



Quebec Government moves to fully enforce Pay Equity Act



Quebec's Pay Equity Act was passed into law in November, 1996, and has been in force since 1997. This Act redefines the rules for determining workers' salaries. Under the Act, employers have the obligation to ensure pay equity within their enterprise. They must compare job categories predominantly held by women with those held predominantly by men. This exercise will determine whether the characteristics of female jobs, that have been disregarded over the years, have resulted in the devaluation and lesser remuneration of female employment categories.

As of March 1, 2011, **all employers with six or more employees** must provide information annually in order to determine whether they:

- are subject to the Pay Equity Act;
- have completed their exercise; and
- have evaluated the maintenance of Pay Equity in their company.

Failure to Comply

Under Article 115 of the Pay Equity Act, **the employer who does not submit an annual declaration commits an offense and is liable to substantial fines.**

Up until now, fines were seldom, if ever, imposed. This is about to change. **The Commission de l'Équité Salariale's budget for inspectors and audits is expected to increase, over the next two years, by 75%.**

How to Comply

Complying is a lengthy and complicated process. Swift Human Resources personnel have attended workshops

and seminars offered by the Commission de l'Équité Salariale and have been fully trained in assessing employment categories, reflecting the correct aptitudes, qualifications and skills needed so that a fair and equitable wage can be determined.

Organizations that still haven't completed their first pay equity plan are well-advised to begin immediately, as adjustment payments can be retroactive to 2001 and will be subject to interest and possible fines.

When and How to File?

The time to file the DEMES (Déclaration obligatoire de l'employeur en matière d'équité salariale) will usually correspond to each company's fiscal year-end.

The Commission will contact employers directly through the mail in order to remind them of their obligations and when they should file their declaration.

Each employer subject to this law will have to fill out an online form relating to Pay Equity which can be found at the following address: <http://www.demes.gouv.qc.ca>

Employers will have to provide information requested by the commission, including:

- the Québec Enterprise Number (NEQ)
- the size of the company during a specified reference period
- the sector of activity in which the business operates
- the posting date of the Pay Equity Exercise (if applicable)
- the posting date of the evaluation of maintenance (if applicable).

Note that the DEMES (Déclaration obligatoire de l'employeur en matière d'équité salariale) is a separate obligation from the obligation to achieve Pay Equity and a separate obligation from the obligation to evaluate its maintenance.

EMPLOYERS' MANDATORY DECLARATIONS WILL ALLOW THE COMMISSION TO:

- obtain data on the level of progress of the implementation of the Pay Equity Act
- target its interventions in audit firms.

Maintenance

All Quebec companies that have already completed their pay equity declaration must update this declaration every five years. For this reason, **Swift Human Resources stresses that the pay equity law should be taken into account when creating new job descriptions and hiring new personnel.**

**Contact Us
Without
Delay**

