers or employees; or
- (d) a new hearing should be held before another panel.

Panels

(3) If it is decided that there should be a new hearing before another panel, that panel may include a member of the panel one of whose members died or became incapacitated.

Severable matters

(4) A panel that decides that there should be a new hearing under clause (1) (b) or (2) (d) may, if the previous panel had reached a decision respecting some of the issues before it, direct that any decision respecting those issues stands and that the new panel should consider only the issues that remain outstanding.

Hearing

(5) Before making a decision under subsection (1) or (2), the panel shall hold a hearing.

One-person quorum

(6) If it is decided that a hearing should continue under clause (2) (c), the presiding officer or deputy presiding officer, as the case may be, shall constitute a quorum and shall resume the hearing without the other member.

New panel

(7) If a new hearing is held under this section, subsections 29 (4) and (5) apply, with necessary modifications. 1993, c. 4, s. 18.

Exclusive jurisdiction

30. (1) The Hearings Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it and the action or decision of the Hearings Tribunal thereon is final and conclusive for all purposes.

Reconsideration of decisions, etc.

(2) The Hearings Tribunal may at any time, if it considers it advisable to do so, reconsider a decision or order made by it and vary or revoke the decision or order. R.S.O. 1990, c. P.7, s. 30.

Testimony in civil proceedings

31. Except with the consent of the Hearings Tribunal, no member of the Hearings Tribunal, employee of the Commission or person whose services have been contracted for by the Commission shall be required to testify in any civil proceeding, in any proceeding before the Hearings Tribunal or in any proceeding before any other tribunal respecting information obtained in the discharge of their duties or while acting within the scope of their employment under this Act. R.S.O. 1990, c. P.7, s. 31.

Parties to proceedings

Definition

32. (0.1) In this section,

“representative” means, in respect of a proceeding under this Act, a person authorized under the *Law Society Act* to represent a person or persons in that proceeding. 2006, c. 21, Sched. C, s. 127 (1).

Parties to proceedings

(1) Where a hearing is held before the Hearings Tribunal or where a review officer investigates for the purposes of effecting a settlement of an objection or complaint, the parties to the proceeding are,

- (a) the employer;
- (b) the objector or complainant;
- (c) the bargaining agent (if the pay equity plan relates to a bargaining unit) or the employees to whom the plan relates (if the plan does not relate to a bargaining unit); and
- (d) any other persons entitled by law to be parties. R.S.O. 1990, c. P.7, s. 32 (1); 1993, c. 4, s. 19 (1).

Same

(1.1) The Hearings Tribunal or a review officer may require an employer to post a notice relating to this Act in a workplace. 1993, c. 4, s. 19 (2).

Notice

(2) Where the Hearings Tribunal or a review officer requires that a notice be given by the employer to employees, the employer shall post the notice in the workplace and such notice shall be deemed to have been sufficiently given to all employees in the workplace when it is so posted. R.S.O. 1990, c. P.7, s. 32 (2).

Same

(2.1) If the Hearings Tribunal is satisfied that a notice required to be posted under subsection (1.1) has not been posted, the Tribunal may order a review officer to enter the workplace and post the notice. 1993, c. 4, s. 19 (2).

Representation

(3) An employee or a group of employees may appoint a representative to represent the employee or group of employees before the Hearings Tribunal or before a review officer. 2006, c. 21, Sched. C, s. 127 (2).

Idem

(4) Where an employee or group of employees advises the Hearings Tribunal or the Pay Equity Office in writing that the employee or group of employees wishes to remain anonymous, the representative of the employee or group of employees shall be the party to the proceeding before the Hearings Tribunal or review officer and not the employee or group of employees. R.S.O. 1990, c. P.7, s. 32 (4); 1993, c. 4, s. 19 (3); 2006, c. 21, Sched. C, s. 127 (3).

Idem

(5) Where subsection (4) applies, the representative, in the representative’s name, may take all actions that an employee may take under this Act including the filing of objections under Part II and the filing of complaints under Part IV. R.S.O. 1990, c. P.7, s. 32 (5); 2006, c. 21, Sched. C, s. 127 (4).

Pay Equity Office

33. (1) The Pay Equity Office is responsible for the enforcement of this Act. R.S.O. 1990, c. P.7, s. 33 (1); 1993, c. 4, s. 20 (1).

Idem

- (2) Without limiting the generality of subsection (1), the Pay Equity Office,
- (a) may conduct research and produce papers concerning any aspect of pay equity and related subjects and make recommendations to the Minister in connection therewith;
 - (b) may conduct public education programs and provide information concerning any aspect of pay equity and related subjects;
 - (c) shall provide support services to the Hearings Tribunal;
 - (d) shall conduct such studies as the Minister requires and make reports and recommendations in relation thereto;
 - (e) shall conduct a study with respect to systemic gender discrimination in compensation for work performed, in sectors of the economy where employment has traditionally been predominantly female, by female job classes in establishments

that have no appropriate male job classes for the purpose of comparison under section 5 and, within one year of the effective date, shall make reports and recommendations to the Minister in relation to redressing such discrimination; and

- (f) shall prepare and make available to employers a form of notice to be posted under subsection 7.1 (1). R.S.O. 1990, c. P.7, s. 33 (2); 1993, c. 4, s. 20 (2).

Chief administrative officer

(3) The Lieutenant Governor in Council shall appoint a person to be the head of the Pay Equity Office and that person shall be the chief administrative officer of the Commission.

Minister may require studies, etc.

(4) The Minister may require the Pay Equity Office to conduct such studies related to pay equity as are set out in a request to the head of the Office and to make reports and recommendations in relation thereto.

Annual report

(5) Not later than the 31st day of March in each year, the head of the Pay Equity Office shall make an annual report to the Minister on the activities and affairs of the Commission and the Minister shall table the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. P.7, s. 33 (3-5).

Review officers

34. (1) The head of the Pay Equity Office shall designate one or more employees of the Office to be review officers.

Review officers, duties

(2) Review officers shall monitor the preparation and implementation of pay equity plans, shall investigate objections and complaints filed with the Commission, may attempt to effect settlements and shall take such other action as is set out in this Act or in an order of the Hearings Tribunal.

Powers

- (3) A review officer, for the purpose of carrying out his or her duties,
- (a) may enter any place at any reasonable time;
 - (b) may request the production for inspection of documents or things that may be relevant to the carrying out of the duties;
 - (c) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them;
 - (d) may question a person on matters that are or may be relevant to the carrying out of the duties subject to the person's right to have counsel or some other representative present during the examination; and
 - (e) may provide in an order made under subsection 16 (2) or 24 (1) that any job class is a female job class or a male job class.

Procedure

(4) The *Statutory Powers Procedure Act* does not apply to a review officer and he or she is not required to hold a hearing before making an order authorized by this Act. R.S.O. 1990, c. P.7, s. 34.

Warrants

35. (1) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant issued under this section.

Warrant for search

(2) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of a review officer's duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the review officer named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed.

Warrant for entry

(3) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that a review officer may carry out his

or her duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry by the review officer named in the warrant.

Execution and expiry of warrant

- (4) A warrant issued under this section,
 - (a) shall specify the hours and days during which it may be executed; and
 - (b) shall name a date on which it expires, which date shall not be later than fifteen days after its issue.

Obstruction

(5) No person shall hinder, obstruct or interfere with a review officer in the execution of a warrant or otherwise impede a review officer in carrying out his or her duties under this Act.

Idem

(6) Subsection (5) is not contravened where a person refuses to produce documents or things, unless a warrant has been issued under subsection (2).

Admissibility of copies

(7) Copies of, or extracts from, documents and things removed from premises under this Act and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts. R.S.O. 1990, c. P.7, s. 35.

**PART VI
REGULATIONS AND MISCELLANEOUS**

Regulations

- 36.** (1) The Lieutenant Governor in Council may make regulations,
- (a) prescribing forms and notices and providing for their use;
 - (b) prescribing methods for determining the historical incumbency of a job class;
 - (c) prescribing criteria that shall be taken into account in deciding whether a job class is a female job class or a male job class;
 - (c.1) prescribing bodies for the purposes of clause 1.1 (1) (b);
 - (d) prescribing the method of valuing any form of compensation;
 - (e) prescribing criteria that shall be taken into account in determining whether work performed in two job classes is of equal or comparable value;
 - (f) prescribing criteria that shall be taken into account in deciding whether or not a difference in compensation between a female job class and a male job class is a difference that is permitted by subsection 8 (1) or (2);
 - (f.1) prescribing limitations on the requirement that an employer maintain pay equity for a female job class;
 - (g) permitting the Hearings Tribunal, on the application of an employer and in accordance with such criteria as may be prescribed in the regulations, to change the mandatory posting date and the dates for adjustments in compensation to dates later than those set out in Part II and to vary the minimum adjustments in compensation required by that Part, subject to such conditions as the Hearings Tribunal may impose in its order granting the application;
 - (g.1) prescribing one or more methods of comparing male and female job classes as proportional value methods of comparison;
 - (h) amending the Appendix to the Schedule and providing that the mandatory posting date for an entity included in the Appendix by amendment is the date set out in the regulations. R.S.O. 1990, c. P.7, s. 36; 1993, c. 4, s. 21 (1, 2); 1996, c. 1, Sched. J, s. 8; 2006, c. 35, Sched. C, s. 107 (4).

Retroactivity

(2) A regulation made under clause (1) (f.1) is, if it so provides, effective with reference to a period before it was filed. 1993, c. 4, s. 21 (3).

Review of Act

37. (1) Seven years after the effective date, the Lieutenant Governor in Council shall appoint a person who shall undertake a comprehensive review of this Act and its operation.

Report to Minister

(2) The person appointed under subsection (1) shall prepare a report on his or her findings and shall submit the report to the Minister.

Idem

(3) The Minister shall table the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. P.7, s. 37.

Crown bound

38. This Act binds the Crown in right of Ontario. R.S.O. 1990, c. P.7, s. 38.

SCHEDULE

1. The public sector in Ontario consists of,
 - (a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
 - (b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;
 - (c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;
 - (d) every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*;
 - (e) every corporation with share capital, at least 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
 - (f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
 - (g) every board of health under the *Health Protection and Promotion Act*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality;
 - (h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Auditor General; and
 - (i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Appendix to this Schedule or added to the Appendix by the regulations made under this Act.
2. REPEALED: 2002, c. 17, Sched. C, s. 21.

APPENDIX

MINISTRY OF THE ATTORNEY GENERAL

1. Community legal clinics that receive funding from the legal aid plan established under the *Legal Aid Act*.
2. Supervised access centres that receive funding from the Ministry of the Attorney General.

MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION

1. Organizations providing services for immigrants and refugees that receive funding through the Newcomer Settlement Program of the Ministry of Citizenship, Culture and Recreation.
2. A native friendship centre, being an employer that is a not-for-profit corporation established to assist in improving the quality of life of urban and migrating native people.

3. The Art Gallery of Ontario.
4. CJRT-FM Inc.
5. Royal Botanical Gardens.
6. Community information centres.
7. The Northern Ontario Library Service Board.
8. The Southern Ontario Library Service Board.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any corporation or organization of persons, other than one that has no employees other than employees who directly or indirectly control it, that,
 - (a) operates a children's residence under the authority of a licence issued under clause 193 (1) (a) of the *Child and Family Services Act* (R.S.O. 1990, c. C.11);
 - (b) provides residential care under the authority of a licence issued under clause 193 (1) (b) of the *Child and Family Services Act* (R.S.O. 1990, c. C.11) unless the provider is a foster parent;
 - (c) REPEALED: 2007, c. 8, s. 223 (1).
 - (d) provides counselling services if the provision of those services is funded under the *General Welfare Assistance Act* (R.S.O. 1990, c. G.6);
 - (e) provides counselling services if the provision of those services is funded under the *Ministry of Community and Social Services Act* (R.S.O. 1990, c. M.20);
 - (f) operates a hostel providing services if the provision of those services is funded under the *General Welfare Assistance Act* (R.S.O. 1990, c. G.6);
 - (g) provides community services for adults if the provision of those services is funded by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1990, c. M.20);
 - (h) provides vocational rehabilitation services if the provision of those services is funded under the *Vocational Rehabilitation Services Act* (R.S.O. 1990, c. V.5);
 - (i) operates a workshop under the *Vocational Rehabilitation Services Act* (R.S.O. 1990, c. V.5);
 - (j) operates a supported employment program, being a program established under subclause 5 (i) (ii) of the *Vocational Rehabilitation Services Act* (R.S.O. 1990, c. V.5) that provides individualized training and support for a disabled person to enable him or her to obtain and retain employment;
 - (k) provides services funded under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* (S.O. 2008, c. 14);
 - (l) provides the services of homemakers or nurses if the provision of those services is funded under the *Homemakers and Nurses Services Act* (R.S.O. 1990, c. H.10);
 - (m) REPEALED: 2001, c. 13, s. 23 (2).
 - (n) operates a day nursery or private-home day care agency licensed under the *Day Nurseries Act* (R.S.O. 1990, c. D.2);
 - (o) operates programs providing services to day nurseries funded under the *Ministry of Community and Social Services Act* (R.S.O. 1990, c. M.20) and day nursery services directly funded under the *Day Nurseries Act* (R.S.O. 1990, c. D.2);
 - (p) operates an elderly persons centre funded under the *Elderly Persons Centres Act* (R.S.O. 1990, c. E.4);
 - (q) provides services for young persons under Part IV of the *Child and Family Services Act* (R.S.O. 1990, c. C.11) or under an agreement with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1990, c. M.20);
 - (r) provides children's services funded and purchased by the Ministry of Community and Social Services under the *Child and Family Services Act* (R.S.O. 1990, c. C.11);
 - (s) operates a childcare resource centre, being an employer providing services to persons providing care to young children and receiving funding under the *Ministry of Community and Social Services Act* (R.S.O. 1990, c. M.20);

- (t) provides an approved service as defined in the *Child and Family Services Act* (R.S.O. 1990, c. C.11).
2. Societies and approved agencies, as defined in the *Child and Family Services Act* (R.S.O. 1990, c. C.11).
 - 3., 4. REPEALED: 2007, c. 8, s. 223 (1).
 5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1990, c. D.15).

MINISTRY OF ECONOMIC DEVELOPMENT, TRADE AND TOURISM

1. Metropolitan Toronto Convention Centre.
2. The St. Clair Parkway Commission.

MINISTRY OF EDUCATION AND TRAINING

1. Algoma College.
2. Assumption University.
3. Brescia College.
4. Canterbury College.
- 4.1 Centre franco-ontarien de ressources pédagogiques.
5. Collège dominicain de philosophie et de théologie.
6. Concordia Lutheran Seminary.
7. Conrad Grebel College.
8. Hearst College.
9. Holy Redeemer College.
10. Huntington University.
11. Huron College.
12. Iona College.
13. King's College.
14. Knox College.
15. L'Université de Sudbury.
16. McMaster Divinity College.
17. Nipissing College.
18. Queen's Theological College.
19. Regis College.
20. Renison College.
21. St. Augustine's Seminary.
22. St. Paul's United College.
23. St. Paul University.
24. St. Peter's Seminary.
25. The University of St. Jerome's College.
26. The University of St. Michael's College.
27. Thorneloe University.
28. Trinity College.
29. Victoria University.
30. Waterloo Lutheran Seminary.

31. Wycliffe College.
32. Youth employment centres providing community-based vocational planning and counselling that receive funding from the Ministry of Education and Training.

MINISTRY OF HEALTH AND LONG-TERM CARE

1. Any corporation or organization of persons, other than one that has no employees other than employees who directly or indirectly control it, that operates or provides,
 - (a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1990, c. A.19);
 - (b) a long-term care home under the authority of a licence issued, or an approval granted, under the *Long-Term Care Homes Act, 2007* but, for greater certainty, only in respect of its long-term care home beds with respect to which funding is received from the Province of Ontario or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*;
 - (c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Laboratory and Specimen Collection Centre Licensing Act* (R.S.O. 1990, c. L.1);
 - (d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1990, c. M.7), the operation of which is funded in whole or in part by the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*;
 - (e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1990, c. H.2);
 - (f) a home care facility within the meaning of the General Regulation made under the *Health Insurance Act* (R.S.O. 1990, c. H.6) or a facility which, by arrangement with any such home care facility,
 - (i) provides nursing, physiotherapy, occupational therapy, speech therapy, nutritional counselling, social work, homemaking or other services to persons in their homes that are insured home care services under the General Regulation made under the *Health Insurance Act* (R.S.O. 1990, c. H.6), and
 - (ii) is entitled to payment from the home care facility for or in respect of supplying such services;
 - (g) a rehabilitation centre or a crippled children's centre listed in the relevant Schedule to the General Regulation made under the *Health Insurance Act* (R.S.O. 1990, c. H.6);
 - (h) a detoxification centre that receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*;
 - (h.1) services relating to addiction if the provider of the services receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*;
 - (i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*;
 - (j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*.
2. REPEALED: 2006, c. 4, s. 50 (3).
3. A laundry that is operated exclusively for one or more than one hospital.
4. Hospital Food Services-Ontario Inc.
5. REPEALED: O. Reg. 395/93, s. 8 (4).
6. Alcoholism and Drug Addiction Research Foundation.
7. The Canadian Red Cross Society in respect of its operations in Ontario.
8. The Hospital Council of Metropolitan Toronto.
9. The Hospital Medical Records Institute.
10. The Ontario Cancer Institute.
11. The Ontario Cancer Treatment and Research Foundation.

12. The Ontario Mental Health Foundation.
13. Michener Institute for Applied Health Sciences.
14. A community health centre, being an employer,
 - (a) who provides primary health services primarily to,
 - (i) a group or groups of individuals who, because of culture, sex, language, socio-economic factors or geographic isolation, would be unlikely to receive some or all of those services from other sources, or
 - (ii) a group or groups of individuals who, because of age, sex, socio-economic factors or environmental factors, are more likely to be in need of some or all of those services than other individuals; and
 - (b) who receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006* in accordance with the number or type of services provided.
15. A comprehensive health organization, being a not-for-profit corporation that,
 - (a) provides or arranges for the provision of comprehensive health care services for individuals who are enrolled as members of the patient roster of the corporation; and
 - (b) receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006* in accordance with the number of individuals on the roster.

MINISTRY OF LABOUR

1. Pay Equity Advocacy and Legal Services.
2. A help centre, being an employer providing employment and vocational counselling services to adults that receives funding from the Ontario Help Centre Program of the Ministry of Labour.

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,
 - (a) the collection, removal and disposal of garbage and other refuse for a municipality;
 - (b) the operation and maintenance of buses for the conveyance of passengers under an agreement with a municipality.
2. Ontario Municipal Employees Retirement Board.
3. Toronto District Heating Corporation.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1990, c. C.27).

MINISTRY OF THE SOLICITOR GENERAL AND CORRECTIONAL SERVICES

1. Any agency, corporation or organization of persons, other than one that has no employees other than employees who directly or indirectly control it, that, under funding from the Ministry of the Solicitor General and Correctional Services,
 - (a) provides community residential or non-residential services; or
 - (b) supervises persons who have been convicted of or been found guilty of a criminal provincial offence or who have been accused of a criminal or provincial offence.
2. Sexual assault centres.

OFFICE RESPONSIBLE FOR WOMEN'S ISSUES

1. Any corporation or organization of persons, other than one that has no employees other than employees who directly or indirectly control it, that receives funding from the program administered by the Office Responsible for Women's Issues and known as Women's Centres Program: Investing in Women's Futures and that provides counselling, referral or information services for women.

R.S.O. 1990, c. P.7, Sched.; O. Reg. 395/93; 1998, c. 18, Sched. G, s. 67; O. Reg. 81/99; 2001, c. 13, s. 23; O. Reg. 37/02; 2002, c. 17, Sched. C, s. 21; 2004, c. 17, s. 32; 2006, c. 4, s. 50 (2-5); 2006, c. 19, Sched. D, s. 17; 2006, c. 19, Sched. M, s. 6; 2007, c. 8, s. 223; 2008, c. 14, s. 57; 2009, c. 33, Sched. 18, s. 24.

Français

[Back to top](#)