

Pay Equity and Women's Rights¹

BY VALÉRIE DUBÉ,
Union Counsellor,
FPPE(CSQ)

Pay equity means equal pay for work of equal or equivalent value for predominantly female job classes.

A little history...

On November 21, 1996, the Quebec government adopted the **Pay Equity Act**², which aims to remedy systemic discrimination experienced by individuals occupying positions in predominantly female job classes in all companies with ten or more employees.

This Act was adopted after several wage claims from women's groups and trade unions. The FPPE, in collaboration with the CSQ, has been present since the beginning of the fight against this form of discrimination and continues to be active and vigilant in this matter.

In the mid-1990s, it was estimated that women with full-time jobs in Quebec were paid, on average, 30% less than men.

SOMMAIRE

5	what is the Pay Equity Act?
5	Pay equity in the company
6	The evaluation system
6	The evaluation system - weighting
6	Employment group shared with another union organization
6	Initial Exercise, the Pay Equity Program
7	Pay Equity Audit
7	Wage gaps
8	Lump sum
8	The 2010 Audit
10	Examples illustrating the analysis
15	The 2015 Audit
16	The 2020 Audit
17	The importance of the Pay Equity Act

¹ To make this text easier to read, we have used the feminine gender as a neutral gender to refer to both men and women.

² <http://legisquebec.gouv.qc.ca/fr/showDoc/cs/E-12.001>

What is the Pay Equity Act?

The Pay Equity Act is designed to correct wage gaps caused by gender discrimination. It requires employers with ten (10) or more employees to ensure pay equity between predominantly female job classes and predominantly male job classes deemed equivalent.

The purpose of the Act is to correct wage gaps due to systemic gender discrimination against individuals employed in predominantly female job classes, including psychologists, psychoeducators, librarians, rehabilitation counsellors and rehabilitation officers. According to the law, pay equity applies within the same company. In the case of members represented by the FPPE-CSQ, this company is defined in the Pay Equity Act and includes the education, college and health and social services sectors. **As far as we are concerned, the company is the Treasury Board (School Service Centre). This company is generally a female-dominated environment, which is why we will continue our efforts to ensure the real values of job classes are acknowledged in order for pay equity to be truly recognized.**

In order to achieve pay equity, job classes and their predominance must be identified, evaluated and compared. To determine the wage adjustments, the wage gaps between female-dominated and male-dominated classes must be estimated. This obligation also applies during the periodic evaluation for the pay equity audit carried out every five (5) years. The audit consists of identifying the events that have occurred in the company and in the job classes since the previous pay equity obligation. Newly created job classes must also be evaluated.

PAY EQUITY IN THE COMPANY CONSISTS OF:

- Identifying job classes.
- Determining the predominance (male, female or mixed) for each job class. Mixed (or neutral) job classes are not included in the application of the PEA.
- Taking into account all the characteristics of these jobs based on the four (4) major factors³ and the seventeen (17) sub-factors⁴.
- Identifying and comparing the salary of female job classes to male job classes of equivalent value.
- Correcting any wage gaps that may exist between the salaries.

The employer must ensure employees are informed of the results through postings. This was done in December 2010 for the 2010 pay equity audit evaluation. Then, on December 21, 2015, the employer made another posting for its 2015 audit evaluation. The posting for the 2020 audit is expected by June 30, 2021, at the latest. This posting will confirm whether salary adjustments have been identified by the Treasury Board. This posting must be read carefully in order to confirm whether all the changes during the reference period⁵ have been taken into account. If not, please inform your union.

³ The qualifications required, the responsibilities assumed, the effort required and the working conditions.

⁴ <http://www.fppe.ca/wp-content/uploads/2017/02/Systemevaluation.pdf>

⁵ Audit 2020: reference period December 21, 2015, to December 20, 2020.

THE EVALUATION SYSTEM

The job evaluation system is specific to each company; it must be non-discriminatory and include four (4) major factors provided for in the Act: **effort, responsibilities, qualifications and working conditions**. The system used for the companies of the FPPE-CSQ members contains seventeen (17) sub-factors grouped under the four major factors. Each sub-factor includes a definition of the aspects to be measured as well as levels to assess progress among them. Sub-factors can measure a variety of variables such as frequency, intensity, duration, etc. Each level indicates the extent to which a sub-factor is present in a given job class. It is therefore normal for female-dominated job classes to achieve high levels for some sub-factors and not for others, and vice versa.

THE EVALUATION SYSTEM - WEIGHTING

The weighting given to the four (4) major factors and the resulting sub-factors in the pay equity process varies. For example, the value for the major factor “Effort” is 29.4%, the value for the major factor “Responsibility” is 26.9%, the value for the major factor “Qualifications” is 35.9% and the value for the major factor “Working Conditions” is 7.9%.

EMPLOYMENT GROUP SHARED WITH ANOTHER UNION ORGANIZATION

For the majority of the professional job classes we represent, the FPPE is the majority group and our influence is decisive. Some smaller groups, however, are better able to support changes and arguments, such as professionals in the college sector.

For certain job classes, we are in the minority and it is the professionals of the FPPE who enhance the arguments of the majority group, such as health professionals who are affiliated with the Alliance du personnel professionnel et technique de la santé et des services sociaux (APTS). These include psychologists, speech therapists, psychoeducators, occupational therapists and social workers.

INITIAL EXERCISE, THE PAY EQUITY PROGRAM

According to the PEA, the initial exercise must be carried out by a pay equity committee. The CSQ and other labour organizations were members of this committee. Thousands of women working in education, colleges, and health and social services have received wage adjustments as a result of this program.

The pay equity program was finalized in 2006. However, the pay equity committee took into consideration the profile of jobs from 2001, as prescribed by law. The Pay Equity Committee analyzed each of the predominantly female and male job classes, including the duties of professional women, based on the four (4) factors and seventeen (17) sub-factors⁶. For each sub-factor concerned, the committee considered the characteristic tasks, i.e., those that are usual and not those that are required on an exceptional basis. The committee also considered which were most representative, tasks carried out on a regular or recurring basis. However, since some sub-factors measure variables on a scale of exposure, the tasks, responsibilities, qualifications or working conditions were measured according to their degree of incidence.

⁶ <http://www.fppe.ca/wp-content/uploads/2017/02/Systemevaluation.pdf>

PAY EQUITY AUDIT

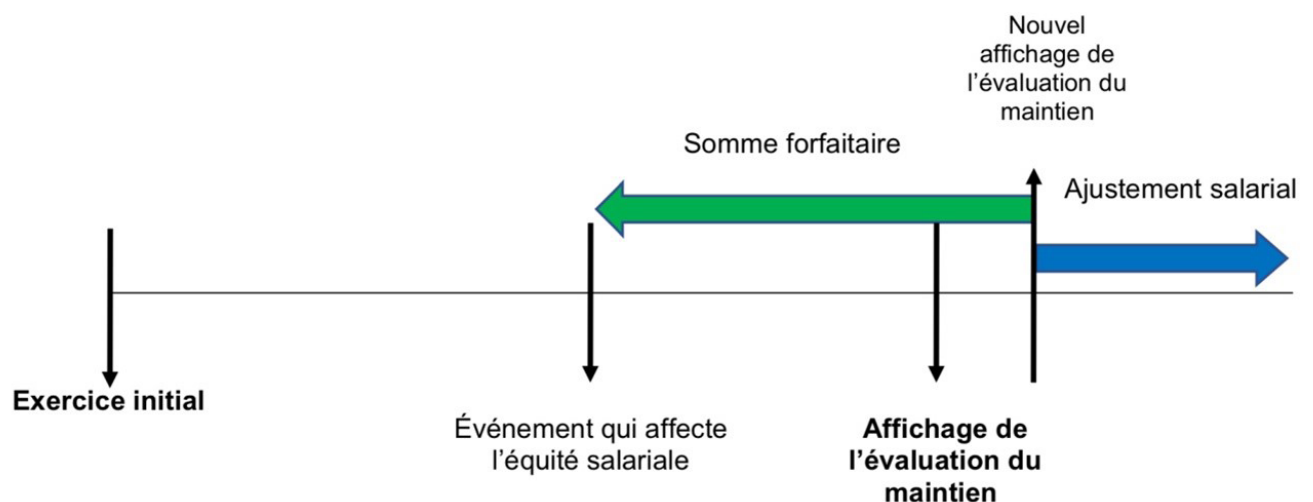
The Pay Equity Act requires employers (including the Treasury Board) to periodically evaluate, every five (5) years, the Pay Equity Audit in their company. They must ensure that they do not recreate wage gaps that discriminate against female-dominated job classes. The Treasury Board (TB) must therefore identify whether there have been changes or events during the reference period in the job classes, whether with respect to their identification, predominance or duties and, if so, compensate salary adjustments accordingly. The audit cannot be postponed unless, of course, the employer applies to the CNESST for authorization to carry out its obligations, such as the participation process and posting, at a later date. In fact, on October 7, 2020, the Treasury Board asked the CNESST for an extension of the deadline⁷ to produce its 2020 audit posting later than expected (December 20, 2020). The CNESST authorized the TB to complete its posting by June 30, 2021, at the latest.

When it is found that there have been events or changes in tasks that may affect the evaluation of a job class, it must be verified whether this will have an impact on the value (score) of that job class. If the changes have an impact on the value of the job class, we will be able to see if this new evaluation has an impact on the classification. When the professional changes classification, a salary adjustment will be made to close the salary gap. Consequently, the salary of the predominantly female job class concerned will have to be adjusted retroactively⁸.

WAGE GAPS

For the 2020 audit, two types of wage adjustments are planned for the correction of wage gaps⁹:

- **Lump sum:** Any amount owing for the **period prior** to the date of the new audit evaluation posting must be paid in the form of a lump sum, which the employer must consider for the purposes of benefit plans. This amount must be paid no later than ninety (90) days after the date of the first posting or from the date on which the first posting was to take place.
- **Salary Adjustment:** Any amount owing for the **period following** the new posting is paid as a salary adjustment. It is due at the time of the new posting or from the date on which the first posting was to take place.



⁷ RLRQ. C. E-12.001, Section 101.1.

⁸ **2010 Audit:** The salary adjustment will be effective December 31, 2010, with interest. This amount is part of the remuneration and must be taken into account in the application of benefit plans, such as the pension plan (RREGOP).

2015 Audit: The salary adjustment will be in effect as of the new posting of March 21, 2016, with interest. This amount is part of the remuneration and must be taken into account in the application of benefit plans, such as the pension plan (RREGOP).

2020 Audit: For the 2020 audit, the employer must apply the new legislative measures which state that in the event of a salary correction, it must be retroactive to the date of the event. However, if the event occurs during the reference period, the salary adjustment will be in the form of a lump sum which will be considered for the purposes of benefit plans. The salary adjustment will be applied only during the new posting. It should be noted that the CSQ has contested certain amendments to Bill 10, in particular the retroactive date of the amounts. <http://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-10-42-1.html>.

⁹ <https://www.cnesst.gouv.qc.ca/sites/default/files/documents/dc200-1590web.pdf>

LUMP SUM

The employer (Treasury Board) may decide to distribute the lump sum payment over a maximum of four (4) years following the new posting¹⁰. Interest is added to the payments. The amounts of each of the payments must be equal and the payments must be made annually. This amount is part of the remuneration and must be taken into consideration for the purpose of benefit plans, such as the pension plan (RREGOP).

If a lump sum is to be paid to an employee and that person leaves the company, two situations are possible:

- **If the employee has left the company** at the time of the new posting, the employer must notify her/him in writing and pay the full lump sum. It is not possible to make several payments.
- **If the employee leaves the company** during the adjustment period provided for the lump sum due, the employer must pay the employee the balance of the lump sum, as well as the interest owed, no later than fifteen (15) days after her/his departure.

Unlike the adjustments for the initial fiscal year and the lump sum, the salary adjustment resulting from the pay equity audit evaluation cannot be spread out. It is due at the time of the new posting or on the date on which the new posting was to take place, that is, no later than ninety (90) days after the anniversary date of the audit. Salary adjustments usually take the form of an increase in base salary¹¹.

THE 2010 AUDIT¹²

On December 20, 2010, the Quebec Government **solely evaluated the 2010 Audit** for public sector employees. The FPPE-CSQ questioned the government on its approach and analyzed the relevant documentation to understand the employer's results. Following this exercise, complaints were filed for two (2) job classes by FPPE-CSQ-accredited associations with the CNESST concerning predominance and complaints were filed for thirteen (13) job classes by FPPE-CSQ-accredited associations with the CNESST concerning job evaluations.

Between 2010 and 2019, several attempts at conciliation between all the labour organizations that filed complaints and the Treasury Board were made that did not result in an agreement. The CSQ was present as well as a representative from each federation concerned. Several factors contributed to this deadlock, including the stinginess of the Treasury Board, competing interests, the union reorganization imposed in the health sector by the merger of the CISSS, and finally the Treasury Board's desire to settle all complaints, including those of a general nature that were filed by other union organizations. The last conciliation period was from July 2019 to January 2020. This period of one hundred and eighty (180) days was governed by the Pay Equity Act. At the end of this period and having found that no agreement between the parties was reached, the CNESST began its investigation process to render a decision on the complaints. The CNESST has divided the investigation into four (4) phases and for each phase, the parties will obtain a notice of decision indicating the CNESST's position. Following these notices of decision, the CNESST will make a final decision.

NOTICE OF DECISION :

1. Evaluation system (receipt of the notice of decision in the spring of 2020).
2. Predominance and identification of job classes (we are waiting for the notice of decision).
3. Evaluation of classes.
4. Estimated wage gaps.

When we receive a notice of a decision, it is still possible to provide additional information, new facts, or additional representations that could change the CNESST's decision. It will be up to the CNESST to consider whether or not to take our comments into account when making its final decision. At the end of its analysis, the CNESST will render its decision, which will include the four (4) advance notices of decision. If we disagree with this decision, we may contest it.

We are currently awaiting the second notice of decision. This second notice will rule on our two (2) predominance complaints.

¹⁰ RLRQ. C. E-12.001, Sections 69, 70, 72 and ss.

¹¹ <https://www.cnesst.gouv.qc.ca/sites/default/files/documents/dc200-159oweb.pdf>

¹² Reference period 2001 to 2010.

Important Dates Audit 2010

December 20, 2010: 1st posting

April 18, 2011: 2nd posting (new posting)

May 2011: Filing of complaints with the CNESST

2013 to 2017: conciliation

2017: End of conciliation

April 2018: Start of investigations

April 2019: Ongoing investigation suspended by the CNESST, following amendments to the Act

July 2019 to January 2020: Return to conciliation

January 2020: Return to investigation; the CNESST is investigating the entire 2010 audit evaluation carried out solely by the Treasury Board

May 27, 2020: 1st notice of decision by the CNESST concerning the evaluation system.

The evaluation system for the seventeen (17) sub-factors is non-discriminatory and compliant.

COMPLAINT AND STATEMENT

regarding the change in predominance in 2010

- Guidance counsellor (male)
- Education Consultant(mixed)

PREDOMINANCE

As part of the 2010 Audit, the FPPE-CSQ-accredited associations filed complaints for two (2) job classes to contest the predominance for guidance counsellors and academic counsellors.

- **The class of Guidance Counsellors (GC)** is considered to be male. However, we argue that the class should be considered as being predominantly female. The FPPE presented its arguments and filed reference documents with the CNESST investigators in February 2019. Since then, we have been waiting for the notice of decision. If the predominance is changed, there will be an impact on the estimate of the wage gap, since GCs were a male comparator. With the limited information we currently have on the CNESST investigation, we are not able to quantify the change in predominance in monetary terms.
- **The class of Education Consultants (AC)** is considered to be mixed. However, we argue that the job class should be predominantly female. The FPPE presented its arguments and filed reference documents with the CNESST investigators in February 2019. Since then, we have been awaiting the notice of decision. If the predominance is changed, the Treasury Board will have to evaluate this class because to date, there has been no jointly agreed evaluation for this job class.

JOB CLASSES

to be represented during the 2010 Audit Evaluation :

- Speech and Hearing Correction Officer
- Readaptation officer
- Librarian
- Preschool education consultant
- Guidance Counsellor
- Academic and Vocational Information Counsellor
- Communications Advisor
- Counsellor in Academic Training
- Counsellor in Reeducation
- Dietician - Nutritionist
- Orthopédagogue (Resource Teacher)
- Speech Therapist - Audiologist
- Psychoeducator
- Translator

JOB EVALUATION

2010 AUDIT

In order to ensure a rigorous job evaluation process, several PSEP professionals had, at the time the complaints were filed, completed questionnaires conducted by the PSEP. In accordance with the criteria set out in the Act and based on the job evaluation system, professional women were required to identify changes in their jobs during the reference period.

Then, for each of the thirty-five (35) job classes, the PSEPF validated whether or not the Treasury Board evaluation was representative of each job class, including the identification of the job class, its predominance and its evaluation. The PSEPF ensured that the changes identified by the professionals were taken into account. We also analyzed each of the changes in light of the seventeen (17) sub-factors and subsequently identified the sub-factors to be challenged. It should be noted that each change had to affect all professional women in the job category. This analysis was carried out in coordination with the Central Office and also with the other federations that had lodged complaints.

More specifically, here are four (4) examples illustrating the analysis conducted for certain categories of jobs in complaint and certain sub-factors. We remind you that the examples below are not exhaustive of our challenges and are only intended to illustrate these challenges.

EXAMPLE 1: LIBRARIAN (Class 239)

The contested sub-factor is: Sub-factor 3 Creativity.

Sub-factor 3 is used to assess the creativity typically required to perform the job tasks in order to solve the problems inherent in the job.

Creativity is part of a professional's typical job description. For a better understanding of this characteristic, we refer you to the preamble, pages in Roman numerals, of the 2006 classification plan. For most professional job categories, Level 3 Creativity has been recognized. Unfortunately, a simplistic view of the profession tends to associate the work of a librarian with tasks that conform to pre-established rules. However, with the professionalization of the profession and the tasks, roles and responsibilities of librarians, it is necessary to raise the evaluation level to 3. In particular, through their high level of creativity, librarians must meet the expectations of their colleagues, bosses and users in order to find tools that correspond to everyone's needs, thus enabling them to conduct documentary research.

Libraries have become much more than a place to lend books. They are now centres for learning, information sharing, collaboration and consuming information resources in a variety of formats.

The role of librarians is at the heart of these new libraries and the digital shift. These professionals need to transform the image of the school library to make its active role in student retention and scholastic success. Librarians need to design facilities to make libraries flexible and adaptable to their many uses. With limited budgets, these persons must be resourceful. Not only do librarians have to adapt or develop policies and procedures to ensure that libraries function well, they must also consider, develop and implement them.

In order to improve reading skills and educational success,

the Department of Education introduced an Action Plan for Reading in Schools (APP) in 2005. **This made the librarians' objectives to:**

- Provide school libraries with varied and quality resources.
- Support school boards to have access to specialized human resources in library science.
- Develop skills and strategies that lead to the development of sustainable reading habits in youth.
- Strengthen the link between school, family and community with regard to the importance of reading.
- Foster a regional dynamic in terms of community action and commitment to reading at school.

Librarians train, support and accompany school staff and develop materials or activities adapted to specific needs. Librarians must develop materials and approaches based on the success plans and educational projects of the schools where they are assigned. Librarians are now an integral part of the school team. For example, they are actively involved in the reflection and implementation of the plan to combat drop-outs and foster scholastic success, to get boys interested in reading, to encourage better use of the time spent in the library by groups, etc. They are called upon to find solutions and inspiring activities attuned to the skills being taught.

These professionals develop content, for example, the creation of teaching kits, album selections for the *Raconte-moi project*, activities, toolkits on the stages of a research project, the creation of a monthly library journal for teachers and students. They develop learning and assessment situations (LAS) to promote reading in all subjects as part of the reading success plan, create activities to improve library attendance that reach out to various stakeholders in the school and then set a mission and objectives on a three-year plan. They create projects to engage in and

promote reading, create new management practices in libraries to make them more efficient and closer to the real needs of the communities, and create projects to promote reading experiences, etc.

Librarians collaborate with school board teachers, principals, pedagogical advisors, psychoeducators, speech therapists and other personnel to develop training, activities and content related to the needs of the personnel and the program. Their work requires the creation and not just the adaptation of existing documentation. They are at the heart of the staff update provided for in Phase 2 of the Action Plan for Reading in School (2008) regarding the new role of the school library.

Librarians are developing training courses on the logistical organization and flexible layout of libraries. They also act as research support for school board staff (methodological processes, training on copyright, digital books, etc.).

With these changes, librarians in particular are making greater use of their creativity. Thus, we consider it essential to recognize the change in level for the creativity sub-factor.

EXAMPLE 2: SPEECH THERAPIST (CLASS 13)

We remind you that the example below is not exhaustive of our challenges and is only intended to illustrate these challenges.

The contested sub-factor is: Sub-factor 9 Responsibilities

Sub-factor 9 is used to assess the responsibilities of the job with respect to the activities and work of others, both paid and unpaid.

The Speech Therapist indicated that they had to integrate training for various special education practitioners into their daily practice, which already involved training for parents and training for members of their team (language correction counsellors, technicians, teachers and remedial teachers). For example, since the arrival of the ACS “intervention strategy in language development” in 2006, speech therapists are called upon regularly to train and support this technical staff. More formally since the amendment to *the Professional Code*, they now assume ethical responsibility for implementation of the intervention plan.

First of all, it must be specified that the job tasks now require the training of other persons.

- ↳ This is a direct result of the organizational and legal changes (Law 90) that took place during the reference period (2001-2010). This is not a quantitative increase in training responsibility, but rather a change in the organization of the task.
- ↳ Not only does the increase in the number and complexity of clients mean that speech-language pathologists must train individuals to do the follow-up that they no longer have the time to do, but also the obligation to devise and oversee the implementation of intervention plans (Bill 90) now makes these training and supervision tasks mandatory. We are not talking about team coordination, which occurs on an exceptional basis, but about training and support for other stakeholders.

The implementation of the intervention plan always involves raising awareness and training family members and caregivers who are involved with the child on a daily basis (e.g. parents, teachers, SETs (special education technicians), daycare staff, etc.). During the reporting period, the evidence is increasingly clear that S-LPs need to be concerned about the education of communication partners in relation to the effectiveness of their interventions. The interventions carried out in this sense are therefore much more systematic.

For each student that she follows, the Speech Therapist must analyze, prepare and write an intervention plan and explain and train the various interveners on how to apply it and intervene with the child. Examples include training them in incidental teaching (a method of stimulating language) or training them to act as repeaters (to continue activities with the child). Speech and language therapists try to train all significant people to intervene adequately with the child so that they do not cause other problems. For example: the child no longer wants to communicate, or develops stuttering, behavioural problems, etc. In the comments below, we also note the regular accompaniment that follows the training. This is not one or two isolated meetings but a regular follow-up.

In addition, due to a lack of resources, Speech Therapists are increasingly required to train other staff (teachers, SETs, parent volunteers, etc.) to implement the treatment plan and to do follow-up, which they no longer have the time to do intensively (their time being largely taken up by assessment).

They must also train the other interveners (teachers, special education teachers, SETs) to detect language difficulties, which are sometimes more subtle, i.e., problems of comprehension, pronunciation issues, semantic problems. Classes can be held in groups or even individually. Indeed, we often see language problems limited to the articulation or organization of the sentence, which can be detected easily. Language is much broader and includes components such as comprehension, language content, and usage that may go unnoticed at first glance, but can lead to significant learning or social relationship problems.

Since 2002, school boards have also developed different types of specialized classes to meet the needs of children encountering difficulties (such as language classes, developmentally delayed classes, TEACH-type classes, etc.), which also require effective knowledge of the target clientele in order to offer a service adapted to the needs of students and teachers. When students encountering difficulties cannot benefit from such services, they are integrated into regular classes and the speech-language pathologist must ensure that interveners understand the problems of the children they are receiving. This involves the development of customized training for practitioners.

Speech Therapists are increasingly seen as advisors in the education community.

THE FOLLOWING EXAMPLES ARE TAKEN FROM THE RESPONSES RECEIVED BY SPEECH THERAPISTS. THESE HELP US JUSTIFY OUR RATING REVISIONS:

- ◆ *Coaching and training of the SET were then very important throughout the time the SET was working with our student. A/CS*
- ◆ *At our S.B., the ACLs and SETs attend speech and language interventions in order to resume their prior activities. B/CS*
- ◆ *I train the Special Education Technicians (SETs) who work with the students in my special education (language/dysphasia) classes. C/CS*
- ◆ *SET: I provide them with training at the beginning of the year to apply certain objectives of the speech*

therapy intervention plan, prioritize the objectives to be worked on, provide materials and activity ideas, and offer them ongoing support throughout the school year. D/CS

- ◆ *As we have a language technician in our SB, she must be trained by us, and offered the details and explanations of the intervention plans, etc. E/CS*
- ◆ *Yes. Our service includes two special education technicians who implement an intervention plan determined by us for kindergarten students. So, for each child, we determine the objectives to encourage. We suggest activities for them to do. They remain under our supervision. We have regular exchanges with them. F/CS*
- ◆ *Since the implementation of our collaborative consultation model, we have been training and supporting special education technicians, especially in team meetings, where the teacher, the technician and the resource teacher are brought together to discuss the adjustments that need to be made to support the student. In our school board, the SETs very rarely do exercises with a student outside class. G/CS*
- ◆ *Yes, I've had to do it for many years. Firstly, I had to evaluate the students to determine their language needs. This increased my workload because I had to do more evaluations (in order to be able to "provide students" to the technician for the language meetings, to fill her "caseload" in addition to mine). Then, I had to choose students, present them (profile, needs, particularities...) to the technician in order to orient her, and train her with regard to the objectives she would need to work toward with the student. I remained available to answer any questions she might have along the way. Sometimes I also had to respond to school officials regarding the students seen by the technician. Most of the administrative tasks related to the students seen by the technician were my responsibility. H/CS*
- ◆ *I had to train special education technicians to take over the objectives sought in speech therapy. Procedure:
 1. *I prepared the meeting with the educator and the material required, based on the student's speech and language intervention plan.*
 2. *I met with the educator to explain the objective pursued for the specific student, presented her**

with the material and explained how to use it.

3. She participated in a few speech therapy sessions with the child so that I could show her how to deploy the activities and stimulate the targeted language behaviour.

4. Every week, I would see her to ask about progress and give her more material. I/CS

◆ *JI have to work with SETs that repeat the exercises I give to the students. I make sure that the SET understands how to provide stimuli, how to correct the child when he or she makes a mistake. Often, the SET attends a meeting with the child I am in charge of to use as a model. Then I provide him/her with the materials that he/she needs to use as the child progresses, similar to what I would do with his/her parent. J/CS Capitale*

◆ *Yes, we had to perform many evaluations to target the children who could work with the technicians. Then, we needed to make a list of objectives and train them. We had to answer their questions and make sure the information they were giving parents and workers was accurate. Meet with them to follow the children's progress. K/CS BE*

◆ *Yes, as an example, in 2009-2010, I had to directly supervise a technician. In the beginning, I prepared the speech and language intervention plans and organized the files. We spent an entire week together so that I could train her, explain and show her what to do. Afterwards, we had a weekly (half-day) meeting, in addition to the questions I had to answer on a daily basis. L/CS VDT*

◆ *In 2006-2007, I worked with special education technicians. For the clients we had in common, the SET was sometimes present at my interventions and we would then discuss how she could take over working toward the objective herself during the week. The principal wanted the SETs to do language interventions, so I had to train the registered SETs. M/CS MB*

◆ *Support for SETs coaching severely dysphasic students (code 34) in understanding and implementing the speech and language intervention plan. N and O/CS HC*

◆ *We sometimes coordinated services with technicians and attendants to continue work throughout the week, since we could only be there once a week.*

The Speech Therapists must now train more than three (3) people on a regular basis. Indeed, as mentioned earlier, this obligation to develop an intervention plan affects every student the Speech Therapist sees in a week. Since she generally works in several schools, she sees a large number of workers whom she is obliged to train to implement this intervention plan. In addition to this training, there has been a significant increase in the number of interns and the training of these students.

In fact, between 2001 and 2010, Speech Therapists were required to supervise an increasing number of trainees following the significant increase in cohorts at the Université de Montréal and Université Laval in order to compensate for the shortage of previous years (approximately 6,000 additional days of internships per year in speech therapy in 2010 compared to 2001).

With these changes, we believe it is essential to increase the evaluations of the sub-factor categories responsibility for supervision and coordination of individuals.

EXAMPLE 3: COUNSELLOR IN ACADEMIC TRAINING (Class 1502)

We remind you that the example below is not limited to our findings and is only intended to illustrate these findings.

The contested sub-factors are: Sub-factor 10 Vocational training and sub-factor 11 Work experience.

Sub-factor 11 is used to assess the minimum post-graduate experience required for the normal performance of the job duties. This experience is gained through employment in any job-related work or work in a similar field, or in any other relevant work or life experience that provides normative or practical knowledge. It includes the minimum necessary familiarization.

In 2001, there was a job class (Class 2) for female guidance counsellors and academic training counsellors. On October 2, 2006, the Treasury Board split Class 2, giving rise to Class 1502: academic training counsellor. In this new category, the Treasury Board grouped the jobs of those who were not members of the Ordre des conseillers et conseillères d'orientation du Québec and who, therefore, did not have the right to use this reserved title.

For the Treasury Board, this event modified the evaluation of **sub-factor 10** for academic training counsellors, which explains the rating of 8 for a Bachelor's degree versus the rating of 10 for guidance counsellors who are required to have a Master's degree. The Ordre des conseillers et conseillères d'orientation du Québec requires a Master's degree to be admitted to its ranks. For other professionals classified in Class 1502, a Bachelor's degree in vocational guidance is sufficient to perform their duties. On the other hand, the Treasury Board did not take into account the necessary two to three years of experience and initiation to acquire normative or practical knowledge that would allow the normal exercise of the duties of academic training counsellor.

In this example, the event is the split of the job class. Our argument is that, in the evaluation guide, sub-factors 10 and 11 should be considered as a whole. The choice of level in sub-factor 11 should be made, taking into account the level retained in sub-factor 10. If the training score is reduced, the Experience and Initiation sub-factor should certainly be increased. In this context, it is essential that sub-factor 11 be revised upwards in order to properly evaluate the duties and responsibilities of this job class. We also add that the profession of academic training counsellor is one that requires time to learn the workings of the trade, along with great rigour and meticulousness in order to develop the correct ways of doing things, particularly in terms of intervening in a supporting relationship with young and adult students in order to help them get to know themselves and evolve in relation to their needs and aptitudes. We consider it essential to require more than 2 to 3 years of experience.

The job evaluation system should not only take into account formal professional qualifications because they are easily measurable, as recognition of experience is equally important for equity reasons.

EXAMPLE 4: PSYCHOEDUCATOR (CLASS 226)

We remind you that the example below is not limited to our findings and is only intended to illustrate these findings.

The contested sub-factor is: Sub-factor 17 Inherent risks.

Sub-factor 17 is used to assess the risks to mental or physical well-being that may be encountered in the normal performance of work duties, taking into account the dangerous nature of the situations and exposure to them.

The increase in the number of students with difficulties (ADHD) has changed the tasks and responsibilities of psychoeducators. In fact, at least half of the time, and sometimes almost all of the time, psychoeducators must intervene with a clientele whose reactions are difficult to predict. In particular, when psychoeducators intervene in specialized classes, their physical and/or mental health may be affected. Because each case is different and complex, psychoeducators are constantly in hyper-vigilant mode in order to detect threats.

Clients with Autism Spectrum Disorders (ASD) and Pervasive Developmental Disorders (PDD), for example, require more time than students without difficulties. The students present very complex problems that cause the psychoeducator to have a hard time understanding them because of the difficulty and complexity in communicating (Asperger's), as well as issues of paranoia (mental health). Psychoeducators must understand these diagnoses in order to develop approaches adapted to the clientele. Sometimes, psychoeducators must consult several professionals as well as the student's physicians in order to correctly align their interventions.

They must constantly find new ways to support this clientele and new means to enable them to overcome the difficulties inherent in education. Psychoeducators must therefore constantly adapt their approaches in order to facilitate students' understanding of their own problems while maintaining a permanent state of alert, since the reactions of students with ADHD are unpredictable. It is not uncommon for psychoeducators to be punched or kicked during an intervention such as a "time-out". Others have students who literally jump on their backs or who bite them. Although the violence is physical, it often has psychological consequences. Their physical and psychological well-being is often threatened.

The increase in the number of students with ADHD and the complexity of the cases have changed the tasks and responsibilities of psychoeducators:

- Increase in special class work, following the Report of the Expert Panel on the Modernization of Professional Practices in Mental Health and Human Relations (Trudeau Report), which is more demanding work but is not considered as such.
- There is much more intervention work (time-outs, restraint measures, crisis interventions, etc.) since the 2006 Classification Plan. The directorates now call on them for these interventions. See Tessier (2004) and the adoption of policies and protocols on this subject in school boards.

In order to demonstrate that students with ADHD are indeed more present in schools, here is the data taken from the following source: MELS, SPRS, DSID, Information portal, Charlemagne system, data as of 2012-01-27.

For high school students with Autism Spectrum Disorders, we have seen an increase of 319% from 2003 to 2011, from 664 diagnoses to 2,781.

There is a constant increase that varies from 18% to 28% annually.

We therefore wish to have the stress recognized due to the type of clientele as well as the damage to mental and/or physical health recognized.

The increase in the number of students with ADHD and the complexity of the cases represent a change for the psychoeducator job class. These changes have had an impact on the evaluation of the job class, including inherent risk.

For each of the representations, the CNESST investigators will evaluate and interpret our arguments regarding changes to certain sub-factors in light of the principles established by case law and comparable jobs.

Finally, our main challenge for the 2010 Audit is to ensure that we have all the information about the changes as well as the evidence to support our claims.

THE 2015 AUDIT¹⁴

On December 21, 2015, the Quebec government independently evaluated the 2015 Audit for public sector employees. The FPPE-CSQ questioned the government about its approach and conducted the necessary analysis of various documents to enable us to understand the results of its work. Following this exercise, several complaints were filed by FPPE-accredited associations with the CNESST regarding existing job classes, involving changes in predominance or evaluation. In addition, complaints have been filed for the creation of job classes. As the 2010 Audit is ongoing, the CNESST investigators will not process any 2015 Audit files until the end of the 2010 Audit. We are currently awaiting decisions on the 2010 Audit before proceeding with the 2015 Audit.

IMPORTANT DATES 2015 AUDIT¹⁴

December 21, 2015: 1st posting

March 21, 2016: 2nd posting

May 2016: Filing of complaints with the CNESST

2020: CNESST informs us that the 2015 audit complaints will be dealt with in a second phase after the 2010 audit complaints.

¹⁴ Reference period 2010 to 2015

JOB EVALUATION

To ensure a rigorous job evaluation process, several FPPE professionals were released for several months to act as guides for the employees surveyed. These employees surveyed were required to complete a survey questionnaire. In accordance with the criteria set out in the Act, professionals were required to identify changes to their employment and the date of those changes (e.g., reserved activities at PL 21 for speech therapists, responsibilities for the anti-bullying plan at PL 56 for psychoeducators).

EMPLOYMENT GROUPS SUBJECT TO COMPLAINTS IN 2015

PREDOMINANCE COMPLAINT

- Spiritual Care and Guidance, And Community Involvement Animator (mixed)
- Guidance counsellor (male)
- Education Consultant (mixed)

JOB CLASS CREATION COMPLAINT¹⁵

- Archivist
- Accountant
- Art Therapist

EVALUATION COMPLAINT

- Finance Officer
- Librarian
- Guidance Counsellor
- Orthopédagogue
- Speech Therapist
- Psychoeducator
- Psychologist

THE 2020 AUDIT¹⁶

The 2020 audit is the third audit. The reference period is from December 21, 2015, to December 20, 2020. The FPPE, in collaboration with its affiliated unions, is currently analyzing, for all job classes, the changes¹⁷ that occurred during the reference period as well as a change in predominance, as the case may be, and the creation of a new job class.

The April 2019 legislative amendments added an additional step prior to the posting of the results of audit evaluations in cases where the employer conducts the evaluation independently. Thus, as the Treasury Board plans to perform its 2020 audit alone, it must set up a participation process with the objective of sharing information with the union organizations concerned. This process should be completed by the end of April 2020 at the latest.

The FPPE, in collaboration with the other federations and the CSQ, is preparing for this participation process.

Next June¹⁸, the Treasury Board, through the School Service Centres, will post the results of its 2020 audit evaluation. If the first posting is not compliant with the changes identified during the reference period, please inform your union.

The FPPE, in collaboration with its affiliated unions, will ensure that the rights and recourses of its members are respected in this upcoming audit evaluation.

¹⁵ Sections 54 and 55 of the Pay Equity Act

¹⁶ Reference period 2015 to 2020.

¹⁷ Examples of changes: changes to classification plans, changes to collective agreements (including letters of agreement) regarding working conditions or responsibilities associated with specific job classes, addition of new job groups (job classes), change in predominance (a majority of male workers becoming a majority of female workers), a mixed category becoming female, changes in directives, standards, practices, policies, laws, regulations and others.

The initial date was December 20, 2020, but the Treasury Board has asked the CNESST for authorization to post it later. The CNESST has granted a delay until June 30, 2020, at the latest.

IMPORTANT DATES THE 2020 AUDIT

Participation process (60 days prior to posting)

June 2021: 1st posting

August-September 2021: 2nd posting

October: Filing of complaints with the
CNESST, if necessary

THE IMPORTANCE OF THE PAY EQUITY ACT

The primary objective of the Act is to eliminate systemic wage discrimination against predominantly female job classes. It is clear that gender parity in the labour market is not being achieved at all levels. As for the average wage, even though the gap is narrowing, the average wage of women is still lower than that of men for the same or equivalent work. This case will not come to an end anytime soon and the FPPE, in collaboration with the CSQ, will continue to be active and vigilant to ensure that the rights and recourses of its members are respected.

Pay equity is a non-negotiable right. We will not back down on such an important issue. The right to a fair and equitable audit evaluation of pay equity for all professionals is one of our priorities. We must remember that pay equity is a fundamental right.

LET'S LISTEN TO WOMEN

COLLECTIF | International Day of
8 MARS | Women's Rights 2021

