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**“Understanding Value and Its Implications for Pay Equity and the Wage Gap:
A Federal Government Case Study”**

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**A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of
Masters of Arts, Canadian Studies**

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Abstract

This study investigates efforts to eliminate embedded discriminatory practices relating to job evaluation and classification in the Canadian federal government. The question asked is why has there been little progress towards pay equity, despite reform efforts and despite the \$3.5 billion pay equity settlement? A second related issue is how was a gender-neutral job evaluation tool constructed to address equal pay for work of equal value in the federal public service. It is argued that the development of a gender-neutral job evaluation tool is a necessary, but not sufficient condition to eliminate the wage gap. Reform efforts have conflicted with external systems through occupational segregation, skill definitions, and traditional collective bargaining practices. This study will examine these compounding difficulties that have delayed progress towards achieving pay equity and meeting the requirements of section 11 of the *Canadian Human Rights Act*.

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Table of Contents

1. Chapter One	
Introduction	1
Methodology	4
2. Chapter Two	
Job Evaluation and its Relationship to Gender	9
Different Methods of Job Evaluation	11
Arguments and Cautions On the Use of Job Evaluation	17
Gender Bias in Job Evaluation	23
Gender-Neutrality in Job Evaluation	31
3. Chapter Three	
Occupational Segregation and Its Contributions to the Wage Gap	35
Historical Motives for Occupational Segregation	39
Current Motive for Occupational Segregation	43
Theories of Wage Differentials and Occupational Segregation	51
4. Chapter Four	
The Long Road to Job Evaluation Reform in the Federal Public Service	57
The Perpetuation of Gender Bias – Weaknesses of the Proposed Reforms	62
The Introduction of the Universal Classification Standard	68
5. Chapter Five	
Reform in the Federal Government	76
The Rebirth of the UCS	76
The Design of the UCS – Gender-Neutrality Using Gender Inclusiveness	81
Gender-Neutrality in Work Descriptions	89
Ensuring Gender-Neutrality in the Evaluation of Work	93
“Success” of UCS	100
Pay Equity Gains – Potential Impacts	102
6. Chapter Six	
Conclusion: Impact of Externalities	107
Can the Market Change?	113
Lessons Learned – Future Research	115

Table of Appendices

1. **Appendix A – Elements and Definitions from the Universal Classification Standard**
2. **Appendix B – Excerpts from the UCS Work Description Writing Guide**
3. **Appendix C – Taking a Fresh Look at Work**

CHAPTER ONE - INTRODUCTION

In 1999, a \$3.5 billion pay equity ruling¹ effecting mostly female public servants brought the issue of wages between men and women into the forefront of Canadian political, economic and social interests. The case sparked controversy and criticism of federal government pay practices concerning widespread discrimination based on gender. The case provided a landmark ruling using section 11 of the *Canadian Human Rights Act*, frequently referred to as the federal pay equity law, to minimize the wage gap between men and women in federal public service jobs. Section 11(1) states that “it is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value”.²

The decision relied heavily on regression analysis techniques that brought the female wage line up to the male wage line among federal public service jobs. As a result, many stakeholders (unions, employees, as well as the general public) were misled into making direct comparisons and conclusions between pay equity and wages. The confusion is often over the implications of pay equity on the wage gap. The wage gap has developed over time based on numerous factors resulting from discriminatory practices and attitudes towards women and the work performed by women. Pay equity refers more specifically to the pay practices that relate to the valuation of work. Job evaluation systems are measurement tools used to gauge the value of work assessed by an

¹ *Attorney General of Canada v. Public Service Alliance of Canada and Canadian Human Rights Commission*, [2000] 1 F.C. 146, at para. 158 [hereinafter *PSAC & CHRC* cited to F.C.].

² Government of Canada, *Canadian Human Rights Act*, 1977, s. 11(1) [hereinafter *CHRA*].

organization. Most pay equity legislation focuses on gender-neutral job evaluation systems as the means by which to address pay equity objectives, however, this is not the case in section 11 of the *CHRA*.

Job evaluation in the federal public service, as well as elsewhere, is a process used to provide a hierarchical structure of jobs upon which to base a pay structure and system. Approximately ten years ago, the federal government asserted that they would deliver a job evaluation plan that would eliminate gender bias. This was to be done through the development and implementation of a Universal Classification Standard (UCS) that would evaluate all work in the federal public service according to a single set of compensable factors and values.

The purpose of this study is to investigate efforts to eliminate embedded discriminatory practices relating to job evaluation and classification in the federal government. The question asked is why has there been little substantial progress or resolution to pay equity, despite the classification and job evaluation reform efforts and despite the \$3.5 billion pay equity settlement? The other important issue that motivated this study is how to construct a gender-neutral job evaluation plan in order to produce a fair assessment of jobs that will address equal pay for work of equal value in the federal public service. It is argued that the development of a gender-neutral job evaluation tool is a necessary, but not sufficient condition to eliminate the wage gap. Achieving gender-neutrality in job evaluation systems will provide a solid first step towards achieving pay equity; however, job evaluation practices are not the only place whereby discriminatory values exist. Case in point, the UCS could not be implemented because it conflicted with

external traditional systems encountered in the occupational segregation of work by gender, the definition and recognition of what constitutes a skill, and traditional collective bargaining practices, all of which depend in part, on related economic practices of the labour market. Additionally, the pay equity decision against the federal government would likely not be sustained because it too, failed to recognize the importance of an equal value structure to support the wage adjustments. The value associations implicated in each of these circumstances will need to be addressed in order to sustain the principle of equal pay for work of equal value in the federal public service and to translate the value of work performed by women into lasting wage gains. This study will examine these compounding difficulties that have delayed progress towards achieving pay equity and meeting the requirements of section 11 of the *CHRA*.

This study challenges feminist theories advocating that pay equity, or equal pay for work of equal value, is the best method of achieving economic equality between men and women. It is proposed that economic equality will only be achieved when all components of the equation are dealt with. Pay equity cannot achieve total economic equality as it does not address other value factors that contribute to the determination of wages, factors such as occupational segregation of work, the definition of skill and external labour market practices. As a result, this study also challenges the methodology used in the decision by Justice John Evans in the pay equity case against the federal government as it did not address the need for an equal value structure upon which the awarded wages could be based.

The issue of job evaluation and gender neutrality as it relates to the establishment of wages has produced serious political, social and certainly economic concerns. Pay equity, job evaluation and classification within the federal public service have consequences that will result in Canadian policy directives with legal ramifications. This issue is also costing the federal government, and consequently taxpayers, time, money and effort to address a single segment of the many historical problems that have contributed to the wage gap. The amount of resources involved in the task of redesigning job evaluation and classification practices for the federal public service is substantial (both human and financial). This concern warrants an examination of the relationship between gender-neutrality, job evaluation, pay equity and the wage gap.

Methodology

Chapter Two and Three will draw on a variety of secondary sources in the form of articles and papers published by well-known and respected subject matter experts on pay equity, job evaluation, and women's issues. They are used to build the conceptual approach taken in this thesis. Chapter Four, Five and Six focus on the experiences of the Treasury Board of Canada Secretariat and their attempts to implement a Universal Classification System designed in part to address the value assumptions in job evaluation in response to earlier pay equity complaints. Primary documents published and distributed by the federal government, the Canadian Human Rights Commission and the Auditor General of Canada reports were used for this analysis on the UCS project. Many of these documents were collected and used during my experience as a human resources

practitioner in job evaluation and classification and as an analyst on the project team in the development of the UCS system.

To elaborate, Chapter Two will begin by providing an analysis of the subjective and theoretical nature of job evaluation. The concepts of job evaluation, gender neutrality and their relationship with each other are complex. Thus, the efforts to recognize, understand and correct the issues are complex. An examination of job evaluation methodologies available and their benefits and disadvantages will provide the background information necessary to legitimately disengage assumptions that job evaluation results and wages are directly and solely linked. Theories and concerns from various subject matter experts with respect to the implications of job evaluation on pay equity and wages will also be explored.

Chapter Two will also address the issue of gender bias and concept of gender-neutrality. Using research and arguments by both Pat McDermott and Judy Fudge,³ the lack of gender neutrality definitions in pay equity legislation has frustrated many pay equity advocates. However, it will be argued that gender neutrality is not the appropriate mechanism to realize pay equity goals. A more suitable concept proposed here for pay equity purposes is that of “gender inclusiveness” as it more appropriately highlights the circumstances and current trends of the negation of women’s work.

Another important consideration to this analysis of pay equity is the existence of occupational segregation practices in society and by employers that undermine the

³ Judy Fudge, “Litigating Our Way to Gender Neutrality: Mission Impossible?” in Judy Fudge and Patricia McDermott, eds., *Just Wages: A Feminist Assessment of Pay Equity* (Toronto: University of Toronto Press, 1991), p. 63.; and Patricia McDermott, “Equal Pay in Canada” in F. Eyraud, ed., *Equal Pay Protection in Industrialised Market Economies: In search of greater effectiveness* (Geneva: International Labour Office, 1993), p. 48.

progress of job evaluation tools towards wage equality. Chapter Three will explore the main impetus behind occupational segregation. There is little argument that the segregation of women into specific job categories based on history, systemic discriminations, and other barriers has been significantly responsible for a large portion of the wage gap. Feminist theories proposing that the solution is to increase the value associated with work traditionally performed by women will be analysed. In this context, a brief discussion on the social construction of skill in terms of its impact and responsibility for further occupational segregation of women will be assessed.

Following the definition of relevant terms, Chapter Four will turn to an examination of some projects and initiatives leading up to, and including the Universal Classification Standard (UCS) that were undertaken by the Treasury Board of Canada Secretariat. Many early initiatives of the federal government to address job evaluation and classification problems and pay inequities have actually contributed to the ongoing problem of gender biases and discriminatory wage practices. As the largest employer of women in Canada, the federal government pay equity case has been precedent setting in that it is one of the first attempts at using a single set of criteria to evaluate all jobs within an organization. Consequently, this nation-wide project has profound impacts on the future of pay equity and gender-neutrality in job evaluation for governments and other employers across Canada.

The study of the progress towards UCS will also serve as an example of the way systemic discriminatory practices related to job evaluation and classification are introduced into an organization. Early design attempts of the UCS had limited success

due to the lack of defined terminology and the lack of knowledge or recognition of the limitations on the concepts involved. This has contributed to the difficulties in understanding the whole picture of pay equity and wage generation.

However, it was the efforts put forth in the development of the final version of the UCS and its related processes that began to address some of the federal government's past errors. Chapter Five will explain the change in direction by the Treasury Board to accomplish gender-neutrality in their processes after great criticism of earlier attempts. This chapter will also examine the methodology imposed in the Evans decision on the federal government pay equity case and the direction taken to achieving wage equality. These two initiatives are positive commitments towards recognizing pay equity or equal pay for work of equal value objectives. Yet, UCS faced problems and the wage gains from the pay equity settlement will face problems as neither accomplished a lasting framework to ensure their survival.

Chapter Six will provide the follow-up on the demise of UCS. The external market practices played a significant role in the abandonment of the UCS. The factors contributing to the inconsistency between the UCS and the labour market, such as occupational segregation, the definition of skill, and the ongoing collective bargaining practices, will be reviewed and discussed in terms of the value associations that are still inherent in economic and social realities. Additionally, a forecast of the problems to come with Evans' pay equity decision will be elaborated on. The decision did not define an equal value structure or system that could sustain the gains awarded. There are significant impacts of this omission. In the end, despite both efforts, there is little change

to the way society holds onto traditional assumptions about women's contributions.

Chapter Six will also provide concluding remarks with respect to where these events and circumstances leave the federal government in terms of realizing their pay equity objectives.

CHAPTER TWO - JOB EVALUATION AND ITS RELATIONSHIP TO GENDER

As a basis for exploring how a gender-neutral job evaluation tool impacts the wage gap, some terminology needs defining. Two concepts that will be reviewed and analyzed here are job evaluation and gender-neutrality. The two are commonly linked together in the search for equitable pay. I will deal with the former term, job evaluation, first due to its more apparent and definable nature.

It is proposed in this research, as well as by most other subject matter experts, that job evaluation tools, cannot be used as methods of determining wages in isolation. The emphasis on developing a tool that maximizes gender-neutrality provides a limited return in terms of minimizing or eliminating the wage gap on its own. Regardless, it is a social and legal responsibility of all organizations to ensure that work is valued equitably and fairly between men and women. An equitable plan will provide the foundation upon which pay structures should be based.

So what is job evaluation? Briefly, job evaluation is a method of determining relative value within an organization, a hierarchical scale of the work performed within an organization. The job evaluation process is one that assesses the worth of a particular job on a number of compensable factors such as knowledge or skill, responsibility, effort, and working conditions, as established by the *Canadian Human Rights Act*,⁴ which is in turn administered by the Canadian Human Rights Commission.

Job evaluation is an exercise that uses pre-determined and defined criteria to distinguish between varying levels of work. These aspects of job evaluation are shaped

⁴ CHRA, s. 11 (2).

by societal and cultural influences that were brought into practice, and have continued to exist, without recognizing that problems even existed, particularly in reflecting the true value of women's work in evaluation processes. Historically, job evaluation has introduced discrimination into processes as a product of personal interpretations, beliefs and opinions, albeit in some cases without intention. Moreover, once the problem of discrimination is recognized there is a continued lack of understanding as to how to address it. Many critics of job evaluation procedures propose that the subjective nature of this type of exercise has been, and still remains a prime risk factor in the determination of value to a job.

Job evaluation processes were originally developed as a means to regulate positions of authority and determine wage structures within an organization at a time when the workforce was predominantly populated by men. Most plans were never updated accordingly to reflect the increase of women into the labour force and the tasks and capabilities they brought with them. As a result, many job evaluation plans and processes still pertain to a male hierarchy and male values.⁵ These perceptions, personal values and cultural beliefs that existed when job evaluation techniques were first introduced, exist to this day and have had the effect of being systemically introduced at various stages when deciphering how a job translates into organizational value or worth, at the expense of female occupations. Thus, in the past, job evaluation has been used both arbitrarily and systemically to discriminate against women. However, it is argued

⁵ Pat Armstrong and Hugh Armstrong "Limited Possibilities and Possible Limits for Pay Equity: Within and Beyond the Ontario Legislation" in *Just Wages: A Feminist Assessment of Pay Equity*, ed. by J. Fudge and P. McDermott (Toronto: University of Toronto Press, 1991), p. 112.

that measures can be taken to ensure that, whatever approach taken towards job evaluation, can be done without biases creeping in.

Historical biases that have been prevalent in the way work traditionally performed by women is viewed and valued in society, need to be addressed and reversed. The way to recognizing work more equitably is through unbiased assessments of jobs. In essence this will contribute to closing the wage gap between men and women. Therefore, it is suggested that solid job evaluation practices would be a starting point from which to develop a compensation structure that makes efforts to eliminate biases necessary.

Different Methods of Job Evaluation

There are a few different methods for performing job evaluation; however, organizational requirements for a plan are the same regardless of which method is pursued. The assessment of whether or not a job evaluation tool can be gender-neutral and how this can affect wages relies on some understanding of how job evaluation is carried out. For this reason, a brief outline of the most used and recognized methods of job evaluation is required. Both Janet Lynn Gillespie and Lorna Kaufman⁶ have provided significant research and explanation on the methods examined here. There are two ways of performing job evaluation. One is through non-analytical methods such as the ranking method or the job classification method. A second way is by quantitative measures using

⁶ Janet Lynn Gillespie, *Equal Pay for Work of Equal Value. A Case of Wage Discrimination in Canada*. Master's thesis, School of Public Administration, Carleton University (Ottawa: Carleton University Press, 1987), p. 81-86; and Lorna Kaufman, *Job Evaluation Systems: Concepts and Issues* (Kingston: Industrial Relations Centre, Queen's University, 1986), p 12-13.

specific and observable criteria. Examples of quantitative job evaluation are the factor comparison method and the point system.

The ranking method is quite straightforward. This method ranks jobs in an increasing order and compares them with each other. It is a simple and easy process that allows for a 'whole-job comparison', that is, it does not break down the work to evaluate its components separately. Although it provides a simple and quick task of producing a hierarchical structure of work, it is very rudimentary, inaccurate and the most subjective of any of the methods because it lacks structure, definition and explanation.⁷ Due to the lack of analysis into the nature of the work involved in the job, there is also no means to understand the work being performed. Ranking methods do not allow for any analysis, and therefore results are based on traditional, and for the most part, inaccurate understandings of what the job is really about. This type of assessment tends to perpetuate the cycle of discriminatory biases with regards to how work, particularly work performed by women, is valued. The ranking method poses problems as a gender-neutral evaluation technique. The lack of evaluation and analysis prevents it from being a methodology that would be used to address gender concerns, as it does not allow for re-evaluation of women's work.

The classification method classifies jobs into occupational groups or job families as a first step. Each group is thoroughly defined, as are the jobs within the groups. Then the ranking method is applied within each group to establish wage levels according to each group. The classification method is sometimes viewed as one grade better than the

⁷ Gillespie, p. 81.

ranking method because there is some level of organization to it.⁸ However, there is no value added due to the fact it still applies the ranking techniques outlined above, including its limitations. Additionally, the practice of allocating to an occupational group without analyzing the job is one that is most often based on assumptions, assumptions that could be flawed. This could subject the organization to a biased structure.

The factor comparison method of job evaluation compares jobs one at a time to other pre-determined or “benchmark” jobs. This process is slightly more complicated as first the factors must be determined. Then varying jobs with accurate and clear descriptions (which should also be representative) must be selected, ranked and broken down into scoring grids for which all other jobs must be compared. Once a benchmark structure has been created, wage rates are distributed factor by factor based on relative importance to one another. One potential problem could be the selection of the benchmark jobs.⁹ If those chosen are unrepresentative then there is a potential for bias and an inequitable scale. Additionally, if the benchmark jobs were assessed inaccurately, for example, misinformation, then the scale upon which to measure other jobs would also be off. This process is much longer, more labour-intensive and therefore more costly,¹⁰ however it provides a more systemic comparison that will produce better accuracy, less subjectivity and a more relative value to each job than any of the methods described above.

⁸ Ibid., p. 82.

⁹ Ibid., p. 84.

¹⁰ Ibid.

The last method for analysis here is the point system, most often associated with 'equal value' and 'comparable worth' concepts. This system breaks down jobs into several compensable factors. Each factor is awarded a percentage of the total number of points. These points are summed to achieve a value. The first step, like the factor comparison method, is to establish compensable factors. Next is a process to establish evaluation criteria for each factor. Once the factors are chosen and defined by criteria, a numerical scale is applied to assign relative value and measure significance of each factor for every job. Then the points are added up to constitute a job value, thereby assuming that different jobs, which may have the same total point score despite varying factor scores, would be of the same value to its organization. One can see that this method is more complicated and longer to develop. However, it provides the most accurate results of the four methods as it relies on in-depth job analysis,¹¹ providing evidence to the value it earns by allocating a numerical assessment of differences in value right in the plan. This method is the most used when assessing job worth for pay. It is also the method recommended by the Canadian Human Rights Commission¹² in the efforts to minimize gender bias.

The theory behind the point method, brought out by Gillespie and confirmed again in Lynda Ames' research,¹³ strives to ensure that the points obtained in the job evaluation exercise transfer directly into dollars or wages, so in turn equal value equates to equal pay. Ames' view holds that comparable worth policies have as their goal, the

¹¹ Ibid., p. 85.

¹² Canadian Human Rights Commission, *Guide to Pay Equity and Job Evaluation* (Ottawa: [n.p.]) chapter 2, p. 20-1.

¹³ see Gillespie, p. 85 and Lynda J. Ames "Fixing Women's Wages: The Effectiveness of Comparable Worth Policies" in *Industrial and Labor Relations Review*, vol. 48, no. 4 (1995).

elimination of gender as a factor in determining wages.¹⁴ However, she also states that any equal wage gains made in the job evaluation process are actually undercut by manipulating the results of gender-neutral assessments in the implementation process, that is, the transfer of results into real wages.¹⁵

Ames refers to how equity is addressed in the final implementation of wages. Particular emphasis is placed on the use of regression lines as a measure of determining pay adjustments for work that has been undervalued. A regression line is used as a measurement tool to demonstrate the average wages within an organization using only male-dominant jobs. In effect, this portrays what wages would look like without the biased values of female-dominant jobs. In turn, wages for female-dominant jobs are then raised up to this line. This “averaging” approach means that some jobs will still be paid more than others of comparable worth, and others will be paid less. Ames argues “gender bias on average is corrected”.¹⁶ Two concerns surface with this discussion. First, the use of a regression line to determine how adjustments will be made, are carried out without directly considering job content to determine equal worth. The results of job evaluation exercises are meaningless if the end result is to “ballpark” wages. If the evaluation results are not going to be used why bother with the process? A regression line brings the wage gap closer, but does not support the concept of equal pay for work of equal value since worth and wages are still irreconcilable.

¹⁴ Ames, p. 723.

¹⁵ Ibid.

¹⁶ Ibid., p. 713.

A second issue with the use of regression lines to adjust wages is the elimination of those wages being paid for the work that is predominantly performed by women in the determination of the regression line for an organization. Although Ames' arguments support the notion that many of these lower paid jobs are only paid lower because they are performed by women, other arguments can be made that some of this work performed by women is valued lower for legitimate job content reasons, and that women are drawn into these lower valued jobs based on a variety factors, some of which relate directly to discrimination. The exclusion of these lower wages means that there is pay information missing in the regression line. Depending on the size of the situation (number of employees involved, dollar value of wages), this may or may not alter the final dollar amounts being adjusted. Either way, it has the effect of only painting a rosier picture and may not be equitable in the long run. It also continues to perpetuate wages that have no concrete structure supporting the rates. As Ames' states with regard to pay equity legislation: "the intent...is to remedy systemic gender bias, not to make the overall pay systems more rational...".¹⁷ However, by making pay systems more irrational with less reference to value and no solid structure to defend the rates of pay, there is even less chance of achieving pay equity.

The value structure that can come out of a job evaluation process is one that provides an organization's internal relevance, a fact that can be substantiated by most human resource practitioners.¹⁸ The arguments in this thesis also convey that an

¹⁷ Ibid., p. 718.

¹⁸ This theory on the use of job evaluation systems is also confirmed by the Auditor General's 2003 Status report, where in chapter 6 "Reform of Classification and Job Evaluation in the Federal Public Service",

organization cannot exist in a vacuum, and must look to other factors external to their nucleus to determine final wage setting criteria. Aside from Ames' and Gillespie's theory that points should translate directly into pay, the points method evaluation technique is the most open and fair method available to practitioners. With defined procedures and experience, as well as knowledge and sensitivity to the issues involved in ensuring job evaluation is performed in an unbiased manner, it produces defensible results that contribute to the establishment of a preliminary wage structure. More elaborate details about the processes and steps that can be taken to ensure a positive outcome with job evaluation will be reviewed in chapter four using the UCS case study as a technical example.

Keeping in mind the real purpose of job evaluation, Brian Livy outlines a key point that is often disregarded with respect to job evaluation, namely that it is used to bring out the *essential* differences between jobs¹⁹ (emphasis added). He recognizes that job evaluation is an "incomplete tool" as "it is only an aid towards a rational consideration of the more important differences...which seeks to highlight significant disparities between units of work on a comparative basis".²⁰ His arguments are significant to this discussion as they support the argument of this thesis that job evaluation systems are a means to an end, not an end in itself.

paragraph 6.13 defines job evaluation as "primarily a way to establish internal equity in an organization, the evaluation results serve as a foundation for determining basic pay".

¹⁹ Brian Livy, *Job Evaluation. A Critical Review* (London: George Allen and Unwin Ltd., 1975), p. 14.

²⁰ Ibid., p. 39.

Arguments and Cautions on the Use of Job Evaluation

For as many positive aspects that job evaluation can produce, there are opposing views on the use of job evaluation. For the most part, opponents advise caution when applying job evaluation techniques and methodologies. Few are even outright critical to the use of a subjective method, saying that it merely provides organizations “with a language and a set of rituals and rhetoric that transport an otherwise impossible process into the realm of the possible, determinable”²¹ and that it “codes existing biases and value systems in order to re-present them as ‘objectifiable’ data”.²²

Some theorists argue that job evaluation systems in general produce very broad, centralized pay structures, removing individual rates of pay.²³ This is true – but for good reasons. Individualized rates of pay support the argument and provide evidence of pay inequities (more often than not, based on gender, race or class or even on wider scales along the lines of favoritism or nepotism and so on), and are a considerable threat towards achieving pay equity. There are legitimate reasons defined in the CHRC Equal Pay Guidelines²⁴ to allow for individual variations on pay. Any reasons beyond those identified should be related to the value of work and therefore achieved through job evaluation plans to determine a centralized basis for a wage structure.

In the literature there are expressed fears that certain feminists hold an “unbiding faith” that job evaluation will sort out pay discrimination, and that it can be used as a tool

²¹ Maeve Quaid, *Job Evaluation: The Myth of Equitable Assessment* (Toronto: University of Toronto Press, 1993) p. 4.

²² Ibid.

²³ Ibid., p. 61.

²⁴ Government of Canada, Canadian Human Rights Commission, *Equal Pay Guidelines* (Ottawa, 1986) s. 16.

in any way possible to achieve pay equity, overlooking the real intent of job evaluation practices.²⁵

Feminists want to organize the weights and factors in a way that recognizes certain skills associated with female-dominated work...practically, what this means for the design of a gender neutral job evaluation is the identification of female-dominant job skills and the assigning of weights and factors around these skills.²⁶

To some extent this statement adequately describes what a new job evaluation plan with the intent of rectifying past discriminatory practices should do. It refocuses an organization's values on the skills that women bring to the labour force that have always been overlooked when assessing value. However, there are legitimate concerns that too many demands and pressures are being made on what job evaluation can do for women overall. Job evaluation is not a mechanism to address the wage gap in its entirety. Its purpose is to provide fair and equitable assessments of work regardless of which sex is performing it. Quaid states in her research that feminists' goal is defined as "manipulating the weights and factors used to score jobs so that the technique will 'automatically' yield higher scores for those occupations normally held by 'marginalized' women".²⁷ Designing a gender-neutral tool that significantly and purposely highlights female-dominant job skills and negates other skills will still result in a gender-biased tool – but this time against males.

Many researchers, analysts, and experts alike in the field of pay equity will advocate caution in the use of job evaluation due to concerns of gender neutrality. Most

²⁵ Quaid, p. 48.

²⁶ Ibid., p. 71.

²⁷ Ibid., p. 48.

pay equity legislation outlines a requirement to use a gender-neutral job evaluation tool in order to achieve pay equity however, none have been forthcoming in providing users with a definition of gender neutrality. This is the debate among most researchers to date.

Armstrong and Armstrong highlight a critical argument cautioning the use of job evaluation as a scheme that has traditionally valued what men do, given what their purpose was historically,²⁸ as identified above. Additionally, they argue that job evaluation schemes are “more likely to reinforce and justify, rather than challenge, women’s position and pay”.²⁹ They provide sound advice that in order to use job evaluation schemes for the purpose of pay equity it will require more than tinkering with existing systems. Rethinking and redefining the roles of women in the workforce along with understanding and accepting potentially new values of these roles need to be flushed out and initiated into real practices through job evaluation. It also requires redefining old perceptions and customs about what is considered a skill and who has skills.

McDermott and Kainer echo many of these concerns and elaborate further, cautioning that job evaluation schemes have always reflected work performed by men and have justified the undervaluation of women’s work, and that to reverse past tendencies and capture the work of women will take more than squeezing them into traditional definitions and concepts of how work is valued.³⁰ Both also argue that job evaluation is such an increasingly technical process, that few people other than experts

²⁸ Armstrong and Armstrong, p. 112.

²⁹ Ibid.

³⁰ see Jan Kainer “Pay Equity Strategy and Feminist Legal Theory: Challenging the Bounds of Liberalism” in *Canadian Journal of Women and the Law*, vol 8, no 2 (1995) p. 452 and p. 456; and also McDermott “Equal Pay in Canada” p. 48.

can understand the implications of job evaluation on data and on potential outcomes.³¹

These are valid concerns. However, in undertaking initiatives towards implementing pay equity, the focus on pay equity and the impact on job evaluation systems have become embedded within each other. As a result, updates to existing job evaluation systems or the development of new job evaluation systems are anchored by the need to flush out the characteristics of work traditionally performed by women, and in evening out the balance of gender within the predominantly male versions of job evaluations. Research by Armstrong and Armstrong, McDermott and Kainer all prescribe caution in the use of job evaluation as a result of strong tendencies in the past towards discrimination of the value of women's work. These warnings highlight the negative aspects of job evaluation but they should not overshadow and hinder the positive potentials as well. Job evaluation can be used to reverse the male predominance that has characterized job evaluation systems to date.

Aside from gender issues, there are political implications in job evaluation systems. Ames' research cautions the use of job evaluation in pay equity reforms as a result of political influences that relinquish job evaluation from any possible equitable and neutral treatment of jobs.³² Livy argues similarly, that job evaluation is more or less directed by business strategy, organizational constraints and political influences³³ that are not easy to diagnose or control. Once again, arguments that the technical nature and complexities of job evaluation excludes all but personnel departments and subject matter

³¹ Kainer, p.462-3; and McDermott, p. 48.

³² Ames, p. 711.

³³ Livy, p. 40.

experts, have introduced concepts that the entire exercise is merely a mask over larger, higher policy decisions with respect to desired outcomes related to hierarchical structure and wages.

Ames' research also states that many job evaluation schemes simply replicate pre-determined hierarchies³⁴ and despite some efforts to import female-dominant traits into job evaluation plans, many organizations' assessments in determining wage adjustments to reflect past inequities overrode results that would have potentially earned greater measurement of female-dominant work.³⁵ Their value judgements were influenced by political decision-making and policies, of which gender-neutrality was not necessarily a priority. Her point, as previously discussed, is that there is little attention being drawn to the post-evaluation criteria of wage setting and that the concept of translating evaluation points directly into wages is lost.

Concerns of political intrusion are supported by the work of Ronnie Steinberg.³⁶ She argues that through her experience researching a variety of pay equity initiatives in the United States, job evaluation is masked by an appearance of objective decision-making on technical grounds, however, actual decisions are policy driven usually based on cost implications.³⁷ She argues further that the technical aspects of job evaluation were inaccessible and incomprehensible by employees, leaving them at risk to inherit

³⁴ Ames, p. 711.

³⁵ Ibid.

³⁶ Ronnie Steinberg "Job Evaluation and Managerial Control: The Politics of Technique and the Techniques of Politics" in *Just Wages: A Feminist Assessment of Pay Equity*, ed by J. Fudge and P. McDermott (Toronto: University of Toronto Press, 1991) p. 195.

³⁷ Ibid., p. 201.

systems that were useless to them and provided little positive impact on wages.³⁸ Overall she indicated that pay equity is being implemented through wage adjustments without any actual reform to the way society views and values women's work.

Gender Bias in Job Evaluation

There are other difficulties that must be recognized with job evaluation practices in the effort to address pay equity. To date, little guidance has been given through legislation, pay equity experts or watchdogs with respect to what constitutes a gender-neutral job evaluation system. As a result, significant debate has ensued in an effort to enlighten and perhaps persuade various contenders on a definition on gender-neutrality. Since gender bias can be introduced in so many areas of job evaluation the reversal of these biases is what is implied by "neutrality" in the legislative guidelines.

Historically, the recognition of women and their contributions to the labour market have been hidden and undervalued, and have followed typical beliefs of patriarchal society. Our more current views are just beginning to shake off these traditional beliefs – some of which are not so easy to recognize and change, particularly when it is a significant change against a large, well-founded, male-dominant system. Like the analogy of teaching "an old dog new tricks", so must job evaluation procedures teach traditional, systemically biased organizations a new way to view and value work in order to ensure female-dominated work and the characteristics associated with these jobs are fairly recognized and compensated.

³⁸ Ibid.

There are many ways in which gender bias can be introduced in job evaluation. Gender bias is most commonly introduced from interpretation of information by evaluators. Not only can interpretations vary on gender, but also based on class, race, position within the organization, years experience, or educational background. The public domain has traditionally existed as a male-dominant sphere. The exclusion of women from the workforce historically has been maintained in our society through alternative methods. By refusing to recognize women's contributions to an employer or an organization, male hierarchies continue to segregate women into a second class of citizens and forcing a gender division among types of work.

A common source of bias derives from evaluators not fully understanding what is entailed in the work being performed by women – for example, that receptionist duties are just directing phone calls and opening and sorting mail. This assumption completely negates the knowledge required to understand the context of the mail in order to ensure proper authorities receive it, or the personal management or client-service requirements for dealing with the public either in person or by phone. These tasks, often performed by women, must be re-examined using fresh eyes and open minds. Additionally, many fail to recognize the changing nature of the workload. Where secretaries once had to know how to use a typewriter, technological advancement has introduced the use of computers exclusively now for word processing, scheduling and planning, electronic filing and electronic mailing systems.

Another significant source of bias is found in the evaluation factors themselves. Although the *Canadian Human Rights Act* provides the four factors upon which all job

evaluations in federal jurisdictions must be based,³⁹ the description, the development, the interpretation and the application of the factors of responsibility, skill, effort and working conditions cannot be focused only on those characteristics of work normally performed by men.⁴⁰ Additionally, the lack of direction by the Canadian Human Rights Commission in defining these factors has opened the door for any definition to be applied and therefore risks the application of further biased interpretations and viewpoints. Enforcing neutral definitions in factors is difficult as it is the “invisible” work that most often reflects what female workers do. It is the work that is not normally assessed or considered as work. An easy example is the working conditions factor. The first things that come to mind as a few disagreeable working conditions are dirty warehouses, loading docks, noxious or offensive odors of a laboratory or garage, cramped spaces or restricted movement associated with mechanical work or the cabling of buildings. Effort should be made to identify other sources of these potential discomforts that would apply to traditionally female-dominant work. These are not always easily recognized or valued because women ‘just naturally do them’ based on presumed traditional inherent values associated with a woman’s character. Such cases would include the dirty and contagious conditions and odors nurses are faced with working with blood, feces or vomit in a hospital. Odors emitted from photocopiers are noxious and irritable, particularly in high volume. Many receptionists sit for a long duration with restricted mobility because they use telephone headsets that connect them to their workstation. Data entry operators face physical exertion as a result of the limited movement and repetitive motions of

³⁹ *CHRA*, s. 11 (2).

⁴⁰ Quaid, p. 72.

keyboarding. The different types of working conditions must be explored according to both sexes in order for the factors to be gender neutral.

Gender bias can also be much more visible. For example, using a single male evaluator to perform the evaluations for an organization will likely create a very perceivable imbalance by excluding female participation and evidently female influence in the form of bringing information about types of work to the process. There is significant data on the benefits of using a committee to do job evaluation. Using a representative sample of people from various functions of an organization and of varying levels of seniority will help to ensure a more participatory approach to a job evaluation scheme.⁴¹ This will encourage overall acceptance by employees as well. Quaid reinforces these same ideals in her research. She also adds that committees will provide for discussion allowing differing points of view to be raised with more potential for the invisible, over-looked work to be flushed out.⁴² The Canadian Human Rights Commission has endorsed the use of committees. It is the Commission's view that well-chosen and well-trained members of a committee can ensure that a range of insights can be brought to the evaluation process, that the work load can be managed more efficiently by being shared, that accountability can be shared for any resulting changes to relativity or pay, and that credibility can be added if the process is representative and fair.⁴³ Furthermore, the Commission provides the following list of requirements by which committee membership should be struck:

⁴¹ Equal Opportunities Commission, Great Britain, "Job Evaluation Schemes Free of Sex Bias" (Manchester: Overseas House, 1985) p. 3.

⁴² Quaid, p. 133.

⁴³ Canadian Human Rights Commission, *Equal Pay Guidelines*, ch. 1, p. 9.

- Gender balanced
- Consist of people from different organizational levels
- Be drawn from jobs from different occupations
- Include management and non-management people
- Include members with varying lengths of service
- Include some people that really know the mission and goals of the organization
- Include someone well-versed in pay equity requirements
- Include 6-8 members⁴⁴

Murtha's research on job evaluation and gender neutrality provides valuable recommendations for ensuring bias-free evaluations through committees. She suggests that even in a committee there is potential for undue influence by members who may be more vocal, aggressive or more argumentative and persuasive.⁴⁵ To discourage this she suggests that team members work individually first to come up with their own evaluation and rationales and then reconvene to discuss opinions, issues and perspectives before coming to consensus. This method allows for any biases from particular evaluators or towards particular jobs to be scrutinized.⁴⁶

Another source of gender bias is reflected in the actual data used for evaluating, starting with the collection methods. There are a variety of acceptable methods for acquiring the data or information about the job. Regardless of the method, there is an

⁴⁴ Ibid.

⁴⁵ Julie Murtha, *Job Evaluation: A Quest of Gender Neutrality* (Kingston: School of Industrial Relations, Queen's University, 1987) p.16.

⁴⁶ Ibid.

overwhelming importance on the accuracy and completeness of up-to-date information. Deficiencies in any of these areas will create inappropriate and misguided evaluations and results. As identified by the Canadian Human Rights Commission, it is what is often missing from the data that is most dangerous.⁴⁷

Sifting the important from the trivial aspects of a job during and after the analysis is really what the whole exercise is about. Attention finally should be directed at the significant differences between jobs, having first collected all the relevant information necessary to form a complete picture of any particular unit of work. There are no hard and fast rules that can be applied: at root it is a matter of judgement. A common danger is to collect too much information, making it difficult to see the wood from the trees.⁴⁸

Therefore, consistent data collection is a must. Data collection tools can be in the form of job descriptions, open or closed questionnaires, or interviews. Job descriptions written in an agreed upon format enable the jobs to be assessed according to a common standard.⁴⁹ Additionally, guides to help those writing job descriptions should be available, as should be some level of training if possible.⁵⁰

Moreover, arguments that data collection should be a participatory process by providing roles to the employee who performs the work, the manager or supervisor who assigns the work and an analyst who is responsible for the whole procedure, should not be overlooked. This joint approach works to ensure all work is visible and that nothing is neglected, (sometimes managers are not aware of all the details that an employee is responsible for), and that nothing is overstated either. The role of the analyst should

⁴⁷ Canadian Human Rights Commission, *Guide to Pay Equity and Job Evaluation: A Summary of Experience and Lessons Learned* (Ottawa: [n.p.]). p. 47.

⁴⁸ Livy, p. 47.

⁴⁹ Equal Opportunities Commission, p. 4.

⁵⁰ Ibid.

ensure the detection of biases.⁵¹ Murtha again advises that any of these analysts involved or anyone involved in the collection and writing should be trained accordingly and in particular, be trained to detect the signs of gender bias and how it should be avoided.⁵²

Aside from the data collection itself there are other sources of gender bias which surface in the data that require caution. A significant source of bias is the use of job titles. “Secretary” more often than not will conjure up an automatic assumption that the incumbent of the position is a woman. “Mechanic” will speak to the notion that the position is filled by a man. Most job titles will speak to a sex or an image that can evoke biases. In order to achieve impartial, gender-neutral evaluations and pay equity according to relative value of the work only, these inferences have to be avoided.⁵³ The best way to achieve this would be to discourage the inclusion of job titles in the job information collected for evaluation purposes. A title is not evaluated and not compensable, so is not inherently required to evaluate the position. If at worse, one is included, great care should be taken in ensuring the title cannot speak to one sex or the other so that gender does not intrude into evaluating the work itself. For these reasons, organizational charts, which are commonly used in traditional job evaluation practices, should also be avoided. Organizational charts identify where a position sits in terms of its relativity to those above and below the position. This can provide an evaluator with misguided notions of “limits” to the work based on what level the position reports to. Having no starting basis from which to automatically judge the ranking or positioning of

⁵¹ Ibid.

⁵² Murtha, p. 8.

⁵³ CHRC, *Guide to Pay Equity and Job Evaluation*, p. 62.

a job forces an evaluator to slowly and mechanically break down the important aspects of the job to rate it based on actual tasks and responsibilities, without a preconceived notion of what actual job it is they are evaluating. This greatly reduces the impact of gender stereotyping from the evaluation process. Without question, if an evaluator is accustomed to having this information, it will put that person initially at a loss when performing evaluations. Without this information there is little in the way of a starting point. However, it becomes easier with time and practice to evaluate using only job data.

Language used in the collected data is also fraught with gender implications. As Murtha points out “there are significant gender differences in the language that men and women will use to describe their jobs and in their perceptions of the important aspects of work”.⁵⁴ Women tend to be less precise than men when it comes to describing their responsibilities, skills and effort required in their jobs. They tend to be more modest. Women also tend to use weaker words whereas men tend to use more complex descriptions and power statements to describe their work.⁵⁵ The Canadian Human Rights Commission Guidelines to Pay Equity and Job Evaluation also identifies the active language as having greater impact over passive verbs.⁵⁶ A seasoned evaluator or classification officer with training in work description writing, evaluation and gender sensitivities should be able to identify when a job description should not be used for evaluation. As a fair practice, it is an important step to ensure that the information being presented for evaluation is as clear and unbiased as possible.

⁵⁴ Murtha, p. 7.

⁵⁵ Ibid., and CHRC, *Guide to Pay Equity and Job Evaluation*, p. 48.

⁵⁶ CHRC, *Guide to Pay Equity and Job Evaluation*, p. 49.

In the issues of gender bias in job evaluation identified above, efforts have been made in the way of research, guidelines, and new processes to demonstrate the practices or efforts required to ensure that biases are recognized and corrected. These steps can become the foundation for solid, bias-free job evaluation techniques that will eliminate the discriminatory processes that have plagued job evaluation until recently. These types of modifications to job evaluation processes have provided noteworthy improvement in committing to fair and equitable treatment of jobs and work characteristics in the evaluation process.

Gender Neutrality in Job Evaluation

The above discussion has elaborated greatly on the issue of gender bias and how to address it. Yet gender bias and gender neutrality are really two different issues. Gender is the classification of objects corresponding to the two sexes (according to the Concise Oxford Dictionary), female and male – and neutrality means impartiality. In the efforts to establish a gender-neutral job evaluation tool, many experts and organizations have identified that the inclusion of characteristics of work predominantly performed by women in job descriptions, in rateable factors, and in the weighting of the factors, is the way to ensuring that work performed by women is valued accordingly. This is absolutely true, and it is what making work more visible means. However, it can be argued that some feminist schools of thought over-emphasize the level of focus that the female aspects should receive as the following discussion will examine.

Earlier in this chapter Quaid reviewed one feminist school of thought on job evaluation and she came to the conclusion that some feminists tend to use job evaluation to drive pay equity for women. Using the process in this way shadows the importance of the job evaluation tool itself to the point that it continues to manipulate a system – but this time at the expense of discriminating against male aspects of work. The quote is repeated again here for the discussion:

Feminists want to organize the weights and factors in a way that recognizes certain skills associated with female-dominated work...practically, what this means for the design of a gender neutral job evaluation is the identification of female-dominant job skills and the assigning of weights and factors around these skills.⁵⁷

However, it must be cautioned that it is not a solution to evaluate any work performed by women at a higher value just because women perform it. This would be an arbitrary inflation of work value where it may not be warranted – the value needs to be determined through analysis and research. Nor is it simply the identification of more female characteristics or female skills alone that will provide a gender-neutral job evaluation tool and even the wages between men and women. It is the equal combination of both male and female work characteristics in a non-discriminate manner that will contribute to a gender-neutral plan, one that recognizes all types of work and tasks, regardless of which sex currently or traditionally performs it.

It is a well-known fact, to the dismay of practitioners, experts and academics alike, that there is no standard qualitative measurement of determining gender neutrality in job evaluation systems. Thus, the assessment of gender neutrality is left up to the

⁵⁷ Quaid, p. 71.

determination of the participants involved. Based on the earlier uses for job evaluation and the “maleness” of the exercise as described above, Kainer states that “claims to neutrality or objectivity that reside in job evaluation implicitly invoke a male standard”.⁵⁸ Thus the goal of gender-neutrality would be to eliminate the male standard being used in exchange for a standard of evaluation that is free of a single point of view (a male point of view).

For a moment, I will return to a basic understanding of what “neutral” really means. The word neutral is defined in the Oxford Dictionary as being “not distinctly marked or coloured, indefinite, vague, indeterminate”. Webster’s Dictionary provides a similar interpretation “without marked qualities; belonging to neither of two classes”, “neutrality” therefore seen as “impartiality”. With these definitions in mind, the industry would have to focus less on the “his work/her work” approach to job evaluation. This is not to say that we would ignore the efforts to date to highlight and integrate the female characteristics of work that have been missing from job evaluation schemes all this time. Just the opposite, the identification of what is missing (namely work characteristics that are typically performed by women) is an important step to ensuring that the past discriminatory and biased attitudes about women’s work is addressed and implemented. However, once this is done and new job evaluation plans built to recognize this, all efforts would have to be made to ensure that implications of gender are as removed as possible from the evaluation tool and process. This would be the definition of “gender-neutrality”. The problem is that the risk associated with this definition of gender-

⁵⁸ Kainer, p. 456.

neutrality is that there is potential for further bias in the evaluation results due to over-compensating tendencies to address past discrepancies. If a balance is not struck between the use of examples and definitions provided for each sex, then the efforts to make the work performed by women more visible can be negatively interpreted. The earlier argument proposed that the manipulation of factors and weights in a job evaluation system to get the desired results of increasing the value of women's work would prevail resulting in a lack of acceptance and a lack of support for the tool.

What the federal government job evaluation efforts are producing now are not "gender-neutral" tools, but in fact tools that are "gender inclusive". Gender inclusive is a more accurate term to describe the efforts to ensure that characteristics of work for both sexes are captured in the job evaluation process. It ultimately implies that in order to get to a point of gender-neutrality, efforts must be made to be gender inclusive first in order to ensure that work that has been overlooked or undervalued in the past, will not fall prey to the same situation again. Furthermore, the concept of gender-neutrality negates the objective of making women's work more visible. The two goals are contradictory. If neutrality means to be without marked qualities, or belonging to neither of two classes, female work would not be highlighted or recognized at all. Due to past discriminations in job evaluation processes specific efforts must be made to outline work that is traditionally overlooked in order to learn from past mistakes. Further discussion on imposing gender-neutrality, or more correctly, gender inclusiveness, in job evaluation systems and on the more appropriate attempts to be gender inclusive will be examined in chapter four and

five with the examination of efforts by the federal government in designing the Universal Classification Standard.

CHAPTER THREE – OCCUPATIONAL SEGREGATION AND ITS CONTRIBUTION TO THE WAGE GAP

The division of labour has been studied repeatedly in recent years. It has created numerous problems and issues with respect to equality for women in the workforce and in an economic capacity. Traditional societal presumptions about women's responsibilities in both the public and private realms were, and still are, based on stereotypical attitudes and systemic biases that resulted in discriminatory employment practices. As a result, women have become second-class citizens in the labour market.

Women and men have always performed, and continue to perform, different functions, publicly and privately. The relationship between public and private roles of men and women is often examined in the efforts to understand occupational segregation today. Two primary conditions are attributable to women's underpaid and undervalued status in the job market. One condition, already examined in chapter two, is the systemic under-valuation of the jobs women perform. The second condition is the presumed traditional roles of women, that is, the gender predominance or occupational segregation of women into what was thought to be appropriate work categories, the discussion topic for this chapter.

The matter of occupational segregation is important in terms of its direct relationship to women's wages and the subsequent wage gap. As outlined, earlier changes to job evaluation systems are a necessity to address the undervaluation of the work performed by women. However, segregating women into certain types of work is a main cause of the wage gap. Progress towards achieving pay equity in terms of

comparable worth and job evaluation achievements will make little headway without due adjustments in the way women are employed in the labour market. Furthermore, and more importantly, the act of segregating women into certain occupations is also heavily based on value assumptions that negate women's performance and contribution with regards to their work. Addressing value in the practice of job evaluation is really only half of the equation; value assumptions underlie the segregation of women into certain occupations as well.

Employment equity legislation and programs are the direct result of the recognition that women (among other minority groups) are less represented than they should be in numerous types of occupations. In brief, the challenge of most research on occupational segregation is to examine the type of work women are found to perform and to question why the majority performs certain occupations and not to a larger degree other occupations. A second challenge is to determine the required policies to address this phenomenon.

Occupational segregation comes in two forms. *Horizontal segregation* involves "the segregation into jobs with similar educational and other requirements but in different fields of study or endeavour".⁵⁹ *Vertical segregation* involves "segregation along hierarchical levels of work associated with different levels of education, experience, and skills".⁶⁰ Currently there is greater focus on the horizontal segregation practices as vertical segregation is beginning to be addressed as women are advancing farther and

⁵⁹ Nicole Fortin and Michael Huberman "Occupational Gender Segregation and Women's Wages in Canada: An Historical Perspective" in *Canadian Public Policy*, vol.28, sup. 1, 2002, p. s12.

⁶⁰ Ibid.

farther in their education and training in attempts to achieve higher levels of employment. For example, in 2000 there were 102,790 women who graduated with university degrees as compared to only 72,765 men with degrees for the same year.⁶¹ Although still facing barriers that limit these potentials, the current trends in education will have to be closely examined for impact. However, horizontal segregation is the focus of this chapter.

In 2002 the horizontal segregation of women into particular types of work still remained – 70% of all employed women are still found in teaching, nursing and related health occupations, clerical or other administrative positions, and sales and service occupations.⁶² This figure is down 4% from 1987, however still a high concentration considering it represents only five main occupational categories of work. The pay rates for women in 2002 were also still reflective of a typical trend – full year, full-time female workers on average earned 71 cents for every dollar earned by males.⁶³ This rate actually drops if all female wage earners are included (for example, part-time, temporary, and so on) to 65 cents for every dollar earned by males.⁶⁴ Studies have shown that job evaluation practices have been responsible for as much as 15 points to only 2 to 3 percentage points or the 40-percentage point differential in the wage gap.⁶⁵ Occupational segregation practices are responsible for approximately 20% of the wage gap.⁶⁶

⁶¹ Statistics Canada, Centre for Education Statistics, at <http://www.statcan.ca/english/Pgdb/educ21.htm> (date modified 2004-07-22).

⁶² Statistics Canada, *Women in Canada: Work Chapter Updates* (Ottawa: Statistics Canada, 2003), p. 21.

⁶³ Statistics Canada, CANSIM, table 202-0102 at <http://www.statcan.ca/english/Pgdb/labor01a/htm> (date modified 2004-07-23).

⁶⁴ Ibid.

⁶⁵ Judy Fudge and Patricia McDermott, "Pay Equity in a Declining Economy" in *Just Wages. A Feminist Assessment of Pay Equity*, J. Fudge and P. McDermott, eds. (Toronto: University of Toronto Press, 1991), p. 282.

⁶⁶ Fortin and Huberman, p. S12.

Presently, there continues to be a large number of women in positions of lower value and at the bottom of a hierarchy. There are many factors that contribute to ongoing occupational segregation. It is important to recognize these conditions in order to successfully address required changes to job evaluation practices and in how we value work overall. Both these issues must be addressed simultaneously in order to meet objectives to eliminate the wage gap. Notwithstanding this objective, occupational segregation “is wasteful of human resources, increases labour market inflexibility, and reduces an economy’s ability to adjust to change”.⁶⁷ Even still, understanding the reasons behind occupational segregation and the theories that link occupational segregation to the wage gap is integral to understanding the relationship between value of work and the forthcoming discussion in chapter five on the impact of the labour market.

In this discussion the reasons for the existence and perpetuation of occupational segregation will be examined in two sections. The first section will examine the historical causes for the occupational segregation of women. The second section will look at more current motives, that although are based on traditional beliefs and perspectives, they are pretexts used in modern times to explain the segregation that still exists. Additionally, there are a variety of related theories that attempt to explain the relationship between occupational segregation, wages and the wage gap. Many provide explanations of the relationship between the assessment of value (as found in job evaluation), occupational segregation and the wage gap. These will be explained in the latter part of this chapter.

⁶⁷ Richard Anker, “Theories of Occupational Segregation by Sex: An Overview” in *International Labour Review*, vol, 136 (1997), No. 3 (Autumn), p. 315.

Historical Motives for Occupational Segregation

In the 1880s, women experienced profound social reform in the Canadian labour market with the onset of industrialization. In the work place women were treated differently than men, differently often meaning unfairly. Their existence in the paid labour force meant the crossing of two spheres – the public domain consisting of politics and economics occupied by men, and the private domain assigned to women that entailed running the household and raising children. Notwithstanding the fact that women have always worked in this capacity and that it has only recently been recognized that the roles as mother and wife constitute work, the middle-class values of patriarchal society held that the “public sphere of cut-throat market competitions and power politics” was a male domain.⁶⁸ Thus, women’s assumed role was in the home.

As a result of the roles prescribed by society and of the innate and/or physical differences between men and women, the kind of work women could, or adversely could not, do was almost predetermined. Women were perceived as weak and irrational whereas men were strong and logical.⁶⁹ Jobs that were deemed suitable for women were those that had “female characteristics” as part of their requirements. As a result, women were most often found performing tasks that were closely related to their own home duties, including sewing, cleaning, or nurturing others.⁷⁰ Recent studies undertaken on pay equity highlighted the link between perceived female traits (both positive and negative) and the effect on the occupations that the traits related to. For example, the

⁶⁸ Ruth Roach Pierson. “The History of Women and Paid Work” in *Women’s Paid and Unpaid Work*, ed. by Paula Bourne (Toronto: New Hogtown Press, 1985), p. 21.

⁶⁹ Nan Weiner and Morley Gunderson, *Pay Equity. Issues, Options and Experiences*. (Toronto: Butterworths, 1990), p. 7.

⁷⁰ Roach Pierson, p. 24.

concern or care for others is often a trait associated with women's natural abilities. The occupations associated with these skills include nurses, doctors, midwives, social workers, childcare providers, and teachers.⁷¹ Domestic skills are also closely associated with women's tasks in the home and have been closely aligned with occupations such as cleaners, cooks, waitresses and seamstresses.⁷²

Another cause for segregating women into particular functions that was closely related to the physical differences between men and women was the use of women's natural abilities to respond to the surfacing needs of social reform. With industrialization came increased urbanization creating poor and crowded living conditions, decreased levels of health in these areas, increased use of liquor among the working class, all of which subsequently contributed to increased crime rates, prostitution, abuse and violence towards women and children.⁷³ By the 1920s, the social reform movement introduced issues of maternal feminism and domesticity into the public sphere on the basis that female participation in certain areas of the public sphere was now essential. Women were epitomized as the moral caregivers for society. It was argued that their role should be expanded to a public level. Thus a certain level of professionalization in the fields of homemaking such as home economics and domestic science was created by the 1950s to bring their nurturing qualities into the public sphere as the responsibility of wives and

⁷¹ Pay Equity Task Force, *Pay Equity: A New Approach to a Fundamental Right, Final Report, 2004* (Ottawa: Pay Equity Task Force, Minister of Justice and Auditor General of Canada and Minister of Labour, 2004), p. 26.

⁷² Ibid.

⁷³ Linda Kealey, ed., *A Not Unusual Claim. Women and Reform in Canada, 1880s – 1920s* (Toronto: The Women's Press, 1979), p. 2.

mothers to maintain the private sphere.⁷⁴ Private domain activities were introduced into the public reality for the good of society. More women began to perform work in the public sphere that was an extension of their duties at home such as nursing, teaching, providing childcare or domestic services.⁷⁵

It was also a widely-held assumption that women who did work, worked for “pin money”, that is, extra spending or leisure money. The theory provides that since it was only a leisure activity, no real salary need be made or paid to women for their work. A closely associated concept to this and that continued to sponsor it is the “family wage”. A family wage was the amount paid to “male breadwinners” and was determined to be sufficient to support both a wife and children. Logically it followed that either a woman’s husband, or father (if not yet married), was providing for her basic needs, so she did not require the same level of pay that a man was warranted.⁷⁶ The theory of the family wage assumed there was no need for women to work or at a minimum gave evidence to substantiate paying women less money than men, even for the same work.⁷⁷ This patriarchal economic theory was flawed in numerous ways. In particular it did not consider that many women were either not married, widowed, were abandoned (and sometimes even with children to support), or were married but their husbands did not earn enough of a ‘family wage’ to properly support them. Unfortunately, as a result of the family wage theory, women were underpaid under the premise that they were there to

⁷⁴ Roach Pierson, p. 25.

⁷⁵ Weiner and Gunderson, p. 7.

⁷⁶ Ceta Ramkhalawansingh, ed., “(Un)Equal Pay: Canadian and International Perspectives”, in *Resources for Feminist Research: Canadian Newsletter of Research on Women*, (Fall 1979), p. 118.

⁷⁷ Pat Armstrong and Hugh Armstrong. *The Double Ghetto. Canadian Women and Their Segregated Work* (Toronto: McClelland and Stewart, 1994), p. 20.

earn pin money. Their lower wages for the same work consequently made them a cheaper source of labour replacing many men in the factories.⁷⁸ With low or non-existent unionization participation rates among women at the time, it was easy to lay off and hire back female workers at the employer's whim.

The 1920s was also a time of the emerging 'new woman'. Feminist and spiritual movements began to introduce a new level of independence among women. For example, new styles of dress for women and the riding of bicycles became liberating movements for women⁷⁹ that began their break away from traditional patriarchal values and attitudes about women's roles. It was a method of initiating change and recognizing their own being that freed women from traditional yet outdated attitudes. This included the public sphere of labour. Younger women began to look towards work in the cities as a way to seek out adventure, independence and of course economic gain.⁸⁰

By the Second World War many women moved from the private to the public sphere of labour for very different reasons. First of all, the war itself provided hundreds of thousands of women with work in manufacturing industries as "contributors to the war effort". Men had gone overseas and women were needed to fill their place in the industries and as family wage earners. Once the war was over, many women stayed in the workforce. In some circumstances, men did not come home and women had to continue working for survival. Additionally, in the 1940s and 1950s new institutional education for school-aged children became officially endorsed and meant that women

⁷⁸ Ibid., p. 23.

⁷⁹ Kealey, p. 1.

⁸⁰ Sandra Butt, Lorraine Code and Lindsay Dorney, eds., *Changing Patterns. Women in Canada* (Toronto: McClelland and Stewart Inc., 1988), p. 63.

were left with an empty nest while children went to school.⁸¹ This coupled with the introduction of many time-saving appliances that helped limit middle-class women's time doing household chores, freed up their day.⁸²

Overall, when women did enter the labour force they did so by replicating their traditional roles as mothers and wives in the household. Work that typified what women did in the home was associated with little recognition or value and with "pin money" wages added to the low value, it created a wage gap between men and women. It has had a profound and lasting effect on today's wages and the value associated with certain job categories.

Current Motives for Occupational Segregation

There are a number of reasons why women are, to this day, still over-represented in lower ranking job categories and under-represented in higher ones. The reasons are intricately linked to historical trends outlined above that kept women in particular occupations that closely resembled their social responsibilities as women, and more particularly as wives and mothers. However, women are now recognized as a substantial part of the labour force and traditional values are no longer as freely accepted as reasons to discriminate against women and segregate them into certain job families. Reasons for occupational segregation have evolved into more modern and contemporary issues that

⁸¹ Stephen Pietchinis, *Women at Work. Discrimination and Response* (Toronto: McClelland and Stewart, 1989), p. 85.

⁸² Ibid.

relate to this era, however, they still link back to the original discriminatory attitudes that characterize how society viewed women and their responsibilities.

Some current explanations for occupational segregation and the wage gap include: the perpetuation of stereotypical attitudes and consumer expectations or gender preference, the continued responsibility for home and family as a woman's duty, the increase in service industry, lesser human capital investment, the notion of choice, and the continuation of under-valuing women's work through the definition of skill in the economic marketplace. Each of these issues has evolved from traditional practices and continues to be used as explanation for ongoing occupational segregation practices.

As identified earlier in this chapter, historical biases that classified jobs into either men's work or women's work continue to exist today. Peitchinis argues that so long as women or men continue to predominate in certain jobs, the jobs will be typified by the sex that most commonly performs it, and in order to overcome the perpetuation of gender dominance in an occupation, men and women must be given the opportunity to enter into non-traditional occupations.⁸³ The stereotyping of certain jobs by sex has resulted over time in what Peitchinis defines as consumer expectations. He proposes that due to long-standing practices of hiring one sex over another to perform certain tasks has biased consumers towards one sex over another.⁸⁴

A significant factor in contributing to the wage gap and the segregation of women into lower valued and lower paid jobs is the ongoing responsibility that women carry for their homes and family in addition to paid employment. This responsibility affects what

⁸³ Peitchinis, p. 60.

⁸⁴ Peitchinis, p. 60.

work women do in two ways. On the one hand, this responsibility creates a dual role for women with more responsibility for the maintenance of the home and care of children than that of men. As a result, this accountability explains why so many women make up the part-time labour force.⁸⁵ This responsibility also affects what work women do in another way. Employers make assumptions that women want less demanding (and thus, less skilled) workloads in order to accommodate their home responsibilities. Although for many, part-time labour or less demanding labour is a choice they make, it must be remembered that their choices are also affected by what is available to them and their conditions of employment. In 1999, 32.5% of women aged 25 to 44 indicated that the reason they were employed in part-time work was to care for children. By contrast, only 2.2% of men of the same age group who worked part-time identified child care responsibilities as the reason for pursuing part-time employment.⁸⁶ Taking advantage of this dual role, employers use part-time work as a means of providing flexibility in response to the labour market. Women, with additional domestic and child-rearing responsibilities have become the most vulnerable pool of workers for part-time jobs.⁸⁷

Part-time work is the latest job ghetto for women where they are badly paid, are subjected to less acceptable working conditions such as odd hours, have little chance for advancement and have less unionization rates due to high turnovers.⁸⁸ Once more an

⁸⁵ Roach Pierson, p. 26.

⁸⁶ Statistics Canada, *Women In Canada 2000. A Gender-based statistical report*, (Ottawa: Statistics Canada, Sept. 2000) p. 125.

⁸⁷ Susan Mann Trofimenkoff. "One Hundred and Two muffled Voices: Canada's Industrial Women in the 1880s" in *Rethinking Canada: The Promise of Women's History* ed. by Veronica Strong-Boad and Anita Claire Fellman (Toronto: Copp Clarke Pitman Ltd., 1986), p. 226.

⁸⁸ Ibid., p. 227 and see YWCA of Metropolitan Toronto, *Women and Employment. A Canadian Perspective* (Toronto: YWCA, 1987), p. 30.

exploitable resource, women in part-time work are faced with working in environments that are limited by the nature of what work can be performed on a part-time basis, by pay usually paid on an hourly wage basis, few benefits if any, inconvenient hours, insecurity and unpredictable schedules.⁸⁹ In 1976 23.7% of all employed women were working part-time compared to 5.9% of employed men, and by 1999 these figures rose to 28% and 10.3% respectively.⁹⁰ These figures are approximately the same for 2003.⁹¹

Taking on responsibilities for the home is also perceived by organizations as a lack of commitment to the job. Women are more likely to have interruptions in their employment due to maternity leaves, absences to care for other family members, or leave employment altogether for family-related reasons.⁹² It follows, that many employers do not feel that training women for more skilled or more demanding jobs is worth the effort or money based on this premise of commitment. Traditional patriarchal values dictate that for a woman, family comes first and that subsequent duties or responsibilities other than the family and home should not interfere and would therefore be set aside when required.

Another reason used to explain the occupational segregation of women, at least since the 1950s, is the increase in the service and sales industries. The expanding economy inundated the workforce with paperwork whereby offices became the center of administration. What was once apprenticeship jobs for men seeking management

⁸⁹ Mann Trofimenkoff, p. 234-5.

⁹⁰ Statistics Canada, *Women in Canada 2000*, p. 123.

⁹¹ Statistics Canada, *CANSIM*, table 282-0002 at <http://www.statcan.ca/english/Pgdb/labor12.htm> (date modified 2004-03-11).

⁹² Carl Cuneo, *Pay Equity. The Labour-Feminist Challenge* (Toronto: Oxford University Press, 1990), p. 140.

positions, clerical work known for its fragmented, mundane, routine tasks soon became synonymous with women's work,⁹³ reverting back to traditional beliefs that women were best suited for employment that would not be challenging, or did not prescribe to problem solving skills. Even now, growth in certain industries and employment opportunities for women can only be accredited to increased paperwork and electronic paperwork functions. This is true in the construction industry, in the finance service industry and of course in the public sector.⁹⁴ These are all areas where female rates of employment have increased, but mostly with respect to increased levels of paperwork created by a new servicing society that has developed.

Women's investment in their own human capital is also an excuse often used for occupational segregation. The theory that women did not prepare themselves as candidates for the labour market (usually as a result of family obligations), proposes that women are paid according to their capabilities. The theory links itself to both education factors and job experience factors and states that women do not maximize either in their efforts to become more marketable. However, research undertaken by Armstrong indicates that this theory no longer holds much truth to it based on the increased levels of education that women are attaining, and in fact, at a rate that surpasses that of men.⁹⁵ For example, in 1981 only 25% of women aged fifteen and over had at least some post-secondary training yet by 1991 this figure had jumped to 40%, an increase of 15%.⁹⁶ In

⁹³ Ibid., p. 110-1.

⁹⁴ Armstrong and Armstrong, p. 73-79.

⁹⁵ Pat Armstrong, "Equal Pay for Work of Equal Value" unpublished research paper prepared for the Canadian Human Rights Commission, March 2000, p. 10.

⁹⁶ Statistics Canada, "Women in the Workplace" (Ottawa: Statistics Canada, 1993).

2003 the number of women aged fifteen and over that were employed with at least some postsecondary education was 60%.⁹⁷

Armstrong also identifies that a central issue related to the human capital theory is the notion of choice among women. By not maximizing on potential human capital, “it is assumed that women choose to limit their education and choose to enter jobs that pay low wages and choose to stay in low level jobs rather than take promotions”.⁹⁸ Again, rates of graduation from university coupled with the lack of evidence that women are choosing to take lower paid jobs instead of higher paid jobs indicates that women are not making free choices to limit themselves financially.

The definition of what constitutes skill has been a recurring issue when analyzing the segregation of women into certain functions. Jane Gaskell provides many theories with regards to skill, the wage gap and occupational segregation. One of her most important assessments about skill is that “there is no single objective version of how much skill is involved in doing a job”.⁹⁹ She is concerned that skill is a fluctuating concept that adapts over time based on time, place and culture. It is based on one’s perception and beliefs. Moreover, much like how we have valued work performed by women according to a male norm, our thoughts about skill have also been dominated by male traditions and according to male perceptions. Moreover these perceptions about the construction of skill reveal insight into how women have continually been categorized in a narrow range of functions.

⁹⁷ Statistics Canada, CANSIM table 282-0004 and Catalogue no. 89F0133XIE, at <http://www.statcan.ca/english/Pgdb/labor62.htm> (last modified 2004-03-15).

⁹⁸ Ibid., p. 13.

⁹⁹ Gaskell, p. 142.

Many assume that skill is definable through educational requirements and formal training programs and these have become unofficial benchmarks for entry into certain occupations. Others are more hesitant and state that “ideas about skill are constructed and reconstructed in the politics of the workplace”.¹⁰⁰ Either way, because there is no easy method for constructing a universal definition to skill that is not gender biased and that is not discriminatory, the definition of skill has had a negative impact on how women and men have been treated in the categorization of work and the wage gap. Attempts to change the biased assessments of skill were introduced in the UCS, and this will be reviewed in the analysis of federal government reform initiatives in chapter four and five.

Gaskell expresses concern about the use of training or education to define a skill level. She points out that length of time is flexible and dependent on a number of factors.¹⁰¹ Training time is dependent on who the trainee is, how they learn, who the trainers are and how they teach, as well as numerous other circumstances. She adds that “the actual length of time someone is required to attend a training program to get a credential is likely to be different from the amount of time it actually takes anyone to learn the job.”¹⁰²

An additional consideration, now the case in today’s market, is that training times shrink as the need for the skill becomes more urgent or is perceived to be more urgent. One example is the current manipulation of training programs in the information technology sector. Depending on the program or field of study, what once took a year to

¹⁰⁰ Ibid., p. 143.

¹⁰¹ Ibid.

¹⁰² Ibid.

learn and acquire the necessary skills is now being offered in three-week condensed training packages. Information technology schools and training centers seem to be trying to outbid one another for the shortest programs to achieve the same certifications, all in the effort to obtain more students. More students mean more tuition and greater profits for the training centers. Evidently, there is little relevance to the actual training time required to learn a skill. In actuality, it is the training centers and schools themselves that are responsible for determining the length of training for a sought skill, not necessarily potential employers, the economic market, or the difficulty of the skill.

Gaskell states that assessments of skill are truly biased by traditional cultural values, which to date, have been according to male norm and standards. As a result, women's work has been categorized as unskilled simply because women perform it. In other words, patriarchal values concerning women's role in society have meant that women have brought their status to their work.¹⁰³ Furthermore, traditional assumptions about the skills women possessed were also used to segregate women in lower skilled occupations.

There needs to be recognition of this social and political influence on what currently constitutes the content of skill. The objective is to change the assumptions of what activities, tasks or training constitutes a skill and how skills are acquired. Gender neutrality in the assessments of skill is the ultimate goal to ensuring that the definition of skill does not continue to be a contributing factor towards pay inequalities.

¹⁰³ Ibid., p. 147.

Theories of Wage Differentials and Occupational Segregation

A variety of economic and social theories have developed to explain why occupational segregation of women into certain work categories has endured. A few more common and debated theories require attention as they give us an idea of how to address occupational segregation and how to develop the necessary policies around the issue. In more ways than one occupational segregation and value assessments of the work women perform go hand-in-hand. The solution must be equally harmonized in order to reach the overall goals of closing the wage gap. Recognizing the popular occupational segregation theories will provide us with an underlying understanding of how society assesses worth to work that women perform. It will also foster better understanding of why women perform certain types of work.

One approach for study is the neo-classical approach. This theory asserts that traditional market practices work efficiently and that people will be paid according to the value of their marginal product. Employers seek to maximize profits by maximizing productivity and minimizing costs, thus assuming workers knowingly and with acceptance “seek out the best-paying jobs after taking into consideration their own personal endowments ... constraints ... and preferences”,¹⁰⁴ and that women will receive lower wages because they contribute less production.¹⁰⁵ However, it must be acknowledged that this approach incorporates the underlying belief of traditional economic theory that assumes full employment and perfect competition.¹⁰⁶

¹⁰⁴ Anker, p. 317.

¹⁰⁵ Anker, p. 317 and Gillespie, p. 29.

¹⁰⁶ Gillespie, p. 29.

What can be called a descendent of the neo-classical approach, the human capital theory also relies on the use of productivity levels as an explanation for segregation. The human capital theory stresses the lower investment in human capital that women offer. As a result, the theory relies heavily on the responsibilities for the home and family as motives behind less education or less job experience.¹⁰⁷ Gillespie turns this argument around and questions whether or not that is the order of events. She states that this theory ignores the possibility that low wages may be the result of discrimination and that this in itself is the reason why women do not invest the time or effort in their skills or education,¹⁰⁸ although recent statistics on the education levels of women discussed above have proven that this is not the case.

Another popular theory to explain segregation issues is the dual labour market theory professing that the labour market is split into segments distinguishing between different types of employment.¹⁰⁹ Anker uses the terms “primary” and “secondary” to explain what Gillespie calls “core” and “periphery”, however both are founded on the same premise. The primary or core sector consists of “good” jobs that are relatively well paid, stable, and skilled with opportunity for advancement and usually include jobs that are capital intensive with high profit margins.¹¹⁰ The secondary or periphery sector, by contrast, demonstrate a sector characterized by low pay, little job security, less skilled, greater turnover and less chances for promotion, usually jobs that are labour intensive

¹⁰⁷ Anker, p. 318 and Gillespie, p.32.

¹⁰⁸ Gillespie, p. 32.

¹⁰⁹ Anker, p. 322.

¹¹⁰ Anker, p. 322 and Gillespie, p. 41.

with little technology and relatively unprofitable.¹¹¹ This approach explains the characteristics of work that are associated with what jobs women and men do, however it does not provide any explanation as to why the division exists, or how it originated, an important aspect to understanding the issues.

A similar approach, the theory of overcrowding, implies that too many people (specifically women) are being trained for particular occupations. Women are crowded into relatively few occupations that are characterized by traditional assumptions of what they should do.¹¹² This theory links to the dual labour market theory in that it prescribes women into the secondary or periphery market where wages are low and competition is fierce in terms of the labour pools that are available for the few jobs available.¹¹³

The final theory for discussion is the social-feminist theory. Briefly explained, this theory links the patriarchal values of women and their roles in traditional society with today's capitalism.¹¹⁴ It considers the aspects investigated above such as the definition of skill, and the concepts of a family wage and pin money in explaining occupational segregation today. These patriarchal values developed into social norms, allowing women to be viewed as inferior to men in numerous ways, including in the workforce. As a result, it explains why women are segregated into certain categories of work that are characterized, for the most part, by less pay and/or less value.

These theories outline a variety of positions taken in attempting to make sense of the wage gap and of occupational segregation. Some theorists agree that the social-

¹¹¹ Ibid.

¹¹² Gillespie, p. 34.

¹¹³ Anker, p. 322, and Gillespie, p. 41.

¹¹⁴ Gillespie, p. 47.

feminist theory is the most useful explanation for the wage gap and occupational segregation. It is the only theory that explores the relationship between the roles of men and women in society in order to address the wage gap. Additionally, it is the social-feminist theory that has the most to offer in helping to expel the myths and discriminatory attitudes that pertain to the value of women's work. The combination of excuses that keep women working at lower levels along with traditional biases associated with the characteristics of women contribute to the discriminatory behavior that undermines women and their abilities. It has created a dual-class society between men and women with respect to both employment and compensation for work.

Trends in occupational segregation, from traditional to current motives, are consistently pointing to the evidence that it is the perception of women and their responsibilities in the home and for children that has put women behind in the workforce. The evolution of the theories above, for the most part, provides explanation of market and employer practices that relate back to the concept of patriarchy. The theories briefly outlined above are evidence to the argument at hand that there is greater need for emphasis on the way the market and employers view women and their contributions to the economy. Occupational segregation is a significant issue that should be addressed in the efforts to close the wage gap. Not only is the case one of recognizing value in the work women are performing. Since most of the theories relate back to the position of women and the responsibilities women have in the home and with children, it is time to address more seriously these issues. Efforts, acknowledgement and commitment should be made to accommodate and respect the contributions women make in the home. Once

the value of women's work and responsibilities in the home are accepted, discriminatory practices that limit the work available to women based on some of these theories above will start to fade away.

It follows that without necessary changes to assumptions about the type of work women can or should do, any job evaluation reforms will have limited effects on the outcome of women's positioning in the labour force. The value of this work may or may not change, but the issue with occupational segregation is that there is automatic devaluation of what women can do. Thus, it becomes integral to address the issue of occupational segregation practices in the labour force simultaneously with job evaluation reforms in order to have any positive impact on the wage gap. Although many have identified that the wage gap is a direct result of discriminatory labour market practices towards women, this is really only half of the argument. Labour market practices are a mirror of societal beliefs and attitudes. The labour market merely adapts according to surrounding societal boundaries and factors. The wage gap in itself is a consequence or a side effect of other factors and concepts with regards to women and their roles that have been perpetuated over time.

The best and most effective way of providing for change in how we view work performed by women is by example. Governments in general, as one of the largest employers of women, and related employers can be integral to changing how and what we value in jobs. Additionally, there is opportunity to support the movement of women into occupations where they are grossly underrepresented. In terms of re-examining how work is valued, the federal government has made progress in this battle with the

development of the Universal Classification Standard. Although the UCS was never implemented, and although it does not specifically address occupational segregation issues, it has opened the doors to new levels of understanding women's value in the struggles to close the wage gap. The next chapter will provide evidence to the challenges and learnings in reforming job evaluation practices in the federal government.

CHAPTER FOUR – THE LONG ROAD TO JOB EVALUATION REFORM IN THE FEDERAL PUBLIC SERVICE

The federal government's experience in job evaluation and classification reform initiatives will be analysed here to demonstrate exactly how gender discrimination and traditional value perceptions impact the process of job evaluation and classification, how the concept of gender-neutrality (rather, gender inclusiveness, as argued here) is introduced, and how to change traditional methods of job evaluation to non-biased equitable tools to measure job worth. The federal government's early human resource initiatives were misguided and flawed in that they further contributed to systemic gender discrimination and consequently contributed to the wage gap. In the end, a non-biased, gender inclusive job evaluation tool was developed with the promise to value work fairly and equitably. The federal government's situation is unique and is noteworthy to any study on job evaluation and pay equity. As the largest employer of women in Canada, it has set precedent by developing a job evaluation tool that has the capability of evaluating all work on a single set of criteria, in a manner that produces gender-neutral evaluation results by way of gender inclusiveness in their processes.

This review will begin in 1989 when the Treasury Board launched "Public Service 2000", an initiative to renew the public service in order to achieve a culture more oriented towards serving clients and delivering results. The timing of the initiative came a few years after the initial pay equity complaint was filed by the Public Service Alliance of Canada with the Canadian Human Rights Commission in 1984. In addition to this pressure the government was resurfacing to the external world after eight years of wage

freezes. Following the filing of the pay equity complaint was the Joint Union-Management Initiative in 1985. “JUMI” as the initiative came to be known, was charged with examining the issue of underpayment between some occupational groups in the public service as a result of the wage freezes. In 1989 the Public Service Alliance of Canada, the lead union in JUMI, walked away from the exercise. Soon after, “Public Service 2000” was born.

The newly recognized model of government outlined in “Public Service 2000” (hereinafter referred to as PS2000) required employees that were professional, highly qualified and non-partisan. After years of financial restraint across government the public service was resurfacing to a world that was now heavily impacted by information technology that required highly skilled personnel, newer and more functional organizational structures, and increased internal communications strategies.¹¹⁵ The effort would encourage a simplification of the human resource management functions across all of government in order to free up resources to be better positioned in redesigning government as a whole.

The first step identified in the initiative was a new philosophy in management and in managing the public service resources. There was a resounding need to do a better job at less cost and with less administration, and of course with better accountability. There were new global economic challenges at play that forced the re-profiling of the workforce in the 1990s due to increased levels of technology. The skill-sets and education required for traditionally less-skilled jobs increased and there was greater competition within the

¹¹⁵ Treasury Board of Canada Secretariat, *Public Service 2000: The Renewal of the Public Service in Canada*, (Ottawa: November 1990), p. 13.

public sector and among the private sector for these skills. The November 1990 White Paper entitled “Public Service 2000: The Renewal of the Public Service in Canada” identified that a “professional, career Public Service, capable of attracting and retaining Canadians of talent, commitment, and imagination, is essential to Canada’s national well-being”.¹¹⁶

It was the first early indication that the Treasury Board recognized the need to be competitive and more in line with the economic practices externally in order to provide the services to the public that each department and ministry was mandated to do. The changes that occurred to the market around them affected them substantially in terms of being able to recruit and retain a workforce. The dynamics of the demographics around them were hard to ignore. New technology was changing how work was done, what was expected, the education of the workforce and the manner of providing services. These were new reasons for trying to relate to the external market of the private sector.

In light of the impending changes to the human resources systems, and the pressures from the Canadian Human Rights Act and subsequent pay equity complaints that were outstanding against the Treasury Board, the PS2000 initiative also looked very closely at the human resources issues that surrounded pay equity, job evaluation and classification debates that were still ongoing. A task force was set up composed of deputy ministers and senior managers across various governmental departments to review the issues of classification and job evaluation in the public service. The Task Force on Classification and Occupational Group Structures produced a report in July of 1990 that

¹¹⁶ Ibid.

would later be incorporated into the White Paper of November 1990. The former report identified that “the mandate of the Task Force on Classification and Occupational Group Structures was to examine the design and administration of the existing classification system within the context of values and objectives for a renewed Public Service”.¹¹⁷

The commitment towards a renewed public service as described here will be debated below. Despite the resulting outcome, the need for such a task force was profound. In the federal public service, jobs were, and subsequently still are, classified into 72 occupational groups and up to 106 sub-groups. Each of these groups and sub-groups has numerous associated levels (from two or three to twelve or thirteen). This structure is the very same structure that was implemented in a piece-meal fashion starting in the early 1960s. Their purpose was largely to facilitate the structure of bargaining units in order to negotiate pay in government. Combined with the additional bargaining structure of 78 different units this has created a web of intricacies and complexities that has resulted in an administrative nightmare and over 840 different rates of pay.¹¹⁸

Furthermore, with respect to job evaluation procedures, this meant that there were just as many different job evaluation standards or tools – a different set of evaluating methods for each occupational group. The existence of different evaluating methods meant that there was no ability to assess a straightforward comparison between the varying occupational groups that could relate to pay. Most of these classification standards were so old they preceded the *Canadian Human Rights Act* and the

¹¹⁷ Ibid.

¹¹⁸ Auditor General of Canada, *Report of the Auditor General of Canada – May 1996. Chapter 3: The Reform of Classification and Job Evaluation in the Public Service* (Ottawa, 1996), p..5-7

requirements to evaluate all jobs within an organization according to the four factors of responsibility, effort, skill and working conditions. Thus, most did not meet these basic specifications identified in the *Act* and could not be used to assess comparable worth.

The Task Force assessed that the government's human resources practices were time consuming and costly which required "an inordinate amount of activity, job data, and documentation for classification decision-making".¹¹⁹ In the report of July 1990 there were various circumstances identified to produce a new classification system. Some of these included the need to meet the demands of the 1990 workplace and beyond, the need for a system that could be considerably easier to manage, less complex, easily explainable and understood by all involved right down to the employee, the need to be free of any systemic discrimination and sexual bias, the need to reflect the trends in compensation outside the Public Service, and the need to establish the relative worth of jobs and recognize the diversity of the many different functions within the Public Service.¹²⁰ The Task Force recognized and emphasized the need to provide a tool that could outline internal relativity and hierarchical structures; it admitted to the responsibility to be free of systemic discrimination that had existed in the current system; and it paid due consideration to the external market and trends that the Public Service was forced to compete with.

The first and most integral recommendation that was made by the Task Force was the reorganization of the 72 occupational groups into broader job families – still recognizing the communities of interest built up over the years, but reasonable enough to

¹¹⁹ *Public Service 2000*, p. 1.

¹²⁰ *Ibid.*

improve internal relativities and equal pay for work of equal value objectives.¹²¹ The Task Force therefore identified the need for only 23 distinct occupational groups and eight sub-groups. It was recognized that a new system must be consistent with human rights legislation, and more specifically, must comply with the “equal pay for work of equal value” provisions of section 11, and the system must provide a mechanism upon which to identify internal relativities as a basis for compensation. The combining of the groups and the reduction of the levels were believed to be a start to achieving this. However, a common classification plan would be required to ensure that cross-group comparisons, necessary to deal with pay equity, could be performed.

The Perpetuation of Gender Bias – Weaknesses of the Proposed Reforms

One of the largest downfalls of the renewal initiative was that, despite a stated objective for the Public Service to come more in line with external market practices and move into a more competitive framework, no one seemed to recognize that they were speaking about “external relativity” and “modernizing” but at the same time were following traditional and bureaucratic methods that were antiquated and biased. The concept of the discriminatory nature of occupational groups in general, had been completely disregarded in the November 1990 White Paper. Despite the requirement being stated repeatedly that a system free of discrimination was one of the goals, there was no consideration that the continuation of grouping similar work, and therefore of

¹²¹ Ibid.

female and male work characteristics into female and male job families, was directly contradictory to this objective.

The Task Force went as far as to outline what they believed the new 23 occupational groups should be, yet they were remiss in actually ensuring that the changes could be effective in eliminating gender bias and occupational group segregation in the proposed changes to the classification system. The report specified that:

Since the classification structure is the foundation for the structuring of bargaining units leading to the certification of bargaining agents, the Task Force wants its proposals to recognize, as much as possible, the existing groups/union affiliation. The Task Force cannot ignore some 20 years of experience under the Public Service Staff Relations Act which have led to the establishment of bargaining units reflecting more specific communities of interests and special needs.¹²²

In most circumstances the communities of interest that developed were gender related as a result of early gender-biased methods that classified jobs into categories of work, one of which was clerical work, a 'catch-all' bucket for most female jobs. In maintaining the bargaining agent affiliation, (which basically meant that union membership would not be altered as a result of the restructure of the occupational group structure; it was guaranteed that every employee would still be represented by the same union), the potential changes to groups were limited as a result of the pre-existing certification of bargaining units, which was closely aligned with the occupational group structure. In other words, because the occupational groups were in most cases either male or female, so were the bargaining agents and units. For example, the Public Service Alliance of Canada has long been perceived as a female-dominant union based on the number of female workers in the

¹²² Ibid., p. 6.

Clerical and Regulatory group (CR), the Secretarial, Stenographer and Typing group (ST) and the Administrative Services group (AS) (not to negate the reality that they also represent a significant number of male-dominant groups too). The Professional Institute of the Public Service has been traditionally tied to a male-dominant membership based on the fact that their members belong to professional groups such as the Engineering group (EN), the Auditors group (AU) or the Scientific Research group (SE). The point is that by maintaining the bargaining agents affiliation for employees, it pretty much eliminated any potential for addressing gender segregation in the federal public service under the PS2000 renewal initiatives and the proposed new classification system.

While the Task Force's intentions were to provide a classification system that was "free of any systemic discrimination and sexual bias",¹²³ their means of providing the new classification system and occupational group structure were flawed with this same systemic discrimination. Setting aside the systemic discrimination reinforced by maintaining occupational groups and bargaining agents, further proof that the Task Force did not understand the nature of gender segregation issues is established by one of the new groups identified by the Task Force. The newly created group called the "General Services Group" was the largest group and included approximately 100,000 employees. This group amalgamated fifteen other groups (all represented by the Public Service Alliance), the majority of which were female-dominant groups. The next largest amalgamation only included 8 groups – these amalgamations represented male-dominant groups. In other words, in the end, the Task Force saw to it that one super-group of

¹²³ Ibid., p. 5.

female employees was created while maintaining the differentiation among much smaller male-dominant groups. The inherent discrimination that is understood, but was obviously overlooked, was the association with work performed by women being all the same, described very broadly as “general services” – whereas work performed by men was much narrower. The report further stated that:

The Task Force recognizes that for certain specific groups such as lawyers, auditors and veterinary scientists, professional qualification is a requirement for appointment and there is a clearly identifiable outside market which must be closely monitored if the Public Service is to attract and retain quality staff. The Task Force believes that in the interest of developing a professional, career-oriented Public Service, such groups need to be retained as specific entities.¹²⁴

Clearly, the gender implications are evident. The admission that professional designated groups – predominantly male in their composition, should be treated uniquely as opposed to female-dominant groups is discriminatory. Even though there is merit to those parts of the argument related to the external relativity, the examples produced are predominantly male groups. Despite this discrimination, some attempt should have been made to be gender inclusive by highlighting groups such as nurses or physical therapists, both predominantly female groups that would have required the same treatment as the professional male dominated groups.

The perpetuation of segregating work into discriminatory groupings based on an irrelevant historical significance undermines any new job evaluation initiative. Should a new job evaluation plan be developed with complete gender-neutrality and free of all systemic biases in recognizing and valuing the work of men and women as planned, it

¹²⁴ Ibid., p. 8.

cannot escape the framework of occupational groups within which it is applied. If the framework continues to be one flawed with discrimination, then there is really no advancement being made towards eliminating the different treatment of men and women and consequently of the way they are paid.

Additionally, as identified in the recommendations by the Task Force, it was further recommended that each new occupational group would have its own rating plan using the same four factors outlined by the CHRC, but each could have its own rating scales and definitions associated with each factor.

The answer lies in a new rating plan which would support the concept of equal pay for work of equal value and rely on internal relativity as the underlying principle of compensation in the Public Service. For each new occupational group four factors will be present in the rating plan and which will be consistent with the requirements of the Canadian Human Rights Act. Within a new occupational group, under each factor the rating scale and its contents will be structured to measure the significant differences that are applicable to the group. The rating scales and the description can therefore vary from group to group.¹²⁵

The inequities created were blatantly obvious. Once again, it is argued that as a result of a female super-group of more than half of the public service, female employees would inevitably be rated one way under one job evaluation plan whereas the male-predominant groups could be tailored “to measure the significant differences applicable to their group”.¹²⁶ Those female-dominant groups were not deemed to have any differing qualities among the 100,000 plus jobs they performed, a perpetuating belief that most work characteristics associated with their work are inherent and “just part of the job”. These recommendations put forth by the Task Force to address the gender bias and

¹²⁵ Ibid., p. 1.

¹²⁶ Ibid.

subsequent pay equity issues that plagued the federal government's human resource system really only perpetuated the systemic discrimination that had contributed to these problems.

There is yet another source of discrimination that was perpetuated within the Task Force, and that is with the composition of the Task Force itself. The members of the Task Force were deputy ministers and senior managers from across the Public Service. The lack of front line employees who would be most familiar with classification procedures, problems and impacts of potential recommendations were nowhere to be seen. The composition of a team of bureaucratic executives outlining recommendations for reform implies an analogy of a missing peg. Additionally, approximately four-fifths of the task force membership were male, a true gender-imbalance.¹²⁷

The Treasury Board's renewal objectives were off to a flawed start. Participants were obviously still struggling with understanding gender neutrality issues, occupational segregation impacts, and how to link with the economic market (evident by the fact that none of the initiatives had ever been implemented). These issues are integral factors when considering whether or not a gender-neutral job evaluation tool can eliminate the wage gap between women and men. Yet, none was ever identified, considered or assessed in implementing what was believed to be the changes necessary to correct the human resources systems and practices of the federal government and the public service overall. Although referred to constantly as a "renewed" Public Service, it was actually hardly so as it combined the same theories, the same practices and thus the same biases as

¹²⁷ Treasury Board Secretariat of Canada, *Public Service 2000: Report of the Task Force on Classification and Occupational Group Structures*, (Ottawa: July 1990), Appendix I.

the old system. The results should have been no surprise as it was setting the stage to repeat history, albeit in a slightly different manner. These gender biases were established in the planning stage – the federal government had not yet even begun to develop a job evaluation system. As initially diagnosed in the introduction of this thesis, the real problems behind the wage gap are systemic discriminations that the process of job evaluation has little to do with such as these biases outlined in early initiatives undertaken by the federal government.

The Introduction of the Universal Classification Standard

Despite the fundamental problems that were being reintroduced into the renewed human resources framework as a result of the Task Force's recommendations for a single job evaluation plan, the Treasury Board Secretariat began working on a single, new job evaluation system that was intended to evaluate all 200,000 positions in the Public Service. This single approach was deemed by the Treasury Board to be the answer to future pay equity comparisons, notwithstanding their oversights of the framework that existed outlined above. The objective was to create a plan that would be universal across all government departments, all unions and all types of work within the federal public service, and at the same time would be gender neutral and simple to use, understand and maintain. Many drafts were written and revamped over the first few years.

By May 1996, on the eve of implementation of the UCS, the Auditor General of Canada stepped in and created a stir that more or less halted the project's progress to date. The Auditor General issued a report on the "Reform of Classification and Job

Evaluation in the Public Service”. The objective was “aimed at assessing whether the Universal Classification Standard would be capable of evaluating all jobs in the public service (that is, universal) as well as ensuring that work performed by women would be made visible and valued in the same manner as men’s work to eliminate possible systemic biases (that is, gender-neutral)”.¹²⁸

The Report criticized the Treasury Board Secretariat and the much-debated new job evaluation plan on many fronts. In short, some of these points included: an unreasonable timeline for completing and implementing the project; the lack of evidence of universality and gender neutrality within the plan itself; the weaknesses of the methods used to collect integral job information to perform proper and accurate evaluations; shortcomings of some components of the Standard itself; and the associated weights allocated to the Standard’s elements.¹²⁹ Although these points were dealt with individually, each referred to the lack of time and thoroughness in testing and design that would have generated a more convincing acknowledgement of the objectives of the UCS – universality, gender neutrality and simplicity.

Of particular interest to this discussion, the audit uncovered many weaknesses to the claims of eliminating gender bias, criticisms that forced the Treasury Board to come to terms with the conceptual issues identified throughout this research that were linked to the understanding of how “job evaluation” and “gender neutrality” were related. There were many references and examples provided by the Auditor General that the UCS in fact, continued to systemically discriminate against women’s work. For example, it was

¹²⁸ *Report of the Auditor General of Canada* – May 1996. p. 13.

¹²⁹ *Ibid.*, p. 15-17.

charged that the samples of positions used to test the design of the Standard did not represent a large or broad enough proportion of women's jobs. From the job information collected, there was not an adequate amount of detail provided, details that would contribute to defining the work performed by women and recognizing it for its value. The lack of thought and energy put into describing female-dominated work was indicative of the value associated with it. As identified earlier and in most research on the traditional perceptions of work performed by women, little recognition is associated with characteristics of work that are carried out by women. It was those aspects of women's work that were not being described and, that in the end, were also overlooked in the weighting of the elements. As a result, these work characteristics were negated twice. First, they were not being captured or defined in the work descriptions very well if at all, and second, if they were included they were not really given any value by virtue of the formation of the elements/factors in the standard or by the weighting scheme applied.

These last two issues relating to the elements and factors and the subsequent weighting schemes drew greatest criticism from the Auditor General. An overwhelming proportion of the Standard's elements supported and valued characteristics of work performed by men, resulting in what would have been, a large percentage of the standard being geared towards reflecting traditional male values, ignoring the value of work performed by women. Additionally, many of the elements were not effectively described to ensure that evaluators had a common understanding of their meaning when applied to different types of work. Key examples to help guide the evaluators and users were not

gender neutral. Many examples only referenced male-dominated jobs, which interpreted into female-dominated work not being equally as relevant or worse, not comparable.

Another related issue with the Auditor General outlined in the report, was that out of the sixteen elements of the Standard, only one was specifically designed to capture significant aspects of women's work. This element, "Care of Individuals" was only granted an allocation of 3% of the total weight distribution.¹³⁰ Again, even this element was not going to capture the scope of female work characteristics, but only those whereby actual physical care was being provided, for example nurses. This approach speaks directly to the concerns identified in chapter two that there is difficulty in ensuring job evaluation systems move away from the traditional male schemes that they were designed for, and in incorporating the less obvious, overlooked characteristics of the work traditionally performed by women.

The weighting schemes associated with the plan were also found to be biased by allocating greater proportions of the weight or value to those elements that recognized male-type work, as were the methods of determining "weight" and "value" in this context. "Weighting" is "intended to establish the relative importance of each element, reflecting the organization's objectives and values".¹³¹ The Treasury Board used a "whole-job-ranking" to determine the relative value of each of the elements in the Standard. As remarked earlier in the discussion on job evaluation methodologies in chapter two, this method has been commonly viewed as being a biased approach to valuing work because it does not have structure or definition that would work towards

¹³⁰ Ibid., p. 19.

¹³¹ Ibid., p. 17.

eliminating stereotypical perceptions about any given job. It is difficult to accept the use of a methodology that has been determined by experts to be historically gender-biased in assessing value, particularly in the face of claims to provide a fresh look at how to deliver a new value system free of the historical inequities proposed as a goal by the government in this initiative. Again, systemic biases were leaking into another part of the process without due concern.

Overall, it was issues such as these on gender neutrality that stalled the implementation of the job evaluation standard as developed. Although initially thought to be the response and solution to the federal government's gender discrimination and subsequent pay equity traumas, the Auditor General's report of 1996 concluded that much work was still to be done to ensure that gender biases were eliminated and that comparable worth was achieved, notwithstanding any pay practices that had yet to be developed. Not even so much in the Standard alone was this evident, but also in the practices, the procedures and the policies that were being used by the Treasury Board in the research, design and implementation of the system, most of which originated with the PS2000 initiative. A gender-neutral job evaluation plan and system cannot possibly be created if it is plagued with the same systemic biases and discriminations during the process. Soon after the Auditor General's report, the Treasury Board considered their initiatives and experience to date as lessons learned and undertook proceedings to halt the desired implementation and revisit the areas identified by the Auditor General, plus some.

Many stakeholders, unions, experts and regulators alike criticized the initiative by the federal government. Joseph Shebib argues that the failure to implement equal pay for

work of equal value in itself is part of the discrimination towards women by employers.¹³² The lack of commitment by the Treasury Board to make changes that would rectify the discriminatory practices that have been held in place for decades, were obvious. There were just as many systemic barriers in the project to eliminate gender bias, as existed in the overall discriminatory system. Little attention was paid to adhering to “new” values. There was little indication that any time or effort was spent on understanding the problems behind the current systems. There was no evidence that any training was provided which would have attempted to enlighten or change the systemic practices that provoked biased perceptions about women’s work. The evidence supports the argument that the issues on gender neutrality and gender biases as they relate to classification and job evaluation, were never fully comprehended by policy makers and decision makers of the reform initiative, and if they were, they were disregarded. All of these contribute to a lack of commitment to the issues. The attempt to try and implement something that looked gender-neutral was recognized as nothing more than another discriminatory action against women.

Shebib also points out, that often there is great personal bias with regards to the measurement tools applied in such evaluations. Basically, job evaluations are designed to measure the value of work and are analogous to yard sticks in that they will provide measurements that are only as valid as the user.¹³³ How this is interpreted, and is often overlooked, is that the job evaluation standard which was developed to measure the value

¹³²Joseph Shebib, *Skill and Wages: The Implementation of Equal Pay for Work of Equal Value in the Federal Public Service*. M.A. Thesis. Carleton University, Department of Sociology (Ottawa: Carleton University Press, 1992), p. 2.

¹³³ Ibid., p. 37.

of the work can only do so much. It cannot work on its own without a user. Although there were shortfalls in the actual tool, most of the weaknesses that were identified by the Auditor General could have been identified and corrected much earlier in the process had there been the foresight to recognize the user problems that existed from the beginning. In other words, had there been a much broader understanding of the nature and scope of systemic discrimination and of the issues such as job evaluation and gender neutrality, there could have been more training, and more checks and balances in the process to ensure that personal biases and discriminatory perceptions were addressed.

Aside from these arguments, the size and the complexity of the task at hand for the Treasury Board were significant on both counts. A new classification standard has been demanded for almost 15 years. The pressure on the project to provide a gender-neutral and yet simplified process in response to the pay equity complaints stemming from underpaid female workers, legislation introduced by their own governing body, and the departments, unions and employees alike was not without its difficulties. Therefore, an additional downfall that plagued the project and the implementation was the somewhat optimistic and aggressive timeline that was self-imposed. Many steps in the design and analysis process were cut out, as identified in the Auditor-General's report, and as a result some critical steps that could have provided assurance and comfort in some of the more important issues (namely, gender-neutrality) were disregarded and skipped. In all, the federal government was looking to build a new human resource system, a system

whereby all 150,000¹³⁴ jobs would be more or less re-created, re-organized and revalued (if done properly). Making the shift from 72 job evaluation standards into one among 65 departments and agencies was of great magnitude. Performing such a task too quickly also negates the efforts to ensure proper value is assessed on work that has never typically been captured or recognized. It was these issues that were re-evaluated when it came time to approach the rejuvenation of the Universal Classification Standard.

¹³⁴ At the beginning of the project the number of jobs that UCS was expected to evaluate was close to 200,000, however over time, for various reasons, some smaller agencies were no longer subject to the application of the Treasury Board's potential amendments. For example, the Canadian Customs and Revenue Agency became a separate employer (2000), which removed close to 40,000 jobs from the project.

CHAPTER FIVE – REFORM IN THE FEDERAL GOVERNMENT

This chapter will continue with an examination of the more recent events that have occupied the federal government in the challenge to implement pay equity in the public service. The first event being addressed here is the second attempt at job evaluation reform, that is, the rebirth of UCS after the criticisms of the Auditor General in 1996. The second event that occurred was the pay equity decision by the Federal Court of Canada to increase the wages of many female-predominant groups to reflect the wages of male groups in the public service in response to the PSAC pay equity complaint filed in 1984. Both events can be viewed as success stories to some extent. Despite the final outcomes or the struggles involved with each milestone, each event was a positive reinforcement of the changes in the way work performed by women was valued and paid.

The Rebirth of the UCS

The second time around for the development of the new job evaluation tool saw many of the criticisms of the Auditor General's report directly addressed and rectified.¹³⁵ The three goals of the UCS were still universality, gender neutrality and simplicity. The Treasury Board outlined the meaning of each of these goals as follows:

Universality means that the Standard is capable of evaluating the full range of work characteristics within the Public Service of Canada.

Gender Neutrality means that the Standard can identify and positively value the characteristics of work done by women and men, including work that has been historically "invisible" or undervalued.

¹³⁵ Much of the discussion from this point on with respect to the Universal Classification Standard and the processes that accompanied it are based on personal experiences and direct involvement in the project as an analyst with the Treasury Board Secretariat, Human Resources Branch, Universal Classification Standard Division from 1998 to 2002. The information is supported by the numerous publications that were written and distributed by TBS and are listed in the bibliography.

Simplicity means that the design and administration of the Standard can support a straightforward and efficient method of valuing and describing work.¹³⁶

Most importantly, greater emphasis and focus was placed on eliminating gender bias in the job evaluation tool and its accompanying processes, and providing more visibility into the characteristics of work performed by women than in previous attempts at classification reform. Great lengths were taken to try and improve the general understanding of the issues of systemic bias and discrimination, of what gender-neutrality meant and should achieve. Providing this learning to departments, unions, employees, evaluators and to the Treasury Board staff meant ongoing training, consultations, the hiring of gender neutrality experts and consultants and an increasing number of checks and balances placed in the work description writing and job evaluation processes to guard against the common biases.

Where to start? The Treasury Board went back to the drawing board. It was integral to return to the outstanding design issues that were brought up by the Auditor General in their 1996 report. Again, a major criticism was that there was little evidence that the new tool could evaluate all jobs in the Public Service in a gender-neutral manner. Specifically, the components of the UCS (including the elements, degrees and the degree illustrations) needed to be reviewed to ensure that they were adequately capturing the characteristics of work performed by women that is often overlooked and assumed in public service jobs.¹³⁷

¹³⁶ Treasury Board of Canada Secretariat, *The Universal Classification Standard, 2.0* (Ottawa, 1999), p. i.

¹³⁷ *Report of the Auditor General of Canada* – May 1996, p. 5-21.

The UCS now included sixteen elements divided among four factors. The four factors identified earlier, established by the Canadian Human Rights Commission – “Responsibility” which measured the responsibility in the work for people, ideas, and things; “Skill” measured what employees need to know about, or to be able to do, to perform the assigned work; “Effort” measured the mental and physical exertion required by the work; and “Working Conditions” measured the physical and psychological conditions under which the work is performed, and their potential effects on the health of employees.¹³⁸ The newly designed elements that broke down Responsibility included: Information for the Use of Others, Well-being of Individuals, Leadership of Human Resources, Responsibility for Money, Physical Assets and Products, and Ensuring Compliance. The Skill factor included Job Content Knowledge Application, Contextual Knowledge, Communication, and Motor and Sensory Skills. Effort included the four elements of Intellectual Effort, Sustained Attention, Psychological and Emotional Effort, and Physical Effort. The last factor, Working Conditions was divided into the Working Environment and Risk to Health.¹³⁹

An important aspect that emerges when discussing compensable factors or work is the broader interpretation of what constitutes skill, as was introduced in chapter three. It was recommended earlier in this thesis that society and the labour market had to break down the traditional social constructs of skill and how skill could be acquired in order to recognize the value in work traditionally performed by women. The UCS provides a

¹³⁸ Treasury Board, *Universal Classification Standard*, 2.0, p. ii.

¹³⁹ Treasury Board, *Universal Classification Standard*, 2.0, see also Appendix A of this paper for full definitions as taken from the UCS.

good example of an attempt to redefine traditional views and values about skill. It is worth noting at this point that the design of the UCS factor of “skill” and the division into four related elements attempts to recognize the breadth of the meaning of skill. The Job Content Knowledge and Contextual knowledge elements in particular were designed to acknowledge the variety of skills that exist, and the various methods by which skills can be obtained.¹⁴⁰ Emphasis was placed on ensuring that users would look at work in a new way, that is, without bias. The concept of skill as a factor is similar to the broader meaning of skill in that it must shed the traditional male model associated with it. In order to reflect the problems of categorizing work performed by women as unskilled, the skills associated with this work should be flushed out and highlighted to some extent so as not to be overlooked or disregarded.

The definitions were specifically addressed to ensure they were expanded in nature to capture characteristics of work performed by women as well as men. Upon examination of these definitions, each element provided numerous examples of what types of work were considered relevant in each definition to help employees see themselves and their work being recognized and valued. For easier reference, these definitions of the elements can be found in Appendix A. Even at a quick glance, it is noted that there was further commitment to eliminate sexual stereotypes, gender-biased language and misleading or narrow interpretations right from the start. This in itself contributes to the advancement of gender neutrality. For further clarification, each of these sixteen elements were defined to a greater degree by providing context around

¹⁴⁰ See Appendix A for further analysis on the element and factor definitions in the UCS.

some of the words and meaning within the definitions, and by providing a “Notes” section to guide raters through the analysis of a job according to each element and factor that highlighted the potential types of work performed by either men or women. The second, revised issue of the Universal Classification Standard also included “Supplementary Application Guidelines” to ensure consistent interpretation of the elements and consistent ratings applied across the Public Service, an earlier criticism of the Auditor General.

For now at least, the Treasury Board had come to one of the main points that many struggled with since the beginning of numerous human resources reform initiatives. Female-dominant work characteristics were brought out, identified, and valued by legitimizing them in the actual evaluation tool. As reiterated throughout this study, one of the most imperative steps towards eliminated biases in compensation begins with eliminating the biases in the evaluation of work.

One of the focuses of this paper is in understanding how gender-neutrality was achieved in the job evaluation process, and how in particular, this was achieved in the UCS in order to reverse previous biases that have trickled into the compensation of female employees. As argued, a more appropriate method of ensuring equity and fairness in the job evaluation process will not be by implementing gender neutrality but by introducing gender inclusiveness, that is, making specific reference to work that is performed by both sexes. The following analysis provides evidence of a successful attempt at implementing specific techniques and practices that answer the question at hand. How gender-neutrality in job evaluation was achieved was actually through the

concept defined here of gender inclusiveness. The most recent version of the UCS provides valuable insight and learning on how gender inclusiveness can achieve gender neutrality, or more accurately, equitable treatment of each sex. The thoroughness and consistency of explanation provided throughout the definitions (see Appendix A), was intentional and signified the importance of understanding the elements and how work was valued.

The Design of the UCS – Gender Neutrality Using Gender Inclusiveness

To begin with, each factor identified above can align itself with a particular aspect of work and each can be identified as predominantly associated with either female or male characteristics of the job. These assessments are frequently based on traditional assumptions and perceptions, and not necessarily correct interpretations with regards to what is female work and what is male work. Nevertheless, perceptions of what constitutes a gender-specific work characteristic are also based on traditional performance (as in who performed it, males or females). The definitions of the elements within the UCS were created specifically to bring out both female and male characteristics of work in the effort to ensure that those characteristics, activities, or duties that are associated with each sex's work were reflected equally (see Appendix A). Although the definitions of each element were written to avoid specific references to either sex, particular emphasis had to be placed on the female characteristics of work so that these qualities associated with work performed by women were not overlooked again. Typically such qualities were assumed to be inherent in a woman's personal

attributes or assumed as part of whatever job they were performing without being valued as a feature of work, and therefore not compensated for. It is argued that to get to a state of gender-neutrality, it meant having to be gender inclusive by pointing out these overlooked qualities without being prescriptive or gender-specific. A brief discussion to draw on these points follows.

The element of Well-being for Individuals is a relatively obvious example in that it does reflect work characteristics normally associated with jobs traditionally performed by women (e.g. nurses or dieticians). As an opposite example, Physical Effort is an element that one would traditionally assume characterizes male work, such as general laborers or mechanics. Although there is no way around the fact that when identifying the different aspects that contribute to a job's responsibility, skill, effort and working conditions, there will be characteristics of the work that more closely align with traditional female work and those that follow male work, unfortunately as a result of our own systemic biases. What requires recognition is that by applying a broader interpretation of work and with the concepts of equal value, one must ensure that all aspects of a job are appreciated in their fullest context. With this view in mind, the definitions (see Appendix A) can be interpreted in a much broader context, and can include work that has never been addressed before in evaluation tools. By this it is meant that traditionally female jobs and traditionally male jobs should not be viewed as simply having characteristics that may have historically been typified as only female or male. On the contrary, with closer scrutiny it becomes evident that work will often carry some characteristics that are associated with both the female and the male traditional

assumptions of value. A nurse's position is often viewed as one that would be characterized as mostly having to do with the element "Well-being of Individuals". If one were to examine the context of the whole job in relation to all the elements, it must be recognized that a clinical nurse would also have to exert great physical effort (moving patients, making beds, carrying equipment, etc.), intense psychological and emotional effort (dealing with death, terminal illness, dealing with difficult patients), risk to health (constantly subjected to diseases through blood, feces, germs, contaminated needles, etc.), and Job Content Knowledge (knowledge to use technological medical equipment, medical knowledge, etc.) Even in an element such as Ensuring Compliance there would be the ongoing responsibility to verify that regulations are met, that processes and procedures are practiced, and that junior employees administer drugs, medication or procedures according to health and safety guidelines.

The importance of recognizing these traits of work in all potential areas was promulgated through the design and development of the UCS. In the same manner, a traditionally male-dominant job, such as a prison guard would have characteristics of work that align closely to those elements that were created to capture female activities. For example, a prison guard would probably also have some component of the element "Well-Being of Individuals", according to the definition provided in the UCS, in having to ensure the safety of inmates to some extent, as well as his co-workers. There would also be reason to recognize value in terms of the "Psychological/Emotional Effort" element (traditionally associated with female work), in that working day in and day out among criminals who have committed serious and disturbing offenses, or in having to

take verbal and sometimes physical abuse from inmates, can be detrimental to one's psychological well-being (see Appendix A for further review of this definition).

Again, each element of the UCS was further defined beyond the basic definitions with various examples, illustrations, and notes to elaborate on the type of work or the characteristic of work with which the element was trying to capture. To ensure that the elements were truly understood and in fact that the interpretation was broadened enough to recognize work that was not historically considered to be valuable in terms of an element, examples of both male and female work was provided in each of the elements, such as those examples of the nurse and the prison guard above.

Another good example of an element that crosses traditional definitions is that of "Money". It can be assumed that a very pure conception of this element envisions work that is associated with either accountants or financial advisors or managers in terms of controlling budgets. All these examples recognize positions or work that was traditionally associated with male-dominant work. However, in order to broaden the understanding of what, and more importantly who, the responsibility for money fell to, the Standard actually defined three methods of accountability and responsibility for this resource (see Appendix A for further review of this definition). The first is in terms of planning and controlling and it included such work as the planning and budgeting aspects of work. However descriptions in the Standard were also clear in outlining that this also meant "monitoring, accounting for, controlling and safekeeping funds"¹⁴¹ which translated into an understanding of those positions responsible to monitor expense

¹⁴¹ Treasury Board, *The Universal Classification Standard*, 2.0, p. 15.

accounts, typically associated with work characteristics of female-dominated jobs found in most secretarial, administrative or clerical jobs. The second area to be assessed under Money is the responsibility for acquiring funds. This type of activity included work associated with bringing money into federal departments and agencies (i.e. collecting monies owed, cost recovery initiatives, collecting fees for products or services, etc.).¹⁴² Many clerical and administrative jobs occupied by women are often tasked with bookkeeping activities that would see them prepare bank deposits, and monitor and log monies received for services or products. The third area of Money included the responsibility for Spending Funds, funds such as petty cashes, travellers' cheques, credit cards, certifying receipt of goods or services, processing claims, paying out entitlements, and so on.¹⁴³ These are some of the numerous activities being performing by administrative assistants and clerks on a regular basis, jobs largely performed by women.

Overall, the UCS attempted to broaden the identification of tasks and activities evaluated and rated in the classification system in order to flush out more characteristics of work that were traditionally performed by women, and traditionally undervalued on the basis that they were performed by women. This recognition of value of work and the incorporation of it into the proposed job evaluation plan for the federal government has been an admirable shift from the thinking behind traditional bureaucratic systems that exist to date in the public service. Generally, it is proposed here that a job evaluation plan must be able to assess all aspects of work that are valuable without reference to sex and without over-emphasizing one sex over another – that is what would make a plan

¹⁴² Ibid.

¹⁴³ Ibid.

“neutral”. Returning to the earlier discussions on the definition of gender-neutrality, it follows that a gender-neutral plan would suggest at a minimum, that as a basis for assessing wages, gender is not a factor.

Despite the more impartial definition of “neutral”, the Standard took more purposeful initiatives to be associated with both sexes in capturing varying work characteristics. Through analysis here, we can recognize that there is less effort on actually being neutral and more in terms of being inclusive of examples from each sex’s work experiences. Contrary to what “neutral” means, there was deliberate consideration to marking both sides of the classes. As discussed in chapter two, this concept is one of “gender inclusiveness” rather than neutrality, which has been the basis of UCS and the stance taken by the Treasury Board. Although this is a greater improvement over simply ignoring or overlooking female work characteristics, caution must be asserted to ensure that one sex is not more heavily reflected than the other and to ensure that the consistency is applied throughout. This is also contrary to the view taken by the Canadian Human Rights Commission in their May 2001 Technical Report on “Gender Neutrality and the Universal Classification Standard”, which provided a recommendation that “generic examples from which a gender predominance is not readily implicated may aid in challenging potential gender-based stereotypes unintentionally introduced in job evaluations”.¹⁴⁴ However, by providing examples of jobs and activities in each element that pertains to work performed by each sex rather than providing completely neutral examples that have no gender implication, greater progress can be made towards the

¹⁴⁴ Canadian Human Rights Commission, *Gender Neutrality and the Universal Classification Standard* (Ottawa: May 2001), p. 7.

elimination of historical problems associated with under-valuing women's work. Now the "invisible aspects" of work performed by women and the assumed duties and responsibilities inherent in female-predominant work would be intentionally reminded, as they are throughout the Standard. The overall impact is that the UCS job evaluation tool may not be, by definition, gender-neutral. Depending on one's interpretation and the definition applied to gender-neutrality, the argument above can be used to prove that the job evaluation tool draws out specific gender references and is thus gender inclusive. It can also be stated that this course of action to draw on references for both sexes was a necessity, even though it may not have been known at the time, to overcome substantial discriminatory practices related to the "male standard" that job evaluation had come to uphold. Gender inclusiveness can be argued to be more successful in reversing gender biases at this time. Society is in a learning curve that requires particular attention and discussion around the value of the work traditionally performed by women. At some point, perhaps when that value is learned and accepted as a norm, gender neutrality can be asserted.

It was discussed in chapter two that there are varying ways for gender biases to be introduced into job evaluation that would lead to invalid and unequal results of the value of women's work and the subsequent compensation structures. Additionally, this chapter has already outlined and addressed initial flaws of the reform initiatives dating back to the November 1990 White Paper as well as addressing some of the weaknesses of the initial design of the first standard as identified by the Auditor General's report in 1996. In the second go-around, the Treasury Board first addressed the design implications that

were gender biased. However, the initiatives that followed the vigorous design restructure were also introduced specifically to ensure that the biases previously encountered were rectified and to the largest extent possible eliminated. Job evaluation systems are measurement tools that are only as good as its user.¹⁴⁵ The tool can be, for arguments sake, completely gender-neutral however, discriminatory biases and stereotypical interpretations could still come into play during the application of the tool by those using it.

Subsequently, both the Advisory Committee and the Technical Committee of the second round of UCS included gender neutrality experts to ensure that neutrality received particular emphasis during the design of the UCS. Training on the considerations of gender neutrality for all members of the design team was also provided to help minimize the introduction of any biases in the tool itself¹⁴⁶ and to become aware of the situations that have historically existed in evaluation procedures, and to learn how to guard against them. This practice continued through the validation process as well. As the Auditor General described in their follow-up report in 2000, a second validation exercise was conducted in April 1999 by the Treasury Board to ensure that reliability improvements were as reported in version 1.1 of the Standard.¹⁴⁷ This process alone saw constant consultation with gender neutrality experts to ensure that the proceedings were free of systemic biases and discrimination that could normally plague job evaluation systems.

¹⁴⁵ Shebib, p. 36.

¹⁴⁶ Treasury Board of Canada Secretariat, *Taking a Fresh Look at Work. UCS Information Bulletin – No 3* (Ottawa: October 29, 1998), p. 1.

¹⁴⁷ Auditor General of Canada, “Development of the Universal Classification Standard. A Follow-Up” *Report of the Auditor General of Canada – December 2000, Chapter 22* (Ottawa: Auditor General of Canada, 2000), p. 22-5

The model work descriptions that were developed to help the departmental process also received great scrutiny to ensure that examples of true gender-neutral work descriptions could be shared and circulated among departments as learning tools that could be implemented in their own processes.¹⁴⁸ The design of the UCS incorporated various methods of assuring gender biases were eliminated and provided explicit definitions and notes to ensure gender-neutrality became a serious effort. To ensure that human application and interpretation issues were also addressed in rating practices, evaluations, and work descriptions (or whatever the data-gathering tool used), serious efforts were made to teach departments, practitioners and employees alike how to avoid gender biases. Once more, the efforts described here towards building a “gender-neutral” plan are actually better defined as “gender inclusive”. The Treasury Board published and distributed two documents specifically meant to aid all employees in the Public Service in understanding job evaluation and gender neutrality. The first was the “UCS Work Description Writing Guide” and the second was the “Guide to Evaluating the 5K”.

Gender-Neutrality in Work Descriptions

The “UCS Work Description Writing Guide”, (hereon referred to as WDW Guide), was intended for anyone writing or reviewing work descriptions. This included every employee by nature of the fact that employees were entitled, and in fact, encouraged to read and sign off on their work descriptions. The WDW Guide provided a lengthy introduction to present the concept of evaluation, how the Public Service should

¹⁴⁸ Treasury Board, *Taking a Fresh Look at Work*, p.1.

review how they look at and recognize work value, and most importantly for this publication, how to collect data about a job for purposes of evaluation. The WDW Guide provided instruction as to what a work description was: “A work description is a document identifying the work assigned to a specific position or group of positions. Its purpose is to document all the characteristics of work so they can be fairly and consistently evaluated and compensated”.¹⁴⁹

Effort was placed on explaining to all potential users the value of having well written and accurate work descriptions. The WDW Guide addressed the validity of having new work descriptions to further the understanding of such for purposes of evaluation. The WDW Guide went into detail about the outdated work descriptions that were still being used to evaluate work and the difficulties and inaccuracies this produced as a result of technological changes that were not being addressed or valued, about the nature of work descriptions as written thirty years ago in relating to a chain of command, and not being fully reflective of the actual work being performed. It also outlined the need to eliminate biases in the work descriptions in order to remove barriers to the work force for the four designated groups (women, visible minorities, Aboriginal peoples, and persons with disabilities). For example, in old work descriptions it would not be uncommon to find references being made to the requirement to stand for long periods of time to teach or train others. This would have the effect of discriminating against anyone in a wheelchair – although perhaps not intentionally. Was the requirement really to stand? Was there a valid reason why someone could not sit and teach or instruct others?

¹⁴⁹ Treasury Board of Canada Secretariat, *Work Description Writing Guide. Release 1.0* (Ottawa: 1998), p. 5.

It was language like this that the WDW Guide had the intention of removing or, at a minimum, forcing people to really think about bona fide requirements versus systemic discrimination.

The WDW Guide clearly advised of the integral issues around invisible work and pay equity. Specifically, in an effort to flag how systemic biases infiltrate into the value assumptions about the contribution of women's work to the workforce, it stated:

We now recognize that work once regarded as “just part of the job” has often been under-described or overlooked. Many activities or skills were not considered worthy of compensation because it was assumed that “everyone knows how to do that”. Many existing work descriptions, particularly those describing work traditionally done by women, were written in ways that ignored or undervalued many of the required activities.¹⁵⁰

Additional focus was placed on the responsibilities of employees in the process, as opposed to just being a management initiative. As it should be, the more involved an employee is in the process of drafting a work description, or at the least, reviewing it, the more accurate it will most likely be. There is no contention that the most qualified person to explain what the functions, activities and responsibilities of a position are is the incumbent working in that position. Therefore, it would follow that employees should take a natural interest in knowing the contents of a work description and how the evaluation plan applied to it will work.

Much emphasis was placed on addressing the ramifications of gender bias and more specifically, on how to ensure it did not continue: “...to write your own work description, you should become familiar with the concepts of gender bias and bias against members of the designated groups. These concepts will help you identify areas of your

¹⁵⁰ Ibid., p. 7.

work that should be reported”.¹⁵¹ The Treasury Board took a position of commitment to eliminate gender bias, both in the methods used to gather data such as the work description, and in ensuring that a much broader, global understanding and awareness of the issues was introduced by identifying the responsibility of each employee to eliminate gender bias. Further efforts to coach employees and managers alike in the discipline of writing accurate and bias-free work descriptions were evident with the inclusion of numerous examples of biases to try and illustrate common yet probably unknown occurrences of systemic discrimination.¹⁵² Some excerpts from the WDW Guide can be found in Appendix B to substantiate the Treasury Board’s support and guidance to facilitate the process of writing clear, concise and unbiased work descriptions.

Many further hints and tips were provided throughout the WDW Guide in order to keep in check these lessons. General guidelines identified some considerations to make before putting pen to paper, some general reminders while writing the work descriptions, and some review mechanisms to run through after completing the work description. Then, each element of the UCS was outlined in detail providing the description of the element, how to describe the work as it related to each element, including examples, and tips for consideration while writing. All of these sections combined to provide for a complete and facilitated reflection of what should be in a work description with constant thought given to the concepts of gender and biases. Overall, the purpose of the WDW Guide was to make the task of writing a work description easier and more complete, in an

¹⁵¹ Ibid., p. 13.

¹⁵² See Appendix B for excerpts from the Work Description Writing Guide illustrating the efforts by the Treasury Board Secretariat to emphasize the importance of unbiased work descriptions for job evaluation.

effort to ensure that the job evaluation exercise produced equitable, updated, and non-biased results of the value of work to the federal public service. In hindsight, by applying the definition of gender neutrality as described in chapter two, the WDW Guide did not propose gender-neutral methods to its users. It provided numerous examples to highlight characteristics of female-dominated work. Although promoted as a tool to foster gender-neutrality, the more appropriate concept suggested and defined here is gender inclusiveness. In reviewing the lengthy discussions in the WDW Guide on writing in a gender-neutral manner, there is consequently a shift from “neutral” in its approach to “inclusive”.

These efforts put forth in the WDW Guide provided awareness and warnings about the nature of biases in work descriptions and were intended to help writers initiate new approaches to writing and in turn, ensure fair and equitable outcomes in evaluation results. The UCS as a tool provided a framework that could create an equitable workforce with defensible results, should the information going into it and the practices used during it were also equitable and defensible. However, it was the next publication, the Guide to Evaluating the 5K Sample Using the Universal Classification Standard Release 1.0 that responded to the need to ensure that the processes involved in the evaluation of the data provided were as explicit and informative as the WDW Guide in terms of guarding against biases.

Ensuring Gender-Neutrality in the Evaluation of Work

As a response to earlier criticisms from the Auditor General that blamed the Treasury Board for a lack of quality control on the testing, validity and reliability of results before implementation, the Guide to Evaluating the 5K (hereon referred to as the Evaluation Guide), was very instructive and prescriptive in outlining the exact process that was to be used for evaluating jobs. The process as described in the Evaluation Guide was mandatory to all departments and agencies using the UCS. Although intended initially to be used as a quality control method for the purposes of validating results from the 5K sample only, it was proven to be a worthy of permanent implementation to evaluate all jobs under the UCS, with some minor provisions for flexibility where there was no impact on the integral features of consistency and fairness as related to biases.

The Evaluation Guide went into great detail on how to do quality review of work descriptions before commencing the evaluation process, how to form evaluation committees, tips to successfully evaluate work, processes to review the evaluations, and how to undertake departmental reviews. Once again, great length was dedicated to outline the traditional problems of gender bias and how to minimize any further biases in the evaluation process – a process that was at high risk for systemic discrimination of work performed by women and the value associated with it.

The Evaluation Guide began by admitting that “the UCS is a major departure from the way the Public Service has traditionally measured and valued work”,¹⁵³ and that if “judgment allows for discrimination or bias, then the process becomes inequitable and

¹⁵³ Treasury Board of Canada Secretariat, *Guide to Evaluating the 5K Sample Using the Universal Classification Standard Release 1.0* (Ottawa: 1998), p. 1.

unsuitable for achieving pay equity”.¹⁵⁴ Specific intent at highlighting the issues was specifically found in the introductory section, which described new ways of viewing work and new relativities in the Public Service:

Establishing the new relativities requires new, fresh ways of looking at features of work. Some of these features have never been included in our evaluation standards. To safeguard the Public Service values embedded in the UCS, evaluators must focus their attention on facts, leaving no room for assumptions about the value of work. The evaluation approaches described in this Guide have been specifically developed for the initial application of the UCS. They uphold the new values embodied in the UCS and are designed to ensure that we value work fairly and consistently.

As we begin to evaluate work using the UCS, we cannot know what the results will be. We do know, however, that in changing the way we value work, we will change the status quo with respect to the hierarchy of jobs. Everyone should expect changes to the traditional relationships between jobs as well as the consequent impact these changes will have on the organization.¹⁵⁵

One of the first steps the Treasury Board identified in the job evaluation process was the requirement for a quality review of the work description prior to any evaluation. Again, the Evaluation Guide proposed that; “the process of writing work descriptions is susceptible to imperfections, inconsistencies, omissions, and exaggerations”.¹⁵⁶ It was generally acknowledged that the whole process of writing and rating work descriptions in this manner was a new initiative and involved those who had either never been involved in the process before, or had previous experience in job evaluation and work description writing, but not under the new values established under UCS. Part of the quality review process was to encourage taking the time to look over the documents and data to verify if

¹⁵⁴ Ibid.

¹⁵⁵ Ibid., p. 2.

¹⁵⁶ Ibid., p. 7.

there was any substantial information missing or any areas lacking in substance. If there are gaps in the information provided “evaluators will be tempted to evaluate the information provided in the work characteristic supplemented by their own knowledge of the work or the area of responsibility...[they] will be making assumptions about the work being evaluated”¹⁵⁷ and this has been proven in history to be the root cause of many biases associated to the work women perform. **“Making assumptions is not acceptable”** as identified explicitly in the Treasury Board’s Evaluation Guide.¹⁵⁸

Another task that was implemented prior to any evaluation process was the mandatory removal of certain sections of the work description. For purposes of imposing the “new look” towards work, it was necessary to remove all identifying information about the incumbent of the job, including the position title, organization charts and a section of the work description identified as client-service results. Traditionally, evaluators would require such information to determine which occupational group the job would be assigned to and subsequently, which classification standard to use for evaluation. With the existence of a single classification standard, there was no longer a need to allocate to an occupational group – all jobs were to be assessed according to the same standard. Notwithstanding this change in direction, a position title has great potential to be biased in that it influences perceptions of what the work is and what it should be valued as, as identified in chapter two on potential biases in job evaluation.

Aside from these adjustments to the evaluation processes, the integral piece to the objective of minimizing gender bias in the evaluations, and subsequently in the tool itself,

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

was the use of an evaluation committee. The concept that was imposed with an evaluation committee was once again the commitment to bringing into the evaluation process a fresh look at work and the way it is evaluated. Traditional job evaluation practice calls for experienced individuals with an understanding of the work to perform evaluations. With the concept of an evaluation committee, the better of two worlds could be secured: “the best way to bring about a fresh look is through a balance of beginners’ eyes and experienced hands”.¹⁵⁹

The basic values essential to the composition of an evaluation committee were outlined in the Evaluation Guide as being gender neutral, consistent, fair and open, respectful, and aware of and resistant to personal biases. Thorough instructions were provided to evaluators cautioning against what these personal biases could be. Although most have been mentioned to date in the introductory notes of both the Guide to Evaluating the 5K, and the Work Description Writing Guide, there was an additional reflection on the existing hierarchy being subject to debate:

Current job values and rates of pay should not influence evaluators or the evaluation of the work characteristics. The compensation a job currently receives is known to influence people’s perception of how important that job is. Studies have indicated that evaluator knowledge of current pay had a statistically significant effect on evaluations, with lower compensated work receiving lower evaluations. Evaluators need to guard against this potential bias.

Similarly, evaluators must not make assumptions about the work or current hierarchical relationships. They must demonstrate neutrality and objectivity.¹⁶⁰

¹⁵⁹ Ibid., p. 15.

¹⁶⁰ Ibid.

The composition of a committee was also prescriptive. To ensure that the concepts of fresh eyes was imposed and yet resourceful individuals with contextual knowledge were chosen, the Evaluation Guide outlined that committee members should represent both human resource professionals as well as other departmental employees from various levels and various streams of work, employees from varying geographical locations if the department was one with a regional workforce, and of course be representative of both women and men of different official languages and with diverse backgrounds. Other potential participants that were proven to be invaluable were a chairperson (usually one of the committee members themselves), a facilitator for purposes of moving along the process but who would not participate in the rating process, a roving coach available to provide insight and technical expertise on the application of the UCS, a fairness advisor to enhance the credibility of the evaluation process by acting as a neutral observer, and a gender neutrality advisor to focus on the gender issues. With respect to the size of a committee it was identified that at least four to six members was appropriate with the maximum of eight – again, a far cry from the traditions of public service evaluation practices where evaluations could be done by one expert or a party of three at the most. It was acknowledged that for the process of evaluating the sample, which would in turn validate the UCS and its three objectives, the committee size needed to be larger to bring forth more diversity and opinions while decreasing the potential for biases to go unchecked and unchallenged.

By far the most innovative attempt to introducing a new way to look at and evaluate work in the public service was introduced with the Element-by-Element

approach to evaluating. Traditionally, the public service methodology was that of a whole job classification (described in detail in chapter two). This new approach forced committee members to review work characteristics in a batch of jobs one element at a time against the UCS. It was a systematic approach that had proven to be fair, consistent and with the least potential for biases. Obviously, “by breaking down the job and evaluating only one work characteristic at a time, evaluators are less likely to assume that they know the job”.¹⁶¹ Evaluators can also learn to use the elements more appropriately and more consistently if they focus their attention on one of the sixteen elements at a time. It was also intended that the new method would help make visible the new characteristics of work not previously recognized. This can be accomplished in a number of ways. First of all, by providing focus on only one aspect of the job, evaluators have less potential to try and reach an overall rating for a job. Secondly, as briefly described above, there is no way of knowing what type of work is being evaluated as the evaluator does not read and evaluate anything but the one element. Overall, there should be less likelihood of “pigeon-holing” the jobs into historical levels of value (either high or low).

The Treasury Board advised departments and agencies using the UCS that they had to be aware of how gender bias could be introduced into the process and what the effects of such systemic discrimination had on a new, final product. In order to counter bias, many types of checks and balances were introduced for departments to use, other than those already mentioned above under the Work Description Writing Guide or the Guide to Evaluating the 5K Sample. The main points of consideration with regards to

¹⁶¹ Ibid., p. 21.

countering gender bias were provided in the form of a UCS Information Bulletin titled “Taking A Fresh Look at Work” (and are found in this document as Appendix C). The document concentrated on concepts such as grouping positions, key issues when writing work descriptions, being able to provide a quality review of the work description, and being able to evaluate work according to the UCS.¹⁶²

“Success” of UCS

Although the main result of the UCS project produced significantly altered mechanisms for job evaluation and processes for human resources practices, it was a long and difficult journey to make. The earlier initiatives that began with the introduction of the PS2000 reforms that in turn introduced a widespread need to recreate the classification and job evaluation systems of the federal public service started out sketchy and were arguably laced with flaws. However, noticeable changes were made when the Auditor General intercepted the implementation of the Universal Classification Standard in 1996 and Treasury Board officials began to understand the implications and the impacts of their actions to date.

The renewed focus and efforts put forth with the redesign of the UCS were significant in terms of ensuring all potential systemic biases were countered with mechanisms to reverse discriminatory practices. Overall, this increased focus on the issues that surfaced from the previous attempts, coupled with the number of publications and amount of documentation that was produced by the Treasury Board on gender

¹⁶² Due to the pertinence of the subject of eliminating gender bias, the bulletin entitled “Taking a Fresh Look at Work” is included in Appendix C for further reference.

neutrality, have contributed to the successful training of a wide population of the Public Service to a new way of evaluating work, hence a new way to look at work performed by women. More than any other issue or objective of the UCS, the quest for gender neutrality led the directives in just about every step of the development process of the UCS and the corresponding processes and procedures that accompanied the tool.

In the end, the newly revised UCS with all the subsequent guidelines, manuals, instructions and corresponding procedures followed a textbook example of how gender biases were minimized in job evaluation processes. The goal was gender neutrality in terms of the end results yet the method of achieving it was through gender inclusiveness. The efforts were significant in ensuring that all methods of personal and systemic biases were met with counter-techniques to reverse these tendencies.

Notwithstanding the terminology or the concepts used, there is now a job evaluation plan and related processes that counter systemic discrimination and gender biases within the federal government. The UCS was successful in theory. It was never implemented as it could not integrate itself with external market factors (see chapter six for this analysis). The UCS was abandoned in reality as it could not sustain itself without a structured framework incorporating value assessments inherent in other aspects of the labour market.

In the same manner, the pay equity decision forcefully reformed the wage structure. This event became a reality in the form of salary adjustments to many female-predominant groups; however it also did so without accompanying internal frameworks or systems to support it, and without recognition of the external market factors that may

impact decisions in the future. Thus, UCS became a theory that was never realized, whereas the pay equity settlement became a reality that was implemented without a theoretical framework.

Pay Equity Gains - Potential Impacts

Turning now to the second major event taking hold in the federal public service, it was the pay equity decision rendered by Justice Evans that made substantial progress in admitting and implementing real wage changes to the way women were paid in the public service. In this situation, many efforts were made to try and assess the correct method to determine a basis for determining comparable wages between men and women in the federal public service. Much like the initial attempts at UCS, it is argued that the some of the methodologies applied to reach these goals were flawed and incorrectly applied.

As evidence to the many cautions described in chapter two with regards to the relationship between job evaluation, pay equity and the wage gap as a whole, the pay equity decision against the federal government was flawed as a result of some of these misconceptions with regards to job evaluation and the link to pay. At the heart of the issue was the methodology used to determine to what extent female employees in female occupational groups were paid less than male comparators. Despite all parties agreeing to the commonly used regression line analysis (described in chapter two) to determine the pay differentials, it was disputed as to which male comparators should be used to produce the regression line. Justice Evans supported the Canadian Human Rights Tribunal's decision "to treat the predominantly male occupational groups as one group for the

purposes of measuring any wage difference between male and female employees performing work of equal value”.¹⁶³ Consequently, this meant that all male-dominated occupational groups and the associated rates of pay (such as, Engineering, Technical Inspection, Electricians, Defense Scientific Services, Law, Auditing, General Labour and Trades, and Firefighting, just to identify a few) would be included in the determination of the male wage line. The male-dominated occupational groups represented significantly different categories of work of significantly different value.

There are a couple of concerns that require further scrutiny and it is worth the effort to examine them here in light of the above discussion on producing a system or structure without considering the overall impact and the objectives at hand. The pay equity decision imposed substantial wage adjustments and as Steinberg’s research indicates, in the end there was little actual reform proposed to address the issues of pay equity and job evaluation.

The first issue calls into question the interpretation of the *Equal Wages Guidelines*, s. 15(1) which allows for indirect comparisons between two occupational groups if a direct value comparison cannot be made. However, Justice Evans supported the Tribunal’s argument that this section was silent on what constitutes an occupational group and could therefore, include all male employees as one group. It is being suggested here that there should not have been any confusion over what constitutes an occupational group – particularly since the Public Service Alliance of Canada specifically proposed that the two comparable groups in the 1984 complaint, were the Clerical and

¹⁶³ *Attorney General of Canada v. Public Service Alliance of Canada and Canadian Human Rights Commission*, [2000] 1 F.C. 146, at para. 158 [hereinafter *PSAC & CHRC* cited to F.C.]

Regulatory Group (CR) and the Program Administration Group (PM).¹⁶⁴ The decision should have reflected the evidence and circumstances of the actual complaint.

Notwithstanding this fact, an occupational group is defined as a group of employees in the same profession or job family. There is uncertainty as to how “occupational group” was translated into the entire male contingency of employees in the federal public service.

Moreover, as per the arguments in chapter two, the use of a regression line in these circumstances goes beyond the “comparator” aspect of pay equity. With the use of a regression line, particularly one that includes any and all types of work performed by men on the basis that it is performed by men, there is no longer any relevance to work of equal value. In fact, there is little relevance to actual value at all – but merely reference to wages being paid. The goal of pay equity is equal pay for work of equal value, yet, the comparison became one of simply comparing male wages to female wages without consideration of what the wages were based on or of the work being performed. Thus, this “ball-parking” method of determining wages will create further inequities, as it really does not address any of the issues it was supposed to deal with, in particular that of pay equity and job value. Further arguments can be made that the male wage line could also be discriminatory and lacking factual value assessments. So, not only are women’s wages arbitrarily increased, but they are also increased to a level that could already be inflated. Without defensible reasoning for increasing wages (for example, based on compensable factors of skill, effort, responsibility and working conditions as identified in

¹⁶⁴ Ibid., para 12.

s. 11(s) of the *Canadian Human Rights Act*), there is no commitment to sustain the wage adjustments. In other words, there is no structure to support and sustain the wage gains. As quoted earlier by Ames, “gender bias on average is corrected”,¹⁶⁵ and this is the problem. While some jobs are still undervalued, others are still overvalued. Thus, some jobs are still underpaid, and some jobs are still overpaid. This does not prescribe to the objectives of pay equity.

Another issue that surfaces with the regression line methodology applied in the decision is that no consideration was made to differentiate the external circumstances contributing to the wage practices, from the pay equity issues. Hence, the decision imposed a methodology that best suited the reversal of the wage gap in its entirety, not simply one that would address the inequities from job evaluation, as pay equity legislation proposes to do. The Auditor General of Canada argued that structural inequities existed outside of the scope of s. 11 of the *Canadian Human Rights Act*, for example in the occupational segregation of women, that should be addressed through employment equity programs.¹⁶⁶ However Justice Evans stated that s. 11 should be considering the under-representation of women in higher-level jobs.¹⁶⁷ As a result, this approach proposes that since there are problems with hiring women into higher level positions such as doctors, engineers and scientists, women in lower level positions should be paid wages similar to these occupations to average out the differences and deal with the hiring problems.

¹⁶⁵ Ibid., p. 713.

¹⁶⁶ *PSAC & CHRC*, para. 93.

¹⁶⁷ Ibid., para. 96.

Overall, the pay equity decision has not produced resolution to the problems of assessing value of jobs as per s. 11 of the *Canadian Human Rights Act*. There is no enduring structure to support or defend the increased wages. As a result, it will become difficult to ensure that the wages are maintained over time. Various factors impact wages, as has been discussed throughout this study. The gains provided by a somewhat arbitrary adjustment using regression analysis will be under pressure over and over again in years to come, as there is no concrete proof or evidence to demonstrate the value of the work. This decision cannot be said to achieve pay equity or equal pay for work of equal value as it lacks direct value comparisons. Ironically, the UCS would have provided the necessary value assessments to support wage adjustments in response to pay equity objectives, although perhaps not with the same results as the pay equity decision.

CHAPTER SIX – CONCLUSION: IMPACT OF EXTERNALITIES

Despite the accomplishment of a gender inclusive job evaluation tool, the UCS as a universal measurement tool was never implemented. On their website in September of 2002, the Treasury Board reported that upon consultations with a variety of stakeholders from departments to unions and external experts, “a universal approach to reforming the classification system and creating a single pay structure could impair the effectiveness of other parts of the human resources”.¹⁶⁸ They also conceded that reform was still an integral issue in classification. The desire to follow modern workplace practices, to be an employer that could compete with talent in the market, and to recruit quality individuals to provide better service to Canadians, retained the initial objectives of PS2000. However, fifteen years of work, sixty plus departments and agencies, numerous consultants, contractors and subject matter experts, and “no good estimate of total costs”,¹⁶⁹ are evidence that it is time to reevaluate the direction that needs to be taken in order to achieve the overall desired results to address pay equity and minimize the wage gap. To solidify this argument the Auditor General stated that:

...the government has not made significant progress in reforming its old and problematic classification system. The Treasury Board Secretariat changed its direction on classification reform in 2001; it realized it could not develop a manageable single pay structure with the available funding. In our view, several factors contributed to the failure of a universal approach: the lack of a formal compensation policy; the pattern of collective bargaining over the last 35 years to

¹⁶⁸ Treasury Board of Canada Secretariat, at <http://www.tbs-sct.gc.ca/classification/AboutUs/ClassReform.asp>, 2002-09-20.

¹⁶⁹ Auditor General of Canada, *2003 Status Report*, chapter 6, section 6.35 – Note: The Status Report that was released in 2003 from the Office of the Auditor General stated that over the years 1998 to 2001 (a three year reporting period only), an estimate of incremental costs was about \$200 million. This did not even represent total costs of the three-year period.

determine pay; the lack of co-ordination among classification, compensation, labour relations and pay equity; and flawed costing assumptions.¹⁷⁰

The Auditor General's conclusion supports the arguments made in this thesis that there are a variety of factors that require attention in order to address the wage gap or even just pay equity. The factors contributing to the shelving of the UCS outlined by the Auditor General in this excerpt speak to the complexity involved in attempting to reform such a large and outdated human resource system. However, the issues identified relate to a much larger, broader problem that was encountered prior to attempts to implement the new system, that is, the relativity of work and wages to the external labour market. The Treasury Board Secretariat was still committed from as early as the PS2000 initiative to competing with the external market for talent and skills.

Although the UCS was not implemented, it was due, in part, to its lack of cohesion with external labour forces. It was not as a result of something being wrong with the standard or the system as designed. The problem can be attributed to the ongoing existence of traditional, patriarchal, discriminatory attitudes and biases in the external market that still prevail, regardless of what the federal public service was trying to accomplish. The UCS was ahead of its time. In theory, the UCS is a measurement tool that provides mechanisms to address and reverse traditional patriarchal values with respect to the work traditionally performed by women using gender inclusiveness as its basis. However, in reality the federal government still had to compete for skills and talent in today's labour market and therefore, must follow the trends and circumstances that characterize today's market. The problem is that currently the labour market is still

¹⁷⁰ Ibid., section 6.104.

plagued with systemic discriminatory practices, for example in the ongoing occupational segregation practices and trends, the definition and social construction behind the meaning of skill, and the role women play as dual workers in the home and the workforce as discussed in chapter three. As a whole, there are still inherent biases with regards to certain types of work and the value attributed to that work that have been sustained by a patriarchal norm upon which societal perceptions are built and that are consequently in existence in the labour market. Inevitably, the federal public service is bound by the economic realities within which they must operate and it is this circumstance that has taken precedent over the UCS and equal value. The point may be that the federal government was ready to make the changes necessary to amend wages and address the underlying value assumptions about the work performed by women. The rest of society and the labour market were not quite as prepared.

Notwithstanding the demise of the UCS, this new evaluation tool was not a mistake, nor is it futile. On the contrary, it is invaluable based on the contribution it has made towards challenging and changing the way work is viewed, recognized and valued in an organization. The exercises undertaken in the process to design, test and implement the UCS and all its related practices and processes has changed the attitudes and perceptions that have clung to traditional patriarchal approaches towards work and women's role in society as a whole. Evidence of these shifts is found by examining the relentless efforts to move the federal government towards revaluing personal assumptions and perceptions concerning work and skills. Details provided here on the definitions of the new evaluation factors, the publications, reference and training tools to accompany

the UCS, and the processes developed to foster equitable treatment of both sexes, speak to the level of commitment to change the federal public service as a whole.¹⁷¹ This endeavour has taught over 100,000 employees of the public service a lesson in equity and fairness. It has forced people to reconsider how they view concepts of skill, work, women and even gender relationships in the workforce. The evidence provided and the arguments made have proven that a job evaluation tool that counteracts gender biases is possible to achieve through gender inclusiveness, and that the results of such a tool are fairer assessments of work and more equitable organizational structures that can eliminate the portion of the wage gap, the pay equity portion, that is a result of job evaluation techniques alone.

In both the UCS reforms and the pay equity decision the outstanding issue that has been unaccounted for is the existence of, and the need to relate to, the external market. UCS reforms have already run into the market forces that have derailed the implementation of changes in the federal government. It is forecasted that due to similar issues and misunderstandings that characterize the pay equity decision, there will come a time when externalities will also trump the wage gains asserted in the decision.

Changes to the structure of the labour market are in response to shifting requirements of certain types of work. It was made evident in the earlier discussion on occupational segregation trends (see chapter three), that men and women perform different work. As a result, the labour market treats men and women differently, although perhaps not intentionally. Today, more people are employed in smaller firms

¹⁷¹ see Appendices A, B and C.

typically with lower pay, fewer benefits and less union organization.¹⁷² “Jobs are becoming more insecure as part-time, temporary, and precarious employment expands and the number of full-time and relatively secure jobs contracts.”¹⁷³ As it has already been determined (again, chapter three), women fill these positions in the workforce more than men. The circumstances that define the way work is organized, coupled with the discriminatory attitudes and biases about the value of jobs that still exist, have replicated the traditional gender based workforce and ultimately rates of pay. A more contingent workforce that is structured by more temporary and less full-time employees cannot support initiatives to close the wage gap. The wage gap has been partly created on account of these types of labour. Hence, efforts that are mandatory to reform traditional value assumptions, to address the categorization of women into lower valued jobs, and to redefine skill, will have little impact if the economic structures of the labour market are still producing the discriminatory factors that are creating the wage gap.

Another way that the market imposes itself on the federal government’s plans to reform is through collective bargaining. The Auditor General’s Report (cited above) refers to the pattern of collective bargaining that has contributed to the pay practices to date in the federal government. As identified in the previous chapter, bargaining units in the federal public service are highly gender based, and arguably, can produce discriminatory circumstances and results based on their demographics alone. Wages are determined through negotiations with bargaining agents representing these bargaining

¹⁷² Judy Fudge, “Fragmentation and Feminization: The Challenge of Equity for Labour-Relations Policy” in *Women and Canadian Public Policy*, ed. by Janine Brodie (Toronto: Harcourt Brace, 1996) p. 57.

¹⁷³ Ibid.

units. The commitment to maintain occupational groups and maintain the bargaining unit structure over the last forty years has contributed to the inequitable wages that will overlay any gender-neutral evaluation results. Rates of pay will still be negotiated between the bargaining agent and the employer – more or less on a gender basis. Additionally, as a reference point for negotiations, bargaining agents will look to the external market for wage rates in the same or similar jobs as a basis for wage discussions. Bargaining agents bring to the negotiating table parity research and external wage rates as a basis for determining rates of pay for their members. Ongoing discriminatory methods in the external labour market have contributed to the existing wage gap, thus the wages bargaining agents are comparing to are based on all the discriminatory market practices identified above. Again, had UCS been implemented it would have been a new system existing under an old framework. Overall, it was an unworkable solution. Bargaining will also impact the pay equity gains. It is unclear how the “equal wages” determined through a court settlement will be maintained across sixteen different bargaining agents, bargaining at different times, and with different agendas using potentially discriminatory external relativities as a basis for wage negotiations

Notwithstanding the success that UCS had in recognizing the value of work performed by women, there are still outstanding problems associated with the perception of women’s value in an economic sense that impede progress towards reducing the overall wage gap. In order for the federal government to achieve their own goals of pay equity and the overall objective to reduce the wage gap, similar attempts at revaluing work and women’s participation in the labour force must be undertaken on a much more

global scope. A universal classification system and single pay structure capturing all types of work in the federal public service would have limited the capacity to respond to the circumstances and trends of the external market as determined in PS2000, as biased or discriminatory as they may be. As a result, this restriction would have put the federal government at risk of not being able to recruit or retain a workforce capable of delivering its programs. Similarly, based on this experience, the pay equity wage gains may encounter pressures that could affect how the government can react to supply and demand and how the gains can be compared to the external market wages.

Can the Market Change?

Will the day ever come where work performed by women can be recognized on more equitable grounds and in broader context as the UCS had proposed? The answer would depend on whether or not the same adjustments to perceptions, assumptions and values can be made in society and the labour market as a whole. It is most likely that these types of changes in a free market society would also only come as a response to state intervention legislating such a change. However, based on the experience of the federal government pay equity case, we now know that any state intervention would have to be more prescribed and definitive in its nature undertaking a much broader scope than that proposed in s. 11 of the *Canadian Human Rights Act*.

The lack of resolution in both events is frustrating. The federal pay equity decision has not contributed any substantial gains to pay equity from a theoretical perspective. Although it was assumed that the final decision and the awarding of \$3.5

billion in wage adjustments would have resolved pay equity, it really only impeded the progress that was being made with the UCS. In the long run, due to the flaws of the methodology used as described in chapter two, no justice was actually served. The underlying issues of pay equity were not addressed. The wage gap was not closed but only temporarily tightened. The use of a regression line to determine wage differentials forcefully minimized the gap. However, it resulted in a band-aid solution that in the end has not provided any resolution to outstanding issues of value perceptions inherent in job evaluation processes, in occupational segregation, in the acknowledgement of skill, or in the external labour market. The continued assumptions about the value of women and work that remain in the form of all these factors will perpetuate the cycle of wage disparity.

Additionally, the success of the pay equity wage settlement has a limited lifetime. The existence of numerous bargaining agents and bargaining units in the federal public service will have the affect of eroding the wage gains as negotiations over rates of pay continue. There is limited potential that pay rates will remain as comparable and equitable as they were with the pay equity settlements. Moreover, the external market influences will prevail, as these are the wages researched and brought to the bargaining table for negotiation. For these reasons, it is argued that the pay equity decision will not be able to sustain the monetary gains as provided. With the abandonment of the UCS and the endeavours to create numerous tailored job evaluation and classification standards again, the achievements in recognizing value and in recognizing them equally by the same criteria, may also be lost.

The wage gap, although momentarily minimized within the federal public service, will likely redevelop. Without a gender inclusive job evaluation system to substantiate the recognized value of work performed by women, value judgments may very well refer back to traditional norms as set up through the existing 72 classification standards, contrary to the goal behind UCS to measure worth on a single set of criteria.¹⁷⁴ Additionally, without the value structure that UCS defined, the wage gains assessed in the pay equity decision, although assessed without proper methodology, will likely be lost as well. Neither event in the struggle to achieve pay equity within the federal public service has had substantial or enduring impact in answering to s.11 of the *Canadian Human Rights Act*.

Lessons Learned – Future Research

Perhaps one of the first lessons that can be learned from the federal government experience with UCS and the pay equity decision, is that closing the wage gap and pay equity, although used and understood interchangeably by many, have two different meanings. Each issue transcends many aspects of the social, economic and political arenas of the workforce and will therefore be found in other aspects of market discussions such as occupational segregation, skill, the structure of the labour market, and the

¹⁷⁴ The occupational groups in the federal public service were finally amalgamated in 1999 (see *Canada Gazette*, vol. 133 no. 13, March 27 1999) to 28 occupational groups, although slightly different from the groups originally recommended by the Task Force on Classification and Occupational Group Structure in 1990, as described above in Chapter Four. UCS was to be the sole tool used for classification of these new groups. With the UCS abandonment, the classification system has no choice but to revert back to the existing 72 classification standards – there has yet to be a new standard created for any of the new 28 occupational groups created as of 1999, although a few are identified by Treasury Board as being in the works.

traditional collective bargaining practices. Therefore a more “holistic” approach that will simultaneously address each factor contributing to discriminatory values is sought to reach pay equity objectives and close the wage gap in cohesion.

Although gender-neutrality is the concept that is encouraged and promoted among stakeholders and watchdogs alike, a promising start would be a universal application of gender inclusive systems to educate and inform employers of value issues. In brief, job evaluation systems do impact the overall wage gap between men and women. As a mechanism used to address pay equity, or equal pay for work of equal value, a gender-neutral tool, or conversely, evaluation results free from gender implications, can be achieved through the concept suggested here of gender inclusiveness. The results of these assessments alone will not produce significant effects on closing the whole wage gap, although it is arguably a necessity. The shortcomings exist because numerous other factors pertaining to the concept of value have never been addressed.

Without addressing all factors of discrimination, no single initiative will sustain its gains. The two examples supporting this thesis are the federal government’s attempts at reforming their job evaluation systems, and the pay equity case against the federal government. Both situations were attempts at achieving pay equity. However, one has already been abandoned and the other will most likely encounter significant difficulties to maintain its state.

Further research is required in a number of areas to fulfill the requirements of pay equity. The most significant circumstance that has limited pay equity in the federal government is the relativity to the external market. It is in this area that more work needs

to be done. Questions with regards to the relativity between the public and private sectors arise when dealing with the issues above. It would first need to be examined whether or not there is or should be relativity between the public and private sectors. The environments and mandates of each may have an impact on whether or not the two sectors should be commonly compared. If there is relativity, pay equity requirements must be the same for each sector and currently they are not.

A second area where further research is required is the role of bargaining agents in light of pay equity? Overall, bargaining agents have contributed to the discriminatory nature of pay in the public service through collective bargaining. Research is required to determine how bargaining can be changed, or what policies or legislation can be changed to accommodate both collective bargaining and pay equity within an organization such as the federal government.

One of the questions asked at the beginning of this study was why has there been little resolution towards pay equity despite the major reforms of the government in the introduction of the UCS and in the pay equity decision that awarded \$3.5 billion in wage increases. The answer is that theory and reality have yet to meet. Each of these situations attempted to achieve pay equity through different routes, but each was done without due recognition of external market factors that are still discriminating against women and the work performed by women, and overall this has come to mean that the market trumps pay equity objectives.

Appendix A

Elements and Definitions from the Universal Classification Standard

This information has been pulled from the Treasury Board of Canada Secretariat's Universal Classification Standard 2.0. The following sixteen elements along with each of the definitions, are the compensable elements used to evaluate all jobs in the federal public service under the classification reform project.

Element 1 – Information for the Use of Others

Information for the Use of Others measures the extent and impact of responsibility for information that is used by others.

Information is:

- the communication or receipt of knowledge or intelligence
- knowledge obtained through investigation, study, or instruction
- facts, data, or a signal or character representing data (as in a communication system or computer)
- any of the above produced, owned, or managed by federal departments and agencies, and required for their operations.

Examples of information include the content of: correspondence, memoranda, case files, reports, published materials (books, pamphlets, brochures, product monographs), intellectual property, plans, drawings (maps, diagrams, pictorial or graphic works), photographs, microforms, recordings (audio and video), machine-readable data. This information may include the following:

- Sensitive information, which is protected by the *Official Secrets Act*, the *Income Tax Act*, the *Statistics Act*, the *Access to Information Act*, the *Privacy Act*, or other federal legislation.
- Personal information (see footnote), which is protected by the *Privacy Act*, including, for example, age, marital status, religion, education, medical records, fingerprints, blood type, personal opinions, correspondence that is private or confidential, and views about a person.

Others – in this elements means individuals, agencies, departments, organizations, or particular segments of society.

Extent – considers the degree of responsibility or the freedom to decide what is done to or with the information. It comprises four types of responsibilities, alone or in combination:

- **Dissemination** – responsibilities associated with the delivery of information, such as inputting, relaying, or transmitting (orally, in writing, or electronically).
- **Processing** – responsibilities such as planning, coordinating, collecting (gathering), or sorting information, or transforming it into another format (for example, from one written language to another, from one computer language to another, from satellite data to machine-readable data, from the spoken to the written work).
- **Development** – responsibilities for elaborating on existing information to produce new concepts, forms, or information products, such as strategies, policies, procedures, standards, protocols, methodologies, computer program design specifications, or Treasury Board submissions, in any format and on any subject.
- **Creation** – responsibilities associated with bringing thing into existence, such as establishing frameworks for strategies, policies, procedures, standards, protocols, methodologies, or computer program design specifications; establishing frameworks for the delivery of information processing and information development services; or advancing or adding to existing bodies of knowledge as a result of direct observation, testing, or measurement.

Impact – considers how the information disseminated, processed, developed, or created will be used by others, either within or outside the federal government. The information may be used:

- To **maintain** certain aspects of a federal Public Service organization's day-to-day operations;
- To **improve** a federal Public Service organization's operations or service. That is, the information or information product – a policy, a standard expert advice, knowledge disseminated through teaching, new forms, etc. – will ultimately enhance the way an organization does business;
- To **access** or **benefit from** government services and programs. That is, the information helps individuals or a segment of society to find out about and take advantage of government services and programs, or helps client federal agencies or departments to make decisions; or
- To **exploit** the results of federal government policy, research, or development. That is, the information may be further developed for application or wide distribution.

Element 2 – Well-being of Individuals

Well-being of Individuals measures direct responsibility for supporting the health and development of individuals and for helping them to function better in their environment and in Canadian society. This responsibility includes protecting them from harm and providing for their welfare.

Direct responsibility is the obligation in the work to provide for the well-being of individuals. It also relates to the individual's expectations of the outcomes of the well-being provided. Direct responsibility for the well-being of individuals must meet two conditions:

1. The work must specify an obligation to provide service to one or more individuals.
2. The service must be based on the personal circumstances of the individual(s).

Individuals, in the context of this element, refer to those persons who are dependent on services provided by the federal Public Service to meet their well-being needs. Such individuals include but are not limited to patients, offenders (for example, inmates, and parolees), veterans, and other members of the public in situations where the Government of Canada has an obligation to provide for their well-being or best interests. Individuals can also include federal Public Service employees in situations where they are clients of services for which their well-being is paramount and an obligation to provide the service exists.

Element 3 – Leadership of Human Resources

Leadership of Human Resources measures responsibility for leading people who are working to achieve the goals of the Public Service of Canada.

Responsibility for leading people considers a full range of responsibilities that affect the work people do. These include:

- planning, coordinating, or organizing the work of people involved in meetings, committees, projects, workshops, conferences, special events, etc.;
- scheduling, assigning, or monitoring work;
- leading project teams or working groups;
- establishing goals and priorities;
- identifying human resources needs;
- supervising or evaluating the performance of employees;
- managing human resources;
- chairing or facilitating meetings or committees;
- helping new people to adapt;
- contributing to new skill development (for example, by providing on-the-job training or technical guidance and direction);
- motivating;
- maintaining morale;
- recommending or approving training and development of employees;
- monitoring the deliverables of people from outside the federal Public Service;
- establishing and transmitting corporate values;
- setting the framework for how people are treated (including creating a fair and equitable work environment);

- ensuring a safe and healthy environment for people in the workplace, including providing information or training on the topic of occupational health and safety as an aspect of on-the-job training.

People refers to colleagues, subordinates, employees of other federal departments and agencies, volunteers, agency personnel, students, interns, inmates used as workforce, persons on personal service or professional contracts, employees of other levels of government, and employees of private and public sector organizations.

Element 4 – Money

Money measures responsibility in the work for the stewardship and comptrollership of financial resources. The responsibility falls into three areas: planning and controlling, acquiring funds, and spending funds. The element values these responsibilities according to the worker's latitude to take action and make decisions within the federal policies, guidelines, and regulations that govern the management of funds.

Funds includes parliamentary appropriations, joint funding arrangements, revenues, revolving funds, cash, cheques, acquisition and other credit cards, bus passes, travellers' cheques, and taxi chits. The amount is not considered.

Planning and controlling is defined as the responsibility for planning, budgeting, making projections, monitoring, accounting for, controlling, and safekeeping funds.

Acquiring funds is defined as bringing money into federal departments and agencies, other than through budgetary appropriations. Money may be brought I through activities such as collecting monies owed to the Crown or selling assets as well as through joint funding arrangements and cost recovery. The sources of these funds may be other federal government departments and agencies or may lie outside government.

Examples of acquiring funds include collecting debts or fees for products and services; soliciting financial contributions for shared projects with other federal government departments, other governments, corporations, or universities; and recovering costs from the sale of assets, licenses, etc. The write-off of debts is also included under *Acquiring Funds*.

Spending funds is defined as buying goods and services and committing funds for grants and contributions. It is **not** limited to signing authority as defined under sections 32, 33, and 34 of the *Financial Administration Act*.

Accounts receivable refers to funds that are owed to the government for goods or services rendered.

Responsibility Centre (RC) refers to the scope of responsibility for a budget that allocates funds to salary and/or operating expenditures for a given fiscal year; there is flexibility to reallocate funds within the RC.

Multiple Responsibility Centre budget refers to a budget encompassing more than one RC; there is flexibility to reallocate funds across the RCs.

Risk, in the context of this element, refers to the potential for and the magnitude of problems arising out of decisions made about money, and their impact on the federal government and Canadians. Risk may range from low to medium or high.

- **Low risk** means there is little possibility of a problem occurring, and any problem that did arise would be of small magnitude (the area affected would be limited or local).
- **Medium risk** means either there is a strong possibility of a problem occurring **or** the magnitude of the problem would be substantial (the area affected would be wide-ranging).
- **High risk** means there is a strong possibility of a problem occurring **and** the problem would be of substantial magnitude (because the number of people or programs affected is large, or because the issue is high-profile and contentious).

Write-off of debt is the forgiveness or elimination of monies owed to the federal government. It could include monies owed for fees, loans, or overpayments.

Element 5 – Physical Assets and Products

Physical Assets and Products measures direct responsibility for the custody, use, production, maintenance, repair, protection, and disposal of physical assets used, and products created, in doing the work. It also measures responsibility for making arrangements for facilities, equipment, and materials for conferences and events. Both purpose and impact are measured.

Physical assets include, but are not limited to:

- plants and animals;
- property and structure owned or managed by the Crown;
- vehicles for land, air, or sea;
- medication, medical supplies and equipment, and hospital equipment;
- clothing and textiles;
- books, periodicals, and archival material; tools; office supplies, furniture, and equipment;
- food and kitchen equipment;
- computer hardware and software;
- cultures, including fungi, viruses, bacteria, nematodes, and other microbes;
- seized property and evidence; and

- printed cheques.

Products are things produced by natural process or by manufacture. They may be the tangible results of chemical, physical, and biological experimentation or they may be work-related tools, uniforms, equipment, and parts.

Purpose is the primary use made of assets and products. Degree of responsibility is related to the primary purpose of the asset(s) or product(s).

- **Impact** is the difficulty of replacing assets and products.

Element 6 – Ensuring Compliance

Ensuring Compliance measures the responsibility in the work for making decisions about compliance with government-accepted standards, guidelines, regulations, and legislation and for taking appropriate action to foster and enforce such compliance.

Ensuring compliance begins after policy or standards are defined. It includes approving client requests or submissions, and conferring on those clients some rights or benefits. Ensuring compliance also focuses on reviewing clients' performance against standards and identifying actions for achieving compliance. It can include sanctions, such as withholding payment, seizing assets, and imposing fines and penalties. Finally, ensuring compliance may include revoking rights, privileges, or liberties where the client has been found not to comply with the standards or regulations.

Clients in this element are those who are subject to compliance and who are the focus of the standards, regulations, or legislation. They may be either inside or outside the Public Service. Clients may be individuals, corporations, other governments, or other organizations; they are not subordinate employees.

Standards, for the purpose of the *Ensuring Compliance* element, are defined as formal, recognized parameters or criteria. They can be protocols, codes, standard operating procedures, terms and conditions of contracts, etc. The key is that the work must require ensuring compliance to a formal or generally accepted standard, code, etc., that has been adopted or created by the Government of Canada or the federal Public Service.

Taking action, for the purpose of *Ensuring Compliance*, refers to making decisions regarding compliance as well as performing the actions that result from the decisions. These may include decisions about (and the actions of) imposing sanctions, withdrawing or withholding licenses, issuing warnings, levying fines and penalties, curtailing individual rights or liberties, or seizing assets.

FACTOR II – SKILL

Element 7 – Job Content Knowledge Application

Job Content Knowledge Application measures the **depth** and **breadth** of the knowledge required to perform the work. Knowledge includes concepts, methods, practices, principles, procedures, processes, techniques, and theories. Knowledge can be acquired through training, education, or experience, or it can be the result of a natural ability.

The UCS recognizes that value lies in applying relevant knowledge to carry out the responsibilities of the work. Skill is needed to apply knowledge when analyzing, caregiving, collaborating, coordinating, constructing, consulting, fixing, interpreting, organizing, providing service, researching, synthesizing, and troubleshooting.

Depth is the complexity of the knowledge required to perform the work.

Breadth is the number of areas of unrelated knowledge required to perform the work.

- Clues to determining whether the performance of the work requires areas of unrelated knowledge can be found in the *Key Activities* and the elements in the *Responsibility Factor* (among others). If the answer to the following question is yes, the likelihood is that the work requires areas of unrelated knowledge:
 - Is there a need for training or experience in different subject matters (from different career paths or different jobs)?
 - Taking the work as it is described and as it relates to the key activities, can you create two or more separate jobs?

Element 8 – Contextual Knowledge

Contextual Knowledge measures the degree to which the work requires knowledge of people, organizations, external circumstances, and legislation and regulations.

This element measures six areas of *Contextual Knowledge*. They are knowledge of one's own work unit, one's own department or agency, other federal government departments or agencies, Canadian private sector and other public sectors, international private and public sectors, and legislation and regulations. Each of these areas is measured separately. The element recognizes that a requirement for extensive contextual knowledge in one area does not necessarily imply a requirement for similar depth in another.

People refers to clients, colleagues, associates, officials, contractors, and others, both within and outside the federal Public Service.

Organizations covers one's own work unit, department, or agency, other federal government departments or agencies, private and public sectors, and international bodies.

Knowledge of their structures, policies, programs, activities, roles and responsibilities, and goals is evaluated.

External circumstances refers to political, socio-cultural, economic, and historical matters.

Legislation consists of acts of Parliament and of provincial legislatures, as well as international treaties, conventions, and agreements.

Regulations are legal instruments issued by or under the authority of an act, or of the Governor in Council, the Lieutenant-Governor in Council, federal or provincial ministers, municipalities, or any other regulatory body, Canadian or international, and include collective agreements and health and safety regulations.*

Element 9 – Communication

Communication measures the skills required in the work to convey and receive messages. Both **communication in** (receiving) and **communication out** (conveying) are measured.

Communication deals with interaction between people. It is made up of two message components:

1. An explicit component that includes spoken or written words and anything that is used as an alternative, such as pictures, graphical work, photographs, or codes (for example, hand signals, Morse code, semaphore).
Examples of spoken interaction include conversation, dialogue, and discussion.
Examples of written interaction include letters, memoranda, and electronic mail.
2. An implicit component that includes underlying themes or ideas or non-verbal cues. The implicit (non-verbal) component is how something is said or written as opposed to what is said or written.
Both spoken and written interaction can include an implicit component that needs to be interpreted (for example, tone, choice of words, use of language, body position, eye contact, hand gestures, facial expression).

Communication in (understanding others) measures the complexity of skill required to receive, understand, and interpret work-related messages being sent explicitly and implicitly.

Communication out (making oneself understood) measures the complexity of speaking and writing skills required to convey work-related messages. Consider the requirement to translate complex ideas into simple terms for lay people or novices and for people of different ages, cultures, language skills, and emotional or physical states.

* Treasury Board of Canada Secretariat, *Universal Classification Standard 2.0* (Ottawa: 1999).

Element 10 – Motor and Sensory Skills

Motor and Sensory Skills measures the **proficiency** that the work requires in controlling body movements and in using the sense to make distinctions.

Motor skills that control body movement include:

- **co-ordination** – the ability to move the legs, arms, or torso in combination to result in skilled action.
- **Equilibrium** – the ability to keep one's balance and orientation when in an unstable position or when resisting forces that could cause a loss of stability.
- **Dexterity** – the ability to move the fingers and hands skillfully to grasp, place, move, or assemble objects.

Sensory skills that make distinctions are:

- **Hearing** – including the ability to localize sound and discriminate between tones.
- **Sight** – including colour discrimination, night vision, peripheral vision, and depth perception.
- **Touch** – including heat and cold perception, sensitivity to sharpness, texture, shape, wetness, or friction.
- **Smell** – including detection of concentration or strength of odours, discrimination between subtly different types of odours, and odour localization.
- **Taste** – including detection of saltiness, acidity, sweetness, temperature, freshness, texture, and other taste characteristics.

The emphasis in all these sensory skills is on the capacity required in some work to make specific discriminations or differentiations using only the senses.

Proficiency measures skill in controlling body movements and in using the senses to make distinctions with the appropriate precision and the appropriate timing to achieve the results required by the work.

- **Precision** – refers to accuracy or correctness.
- **Timing** – refers to the reaction to a signal or stimulus or the performance of movements with the prescribed speed and at the right time.

FACTOR III – EFFORT

Element 11 – Intellectual Effort

Intellectual Effort measures the mental exertion associated with solving the problems encountered in the work. Both **intensity of effort** and **constraints on resolving problems** are measured.

Intensity of effort is the amount of mental exertion the work requires. The more difficult the problem, the greater the intensity of effort.

Having to maintain thinking effort over a long period of time may also increase intellectual effort.

Intellectual effort may be increased not only by the difficulty but also by the uniqueness of problems, including the diversity of options to resolve them, the need to integrate material or to analyze it, and the need to use creativity to generate ideas.

Constraints on resolving problems include all conditions external to the problem itself that increase the mental effort required to solve it. These constraints might be interruptions, distractions, client pressures, time pressures, concurrent demands, the need to balance several intellectual tasks at once, the availability of resources or staff, or the number of team members or other interested parties whose views must be considered.

Element 12 – Sustained Attention

Sustained Attention measures the effort required by the work to focus one or more of the senses. It also measures the sensory effort to remain attentive, sometimes to things that do not appear to be changing. Both **intensity of effort** and **degree of distraction** are measured.

Intensity of effort is the amount of sustained sensory attention the work requires. It measures how important it is to the performance of the work to remain focused. The less tolerance there is for lapse in attention, the greater the intensity of effort.

Degree of distraction measures whether or not the work that requires sensory effort is subject to unavoidable distractions.

Element 13 – Psychological/Emotional Effort

Psychological/Emotional Effort measures the mental exertion required to cope with psychologically demanding work.

This element measure the mental exertion required to manage one's own emotional reactions such as frustration, fear, anger, disgust, anxiety, irritability, contempt, loneliness, sorrow, pity, despair, sympathy, guilt, hostility, intolerance, aggravation, and defensiveness.

Both **intensity of effort** and **degree of control** are measured.

Intensity of effort measures the exertion required to cope with psychologically demanding work. Coping is dealing successfully with a person, task, or situation.

Control measures the degree of influence the employee has over the timing, frequency, and duration of work activities that require psychological or emotional effort.

Work requirements to consider include, but are not limited to, the following:

- keeping composure under trying circumstances
- dealing factually with issues of life, death, extinction of species, etc.
- representing views that may be contentious or highly charged
- expending emotional energy while caring for people (clients) and living things
- keeping professional distance
- being empathetic, comforting, and congenial in the face of misfortune or illness.

Element 14 – Physical Effort

Physical Effort measures the amount of physical exertion required by the work. It recognizes the effort involved in both movement and stillness.

Both the **intensity of effort** and **duration (amount of time)** are measured.

Intensity of effort is the amount of physical exertion the work requires.

Time refers to the frequency and the **duration** of the effort.

FACTOR IV – WORKING CONDITIONS

Element 15 – Work Environment

Work Environment measures the exposure to disagreeable psychological and physical work environments. Both the psychological environment and the physical environment of the work are evaluated.

Psychological environment measures exposure to aspects of work that result in psychological discomfort.

Physical environment measures exposure to aspects of work that result in physical discomfort.

The following examples of disagreeable psychological and physical work environments are illustrative only.

Psychological Environment

The work requires that the employee be exposed to:

- accident victims, emergency cases, or the terminally ill
- complaints or public criticism

- conflicting work priorities
- deadlines or time pressures
- distressed, angry or confrontational people
- interruptions
- lack of control over the pace of work
- lack of privacy or excessive isolation
- monotony or repetition
- multiple demands
- strained relationships
- unpleasant sights or tastes.

Physical Environment

The work requires that the employee be exposed to:

- confined spaces
- crowded working conditions
- dusty or dirty conditions
- extremes of heat or cold
- fumes or noxious odours
- glare from computers
- motion or physical instability
- noise or vibration
- poor weather or other disagreeable outdoor conditions
- wetness, humidity, dampness, or drafts
- cumbersome or protective clothing.

Element 16 – Risk to Health

Risk to Health measures the exposure to unavoidable mental and/or physical risks or hazards to health resulting directly from the performance of work. This element captures only those risks remaining after the application of normal safety precautions.

Normal safety precautions are those in place to eliminate or control exposure to risks to health. They can include, but are not limited to, ergonomic furniture, mandated breaks, work standards or protocols, and protective clothing or equipment.

Risk, in the context of this element, refers to the effects on mental and/or physical health. These include the following: injury; short or long-term illness (including stress-related illness); and permanent health effects.

Appendix B**Excerpts from the UCS Work Description Writing Guide**

The following excerpts are taken from the Work Description Writing Guide¹⁷⁵ that was written and distributed by the Treasury Board Secretariat to further the understanding of gender bias and discriminatory attitudes while writing, reading or reviewing work descriptions.

“Gender bias can creep in at any stage of the work description writing and evaluation process. Because traditionally, some work has been performed by men while other work has been performed by women, we have tended to make faulty assumptions about the work involved in these jobs. The result has often been that we ignore, because we cannot see, the true content of our work. The result is an inadequate work description.”

“Gender bias is based on a number of myths and misconceptions about both men’s and women’s work:

- Men’s work is always highly skilled.
- Women’s work is clean and conducted in ideal environments.
- Men’s work involves stress or physical effort.
- Women’s work is routine and straightforward.
- Men get paid for unrelated activities that they perform.
- Women do not work with tools and machines.
- Men do not perform women’s work.
- Organizations do not value the human relations skills, organizational knowledge, client service aptitudes and information management skills that are typical in women’s work.
- Women work for “pin money” or “to keep active”.

“When writing work descriptions, both women and men need to guard against gender bias constantly. More often than not, it is caused by what is missing, rather than what is present in a work description. It is in your interest to ensure that gender bias is eliminated. You can then report on, and receive credit for, the full range of work that you do, and the conditions under which you do it.”

¹⁷⁵ Treasury Board Secretariat, *Work Description Writing Guide. Release 1.0* (Ottawa: 1998), p. 13-15.

“Many different kinds of blinders can block our attempts to look honestly at our work. We don’t wear these blinders intentionally but because of them we can have limited and biased ways of looking at work (and work descriptions). As you write your work description, make sure you don’t fall into these traps:

- Work inflation – a bias in favour of more senior or more complex work. This can lead us to think that this work deserves more attention than those that are junior or less complex. Every work description, no matter the level of the work must be treated the same way to ensure consistency and fairness.
- False expectations – assumptions that certain work lacks responsibility, cannot be undertaken by persons in the employment equity designated groups, does not require training, or is conducted in safe, calm environments. For example, in the latter case, stereotypes that lead us to perceive women as being physically weaker than men or protected from danger by men, can blind us to the danger, dirt, and physical labour involved in some work that women perform.
- Just part of the job – a tendency to see certain situations as conditions of employment rather than seeing and valuing the effort required to cope with them. For example, when we look at a harried administrative assistant and say to ourselves, “Interruptions and deadlines are just part of the job”, we may be demonstrating bias. If they are part of the job, they should be in the work description. Similarly, if physical or psychological effort is part of the work, it should be in the work description.
- Job titles – the tendency to assume that a job title actually tells us what’s involved in a job. Titles may blind us to the true nature of work. Inadequate job titles are often associated with jobs done mostly by women. Traditionally, more care has been taken to define male-dominated work. Female-dominated jobs tend to have broader, vaguer and more generic titles compared to the specific and descriptive titles given in defining male-dominated jobs.
- Weak terminology – the tendency to pick weak words when describing work done by less senior workers. We tend to assume that these workers don’t manage, they co-ordinate. We assume that they assign, rather than direct. The best way to remove this blinder is to pick the verbs that most accurately describe your work.
- Failure to see that work has changed – an insensitivity toward the changes in the way the Public Service does business. It now values aspects of work that were not valued before, such as working in teams, keeping up with changing technology, and serving increasingly demanding clients.
- Confusing job performance with the work itself – the assumption that work would require less time and effort if only the person in the position were more competent. Work can be described even if a job is vacant. Just assume that a competent performer does it”.

Appendix C

This bulletin¹⁷⁶ was circulated across the federal public service as a training tool to emphasize the issues related to gender bias, gender neutrality, and the value perceptions and assumptions of work performed by women. It has been included here as strong evidence to the claim above that Treasury Board undertook serious efforts and consideration towards ensuring that earlier errors with respect to gender were not repeated. This bulleting speaks to the resolve to ensure that the rest of the public service also took notice of this commitment.

TAKING A FRESH LOOK AT WORK

The Gender-neutrality Perspective

The Universal Classification Standard (UCS) has three main advantages over existing classification standards.

- **It's universal** – one new standard will be capable of measuring the work of all Public Service employees.
- **It's simpler** – fewer classification standards will simplify human resource management, facilitate employee mobility and make it possible to compare all public work.
- **It's gender neutral** – the objective, concepts and practices of gender neutrality have been integrated into all stages of the development and implementation of the UCS.

So what is a gender-neutral classification standard?

A gender neutral classification standard identifies and positively values characteristics of the work of both women and men, including those characteristics that have historically been undervalued or invisible.

The standard for gender neutrality is one of reasonableness. Although gender neutrality is the goal, minimizing gender bias is a more likely outcome. Many checks and balances are necessary. The more there are, the better the outcome.

¹⁷⁶ Treasury Board of Canada Secretariat, *Universal Classification Standard Information Bulletin – No. 3 “Taking A Fresh Look at Work. The Gender-Neutral Perspective”*, (Ottawa: October 29, 1998).

Steps taken by TBS to ensure gender neutrality

In developing the UCS, Treasury Board Secretariat has sought to build gender neutrality into all its development processes, training and implementation tools.

- Throughout the development of the UCS, the issue of gender bias received unrelenting scrutiny. During the design of the UCS, both the Advisory Committee and the Technical Committee included gender-neutrality advisors.
- Training for members of the design teams included the process considerations to minimize gender bias.
- The first and second sample work-information-gathering tools included process and content considerations to minimize gender bias.
- The work descriptions in the *Interdepartmental Model Work Description Database* were developed with special consideration to avoiding gender bias. Several checks and balances were included in the process.
- These included training, providing definitions of streams of work that were broader and longer than traditional occupational groups; and using coaches. In addition, three tiers of review for quality and completeness helped ensure completeness and consistency – two important gender-neutrality principles.
- Random samples of Interdepartmental Model Work Descriptions were analyzed for gender neutrality. The analysis report then generated an “actions taken” response report.
- The *Work Description Writing Guide* provides conceptual and practical information to help users make their work visible while minimizing gender bias.
- UCS training programs and materials – the Standard itself, the *Work Description Writing Guide*, the *Guide to Evaluating the 5K Sample* and the training video, *Making Work Visible* – help employees and departmental implementers understand gender-neutrality objectives and principles and put them into practice. Through discussion, workshops and exercises, participants learn how to use proper checks and balances at different stages of the process (writing, quality review and evaluation) to minimize the impact of gender bias.
- The *Guide to Evaluating the 5K Sample Using the Universal Classification Standard* includes a thorough discussion of gender bias and procedures for department to follow, including checks and balances to minimize bias.

To incorporate gender neutrality in work descriptions, however, departments must include checks and balances throughout their classification process.

What departments can do

To ensure that the work descriptions they develop are gender neutral and that the UCS is applied without gender bias, all departments need to be familiar with an array of process checks and balances. In fact, these may form the basis of any Treasury Board monitoring of how departments are implementing the UCS. Below is a description of these checks

and balances, emphasizing actions that will minimize gender bias and highlighting the quality assurance and fairness being built into the UCS.

1. Grouping positions (*each department's responsibility*)

Departments already group positions when they are matching to a model or writing their own work descriptions. But this must be done carefully, since collapsing a range of work into one work description can create bias.

If a range of work is grouped into a “generic” description for female-dominated work but not for male-dominated work, gender bias may result. For example, grouping administrative work (typically female-dominated) into a generic job could result in the work being described at a very general and superficial level, Trades work (typically male-dominated) is traditionally more narrowly and precisely defined, but that make feature of this work more visible.

Departments will need to make judgements when grouping positions together and then describing the work (see pages 16 and 17 of the *Work Description Writing Guide*). Keep in mind the following:

- Departments are responsible for ensuring that the resulting work description does, in fact, apply to all positions.
- As a general rule, there should be minimal cutting and pasting from work descriptions developed under other classification standards and new work descriptions. Resist the temptation to use existing resources as shortcuts. This will help ensure completeness and consistency.

Practical steps when grouping positions

- Provide training on gender-neutrality concepts in work descriptions (see pages 13 – 15 of the *Work Description Writing Guide*).
- Provide training to ensure adequate preparation for work description writing (see pages 16 – 20 of the *Work Description Writing Guide*).
- Involve affected employees in the assessment of the representativeness of descriptions and groupings.
- Ensure consistency of level of depth of grouping between male- and female-dominated work. For example, make certain female-dominated work is not generally defined in comparison with male-dominated work.
- Do not overlook or dismiss some work as “part of the job” and therefore miss distinctions between jobs.
- Look beyond job titles. Female-dominated jobs tend to have vaguer and more generic titles that may give the illusion of broader grouping possibilities.

2. Writing work descriptions (*each department's responsibility*)

In the past, work information has been a major source of gender bias (and likely other biases as well). This is not so much because of what was in the description, but rather because of what was missing. The importance of accurate, complete, up-to-date and gender-neutral information on work cannot be emphasized enough.

Work information is used as the basis of job evaluation decisions. If the information is insufficient, inaccurate or out of date, the job evaluation process is hampered, with undesirable results. Be willing to share best practices and content of descriptions. This is an important element in establishing the UCS. Interdepartmental Model Work Descriptions are available to ease the burden of writing numerous descriptions. These can be used as templates for high-quality work description information.

Remember: the UCS cannot value work that is not described!

A well-written work description:

- makes visible every significant work characteristic;
- does not depend on the use of key words or phrases to impress;
- is complete, precise and understandable; and
- describes fully what is truly required in the work during its full cycle.

Departments should watch for some of the pitfalls that have contributed to gender bias in the past, such as under-describing or devaluing. Discuss work requirements with other people – the better work is understood, the better it can be described. The better it is described, the better it can be assessed by evaluators.

It is better to be complete than concise, but beware of clutter – make sure all information is relevant (see the checklist on page 107 of the *Work Description Writing Guide* for other important reminders).

Practical steps when writing work descriptions

- Provide training on “blindness” and taking a fresh look at work.
- Do horizontal comparisons across work streams to gain a better understanding of various ways of describing work under each element.
- Encourage employees to get involved and gain an understanding of the UCS.
- Be consistent in the interpretation of elements and the description of work under each element.
- Use language consistently. Developing a departmental glossary may be helpful.

3. Doing quality reviews or work descriptions (each department’s responsibility)

A quality review of work descriptions minimizes bias and ensures completeness and understandability (see page 7 of *The Guide to Evaluating the 5K Sample Using the Universal Classification Standard* and the Quality Review Checklist for Completeness and Understandability in Annex A).

Practical steps when doing quality reviews

- **Vertical review** – reviewing work descriptions for completeness and understandability, and to ensure information is presented in the correct element sections and that each element variable (criterion) is addressed. This includes checking the links between different work elements to ensure consistency and completeness.
- **Horizontal review** - reviewing multiple descriptions across the same element to ensure consistency of interpretation of the type of information sought and the type of response provided. Cross work streams to minimize inconsistent treatment of similar facts and to maximize consistency.
- **Training** – increase the sensitivity of writers and evaluators to the problems of systemic gender discrimination and principles of gender neutrality.

4. Evaluating UCS-described work (*each department's responsibility*)

As at other stages, gender neutrality is important when evaluating work that has been described according to the UCS elements. Even if the system for evaluating jobs is gender neutral, it is still possible that the process can be administered in a biased way and still create gender bias in the results (see *The Guide to Evaluating the 5K Sample Using the Universal Classification Standard*).

To meet the challenge of gender neutrality at the evaluation stage:

- Ensure the Standard is applied consistently without regard to the gender-predominance of the job.
- Ensure all evaluators are knowledgeable and trained.
- Strive for a decision-making process that is free of gender bias.
- Make the process as open and transparent as possible. The process will be scrutinized carefully so the paper trail is important. Insist that someone take notes.

Practical steps during evaluations

- **Quality review** - do a quality review before sending work descriptions for evaluations.
- **Diversity** – select evaluation committee members to build a diverse group that includes men and women, people from different levels and cultures of the organization and people who do different types of work.
- **Training** – train committee members on the substance and purpose of the UCS; gender-neutrality and quality principles; the rules and processes for evaluations, especially their purpose and importance; the concepts of openness and fairness and how they relate to the implementation of the UCS; and the concept of taking off the blinders (see the video *Making Work Visible*).

- **Objectivity** – remove identifying information, job titles and Client-Service Results, to force evaluators to read the job information. This must be done to minimize assumptions and stereotypical biases.
- **Element by element** – evaluate element by element to minimize the “halo” or “pitchfork” effects where the overall value of jobs in the current hierarchy biases the evaluations on each element (see Chapter 5 of the *Guide to Evaluating the 5K Sample*).
- **Coverage** – perform evaluations on a range of work to minimize positive or negative effects and to explore the range of value to be considered under each element.
- **Sequencing** – have individual committee members evaluate jobs in a different sequence to minimize the sequencing effect. Recap evaluations to analyze patterns and ensure all evaluations are logical and fair.
- **Keeping records** – record short explanations to trace the logic of ratings. Focus on the job information presented in relation to the element scales or the relative rating of one job’s requirements relative to another related to the element scales.

Departments need to monitor the entire evaluation process. Here are some questions to help monitor stages of the process.

Grouping positions and writing work descriptions

- ✓ Were employees given training in work description writing and specifically on the *Work Description Writing Guide*, and was it likely to be enough to allow them to provide quality information?
- ✓ Were work description writers given sensitivity training on gender bias and ways to avoid any pitfalls that may lead to bias in how the work is evaluated?
- ✓ Were employees given any training in appropriate terminology, e.g., active versus passive verbs?
- ✓ How are jobs grouped and does the synthesis suppress differentiating information that should be captured?

Doing quality reviews

- ✓ Were work descriptions reviewed with horizontal and vertical perspectives to ensure all checks and balances resulted in quality work descriptions that are free of gender bias?
- ✓ Is the language and tone of the work descriptions consistent and neutral?
- ✓ Who provided the job information – employees, supervisors, “outside specialists”?
- ✓ Were employees involved in vetting the job information?
- ✓ Was the information collected in a consistent manner?
- ✓ Do the job titles fit the particular jobs, and are they consistent with other titles used to describe similar types of levels of jobs? Although the title are removed

before evaluations, they may still bias description writers or those making grouping decisions.

Evaluating UCS work descriptions

- ✓ Was the committee a balanced representation of all employees, including both genders, different occupational groups and levels of the organization?
- ✓ Was the committee given gender bias sensitization training and told to be open to change?
- ✓ Was gender-neutrality expertise sought to ensure fair results? (Departments should be able to demonstrate that they integrated this perspective into the process.)
- ✓ Was identifying information removed prior to evaluation?
- ✓ How did the evaluation committee deal with wrong or ambiguous information?
- ✓ How was consistency built into the process?
- ✓ Did the committee rate element by element?
- ✓ Do the evaluation ratings fairly represent the level of job requirements indicated in the job information provided?
- ✓ Was any supplementary information used in the evaluation process? Were employees involved? Did they review the information for accuracy and completeness?
- ✓ Did the committee do a recap of evaluations for patterns or anomalies that should be questioned? Were any changes made and explanations recorded?
- ✓ Was the system applied consistently and fairly to the jobs being evaluated?
- ✓ Were aspects of work ignored or overlooked because they are “just part of the job?”
- ✓ Were any skills not counted because they were assumed to be intrinsic to the employees?
- ✓ What did element patterns look like? Were jobs differentiated appropriately or compressed?
- ✓ Were short explanations written for all jobs, for a sample group, or only for problematic ratings?
- ✓ Do short explanations indicate rating logic (relativity to other jobs, element scales)?
- ✓ Was there a pattern to any discrepancies between employee response and rating: was there a high incidence? Was there a gender trend? Was there an element trend?
- ✓ How did the committee resolve disagreement between employees’ and supervisors’ responses?

Conclusion

Implementation of the UCS requires careful attention to the new values and ways of measuring work embedded in the UCS standard. Implementation also demands that

departments be vigilant in regard to the principles of gender neutrality since gender bias can creep in at any stage and affect results even if the standard and other UCS resource documents are not biased.

Gender neutrality is one of the three main goals of the UCS. If everyone does their part, the UCS will contribute significantly to public service reform.

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