

1996

Adoption of the *Pay Equity Act* in Quebec.

1997

Implementation of the *Pay Equity Act*.

2001

Obligations imposed as of November 21, 2001, with retroactive application.

2004

MAJOR TURNING POINT
The Julien ruling

2005

Pay equity in enterprises where there are no predominantly male job classes.
Adoption of the Regulation

- The Treasury Board attempted to sidestep its obligations (Chapter IX).
- Thanks to union action, the chapter was struck down.
- Justice Julien ruled that the effectiveness of the law depended on three key elements:
 - employees’ right to information
 - their active participation
 - access to effective recourse in cases of dissatisfaction with the outcome

2006

LEGISLATIVE AMENDMENT

Introduction of Article 21.1

Established the membership structure of the pay equity committee for the semipublic sector.

This process sought to rebalance the power dynamic between employers and employees—an essential step towards achieving true pay equity.

2009

LEGISLATIVE AMENDMENT

Introduction of the pay equity audit every five years

May2009, previously continuous.

2007

Pay equity in enterprises where there are no predominantly male job classes.

- Regulation came into effect.
- The retroactivity fixed to 2007 rather than 2001 was deemed reasonable by the Supreme Court, given the complexity of the issue.
- This affected RSEs and CPEs associated with the FIPEQ-CSQ and certain companies within the FPSES and FSAC.

Constitutional challenge

Filed by CUPE-FTQ, APTS, and FIQ, who sought to have the chapter on maintenance struck down.
Criticisms focused on:

- the lack of information made available to workers and accredited associations during the proceedings
- the lack of retroactivity in wage adjustments

2014

UNION VICTORY

The Superior Court of Quebec rules in favour of unions.

2018

UNION VICTORY

The Supreme Court upholds earlier decisions and sets May 10, 2019, as the deadline to amend the law.

The Court concluded, in particular, that:

- The absence of retroactivity in pay adjustments to the date of the event perpetuates wage inequalities for women.
- The incomplete posting requirements deprive employees and unions of essential information needed to contest employer decisions.
- The burden of proof should not fall on employees.
- These factors reinforce the imbalance of power between workers and employers.
- The five-year frequency is not unconstitutional.

2016

UNION VICTORY

The Court of Appeals upholds this ruling.

2019

PL10

Bill 10

On April 10, 2019, the *Pay Equity Act* was amended to comply with the Supreme Court ruling. Bill 10 introduced several changes, some of which went beyond what was required.

Main amendments:

- the participation process
- the requirement for publishing results
- the correction of wage gaps as of the date of the event (through lump-sum and wage adjustments)
- the framework for handling complaints
- transitional and final provisions



What about complaints filed before Bill 10?

For complaints filed before 2019, the previous law still applies. The principle of non-retroactivity to the date of the event remains in effect. Even individuals who brought their cases before the Supreme Court did not see corrections applied to the actual date of the events.

For companies that requested additional time to complete their assessments or for those behind schedule, the new provisions of Bill 10 will apply only at their next compliance deadline.

In the public and semipublic sectors:

- Processing complaints from 2010 and 2015, consolidated where applicable, will not be subject to retroactivity to the date of the event.
- Companies will be subject to the provisions during their next assessment.

Other notable legal actions in the public sector

Certain CSQ federations are challenging, before the Labour Relations Board (LRB), the CNESST's decision regarding the identification, predominance, or evaluation of certain job categories during the 2010 audit.

The Treasury Board has requested a review of an LRB decision concerning the job evaluation system, particularly the recognition of specialized nurse practitioner training.

Ongoing legal actions

Following Bill 10, the CSQ and other unions filed a constitutional challenge with the Superior Court of Quebec.

The challenge seeks, in particular, to obtain the following:

- all adjustments take the form of a wage adjustment rather than a lump-sum payment
- retroactive salary adjustments to the date of the discriminatory event, including for past audits (e.g., the 2015 audit of the semi-public sector)
- recognition of the authority of accredited associations to handle complaints during conciliation or investigation

This case, which is still ongoing, will have a major impact across all public and private sectors.

2020 administrative measure Maintenance audit

Following agreements reached by other unions, the CNESST administratively closed portions of the 2020 audit and complaints related to several CSQ federations.

Along with the FPPC-CSQ, FPPE-CSQ, FPSES-CSQ, FPSS-CSQ, FSQ-CSQ, FSE-CSQ, and APEQ, the CSQ is currently contesting this decision.