# **How to develop your**

# **Pay Equity Act Notice**

Under federal pay equity law, you must post a notice that is accessible to all of your employees **within 60 days of becoming subject to the Pay Equity Act** (the Act). This notice will inform employees of your obligation to create a pay equity plan and, if applicable, to set up a pay equity committee.[[1]](#footnote-1)

If you were subject to the Act when it came into force on August 31, 2021, your deadline to post the Pay Equity Act Notice is **November 1, 2021.**

You may write your own notice or use one of the notice templates found in the Templates section of the Canadian Human Rights Commission’s website for pay equity at [www.payequitychrc.ca/en/templates](https://www.payequitychrc.ca/en/templates). The default notice template is for workplaces that will be establishing a single pay equity plan. An alternative notice template exists for workplaces that have been authorized to establish multiple pay equity plans (see section E).

## General Tips for Writing Your Notice

## The notice should highlight your obligation to establish a pay equity plan and, if applicable, your obligation to form a pay equity committee or your choice to voluntarily form one.

## It’s a good practice to explain in a few sentences what pay equity is

##  and what the purpose of the pay equity plan is to give employees

##  some background. You can use the language on the CHRC’s pay equity website, or below in Section F, to help.

Your notice should also ensure that your employees know where

 to find information on pay equity and their rights under the Pay Equity Act.

You should update the notice if circumstances change. For example, if you become part of a “group of employers” or if you are authorized to develop multiple pay equity plans (see section E).

## Content Checklist

The information required in this checklist can be inputed directly in the relevant fields of the online [Pay Equity Notice Template – Single Plan](https://www.payequitychrc.ca/sites/payequity/files/2021-09/Pay%20Equity%20Notice%20Template%20-%20Single%20Plan.docx). Or, you can use this checklist to create your own notice.

**If you have 100 or more employees or any number of unionized employees,** the notice must include:

[ ]  the date of the posting;

[ ]  your obligation to create a pay equity plan;

[ ]  your obligation to make all reasonable efforts to set up a pay equity committee to develop the pay equity plan;

[ ]  the requirements for the pay equity committee’s membership (see section F);

[ ]  if there are any non-unionized employees, their right to choose the committee members who will represent them; and,

[ ]  if there are any unionized employees, the right of their bargaining agent to select committee members who will reprensent them.

**If you have between 10 and 99 non-unionized employees,** the notice must include:

[ ]  the date of the posting;

[ ]  your obligation to create a pay equity plan; and,

[ ]  if you volountarily decide to set up a pay equity committee, the requirements for the pay equity committee’s membership (see section F) and the right of your employees to designate committee members to represent them.

**If you are part of a “group of employers,” as defined in the Act**, each employer in the group must post an updated notice in their workplace based on the total number of employees in the group and their union status. You also need to clearly indicate in the notice that you are part of a group of employers. If you are not yet in a group of employers, but you are part of an application to form a group of employers, it is a good practice to mention it in the initial notice or to communicate it to employees in another manner. For more information on belonging to a “group of employers,” you can refer to [Interpretations, Policies and Guidelines](https://www.payequitychrc.ca/sites/payequity/files/2021-07/Pay_Equity_IPG_Group_of_Employers.pdf).

## Form and Accessibility of the Notice[[2]](#footnote-2)

You must post the notice in print or electronic form, and in such a way as to be **readily available to *all* employees**. If posted in electronic form, you need to inform employees of how to access the document. For example, if you are posting the document on an electronic platform, you may need to remind employees of how to access the electronic platform and provide them with the contact information of someone who could help them access the platform if they have difficulties. If posted in printed form, the notice must be put in a visible place.

The notice must also be presented in a form that is accessible to **employees who have accommodation needs**.[[3]](#footnote-3) For example, some employees may require the notice in audio, e-text or braille format.

## Duration of Posting

You must keep the notice posted **until the final version of the pay equity plan is posted** or **until it is replaced by a new version of the notice**. This could be the case if, for example, you became part of a group of employers recognized by the Pay Equity Commissioner, or if you were authorized to create multiple pay equity plans.

## Information on Pay Equity Process and Rights

It is important that employees know that their employer, bargaining agent or any other person acting on behalf of employees **cannot penalize employees for exercising their rights under the Pay Equity Act** (see sections 102 and 103).

Although you are not required to do so, it is a good practice to let employees know that they will have the right to comment on the draft version of the pay equity plan, and to let them know as soon as possible when the draft will be available for comment.

You may add the following information to your notice to guide employees who have general questions on the Act or the pay equity process:

**Canadian Human Rights Commission’s (CHRC) website for pay equity:**

[**www.payequitychrc.ca**](http://www.payequitychrc.ca/en)

**CHRC contact by phone**

Toll free number: 1-888-214-1090

TTY number: 1-800-465-7735

Hours of operation:

Monday to Friday, 8:00 a.m. to 8:00 p.m. (Eastern Time)

## Multiple Plans

As a rule, employers must establish a single pay equity plan for all of their employees, no matter the branch, division or region in which the employees may work. However, workplaces that are required to establish a pay equity committee, or those that have done so on a voluntary basis, can file an application for multiple plans.

**If you do not know if an application to establish multiple plans will be made for your workplace, or if an application has been made but you have not yet received an answer**, you may use the [Pay Equity Notice Template – Single Plan](https://www.payequitychrc.ca/sites/payequity/files/2021-09/Pay%20Equity%20Notice%20Template%20-%20Single%20Plan.docx) for your initial notice or write your own (see section A). It is a good practice to indicate in that notice your intention to file an application if that is the case.

**If you need to update your notice after receiving an authorization to establish multiple pay equity plans**, you may use the the [Pay Equity Notice Template – Multiple Plans](https://www.payequitychrc.ca/sites/payequity/files/2021-09/Pay%20Equity%20Notice%20Template%20-%20Multiple%20Plans.docx) or write an updated notice that includes everything in the initial notice as well as:

[ ]  the number of pay equity plans for the workplace; and

[ ]  the employee positions included in each plan. This could take the form of an annex to this notice listing the positions, departments or bargaining units covered under each plan.

## Sample Language

**You may use the following language in your notice to explain the purpose of the Pay Equity Act and pay equity plan, choosing the right term in parentheses according to your situation:**

**The Pay Equity Act (the Act)** requires federally regulated employers with an average of at least 10 employees to establish and maintain compensation practices that support pay equity.

As an [small/medium/large] employer with/without unionized employee, we must create a **pay equity plan** within three years of becoming subject to the Act and then periodically update it. The deadline to post the final version of our pay equity plan is [enter date.]

**When creating the pay equity plan, we will:**

* Identify the various job classes and determine their gender predominance;
* Establish the value of work and compensation of each job class to compare the compensation received by predominantly male and female job classes; and
* Calculate any compensation increases that are needed to establish and maintain pay equity.

**You may use the following language in your notice to speak directly to employees about their rights in the pay equity process:**

Pay equity is about YOUR rights.

No employer, bargaining agent or any other person acting on your behalf can penalize you for exercising YOUR rights under the Pay Equity Act (see sections 102 and 103).

According to the Act, a draft of the pay equity plan must be posted prior to developing a final version. Employees covered have 60 days after the day of the posting to provide written comments to the employer — or to the pay equity committee, if such a committee has been established.

**You may use the following language in your notice to inform employees about the role of the pay equity committee and its membership requirements:**

The role of our **pay equity committee** is to create our organization’s pay equity plan.

Under the Pay Equity Act, the following employers and groups of employers must make all reasonable efforts to form a pay equity committee:

* Employers and groups of employers with 10 to 99 employees, if some or all are unionized;
* Employers and groups of employers with 100 or more employees.

Employers and groups of employers with 10 to 99 non-unionized employees may establish a pay equity committee, either at the request of an employee or on a voluntary basis.

**A pay equity committee should include:**

* at least three members;
* at least two-thirds must represent the employees who are covered by our pay equity plan;
* at least 50% of the members must be women;
* at least one member selected by the employer or group of employers to represent it;
* at least one member selected by each of the bargaining agents, where there are unionized employees; and
* at least one member selected by non-unionized employees to represent them.
1. That posting is required by subsection 14(1), 14(2), 15(1) or 15(2) of the Pay Equity Act. [↑](#footnote-ref-1)
2. See Pay Equity Regulations: SOR/2021-161 for more information. [↑](#footnote-ref-2)
3. If an employee has a disability as defined in section 2 of the Accessible Canada Act, that document must be posted in a form that is accessible to that employee. [↑](#footnote-ref-3)