

**Fair Workplaces, Better Jobs Act, 2017 (Bill 148)****Equal Pay for Equal Work**  
***Frequently Asked Questions*****1. What does 'equal pay for equal work' actually mean?**

The intent of Equal Pay for Equal Work (EPEW) is to ensure employees who are performing substantially the same work, regardless of sex or employment status (e.g. full-time; part-time; seasonal) receive the same rate of pay. Within the Act, 'substantially the same' means work that requires the same skill, effort, responsibility and is performed under similar working conditions in the same establishment.

**2. Are there any exceptions to the Equal Pay requirements?**

Yes. Exceptions are permitted under the Act in the following circumstances, even if the work being performed is substantially similar to a comparator role:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production;
- Any difference that is not based upon sex or employment status.

**3. Will all part-time employees automatically receive a pay increase as of April 1<sup>st</sup> due to the Equal Pay requirements?**

No. The College is currently in progress with reviewing part-time work based upon the Act's four criteria:

- Skill
- Effort
- Responsibility
- Working Conditions

In order to be eligible for an Equal Pay rate adjustment, the non-full-time work must be substantively similar to the comparator role in all four criteria. Essentially, what Equal Pay for Equal Work intends to achieve is an "apples to apples" comparison of the work.

Example #1: A full-time Accounts Payable Representative and a non-full-time Accounts Payable Representative doing the same scope of work with the only difference being the non-full-time employee works fewer weekly hours. The Act ensures the non-full-time employee is not paid less than the full-time employee.

Example #2: A full-time Technologist and a non-full-time Technologist in the same academic program. While both roles require the same Skill (education/training/experience) and the work is performed under substantially similar Working Conditions, there are core duties within the scope of the full-time role which are not resident to the part-time role. In this scenario, there would be no equal pay requirement because the two roles are not doing substantially the same work with respect to Effort and Responsibility.

**4. How will I know if my Support Staff pay will be impacted as a result of Equal Pay for Equal Work?**

Communication to part-time support staff employees receiving an EPEW adjustment will begin on April 13<sup>th</sup>. This communication will be done by email and will contain specific details of the rate adjustment, the associated comparator role and the timing for when you will see the changes on your payroll deposit and pay stub.

PLEASE NOTE: The initial phase of support staff EPEW review activity represents a significant undertaking which the College currently anticipates will be completed on/before the end of May 2018. Communication to employees confirmed for an EPEW rate adjustment will be done as soon as the review results are available.

**5. I am a part-time Support Staff employee. What happens if my work is not considered to be substantially the same as a full-time comparator role at Fleming College?**

If the part-time support staff work you currently perform was not considered substantially the same as a full-time comparator role, no pay rate adjustment is required.

Please remember that part-time support staff workers were recently certified by the Ontario Public Service Employees Union (OPSEU). Provincial bargaining between the College Employer Council and OPSEU will commence over the coming weeks to establish a collective agreement for the new bargaining unit. The collective agreement will then guide employment terms and conditions for part-time support staff. The bargaining process will also address how job evaluation is to be administered for the new bargaining unit.

**6. I am a part-time Support Staff employee who occasionally is scheduled to work more than 24 hours in a week. Previously, when I worked more than 24 hours in a week, my pay rate was increased to the full-time rate. Will I still be eligible to receive the full time rate when I work more than 24 hours in a week even if my job was not approved for an equal pay adjustment?**

Currently, the College and OPSEU Local 351 have a signed local Memorandum of Understanding (MoU) which governs the employment terms and conditions for part-time support staff who temporarily work more than 24 hours in a week. The workplace parties have agreed to maintain the terms of the current MoU until the first collective agreement for the new part-time support staff bargaining unit is established. As a result, you will continue to receive the full time rate when working more than 24 hours in a week until further notice.

**7. Are the pay rates for bargaining unit employees affected by the Equal Pay legislation?**

The pay rates for full-time bargaining unit employees are not affected by the Equal Pay legislation.

For non-full-time bargaining unit employees (e.g. Partial Load faculty), there is a statutory transition period within the Act. Provided the non-full-time employees are covered by collective agreement that was in force before April 1, 2018, the employer has until January 1, 2020 or the expiry date of the collective agreement (whichever is earlier) to ensure the equal pay requirements of the Act are addressed.

**8. I am a part-time support staff employee and I have not yet received an individual communication to advise me of an equal pay rate adjustment. Am I able to ask a question about my status within the EPEW process?**

Yes, however, please remember the overall support staff EPEW reviews represent a significant undertaking which the College currently anticipates will be completed on/before the end of May 2018. Your patience is greatly appreciated and we ask that you refrain from making your inquiry until after the end of May. At that time, you may submit your initial inquiry to [payroll@flemingcollege.ca](mailto:payroll@flemingcollege.ca) using the subject line "Bill 148 - Equal Pay Question".

**9. I have been advised that my part-time support staff job is not eligible for an equal pay rate adjustment. I'm confused by this because, when I work more than 24 hours in a week, I am paid the equivalent full-time support staff rate. Does that not automatically mean my part-time support staff work is equal to a full-time support staff role?**

No. Currently, the College and OPSEU Local 351 have a signed local Memorandum of Understanding (MoU) which governs the employment terms and conditions for part-time support staff who temporarily work more than 24 hours in a week. When this MoU was first agreed to by the workplace parties, the full-time and part-time support jobs were evaluated using the same job evaluation system. That system utilized a numeric coding system (pay bands 1-15). In 2007, a new job evaluation system was introduced for full-time support staff for all Colleges in Ontario. This new system utilizes an alpha coding system (pay bands A-L). The workplace parties maintained the existing MoU which meant a mapping tool had to be developed to transfer numeric pay band information over to a pay grid that featured alpha identifiers for pay band information. The mapping tool (which can be found [here](#) on the HR webpage page under the Support Staff Employee Group link) is strictly an administrative tool that is used for ease of maintaining the existing MoU provisions; it is **not** reflective of a job evaluation determination.

**10. Where can I obtain more information regarding Fleming College's implementation status for Bill 148?**

You may refer to the [Bill 148](#) webpage on the College's portal for additional information regarding our project status.