

Case 8

In October of 1999 the government of Canada agreed to pay 2.3 billion dollars to 230,000 federal workers, both current and retired, in the form of back pay with interest, to conform with the principle of "equal pay for work of equal value" embodied in Canada's Human Rights Act. The drafters of this law, enacted more than twenty years ago, noted that the vast majority of women in the workforce in Canada were clustered in a small number of "women's" jobs, such as office worker, nurse, or waitress. Women in these jobs, the drafters of Canada's Human Rights Act observed, usually receive less pay than men in predominantly male jobs, which, despite their higher salaries, are comparable to the predominantly female jobs in terms of factors such as the mental or physical demands of the job, working conditions, or educational prerequisites. To address this situation, the government of Canada organized a committee made up of employees and managers drawn from various Canadian federal government departments to develop a numerically based system for comparing predominantly male and predominantly female jobs. The committee rated a wide array of jobs in terms of four factors: educational prerequisites, job responsibilities, mental demands, and on the job working conditions. The committee determined that "male" jobs tended strongly to have higher salaries than female jobs at the same point levels. For example, a chief librarian made \$35,050 while a dairy herd improvement manager made \$38,766. A computer operations supervisor made \$20,193, while a forestry project supervisor made \$26,947. A typist made \$10,531, while a sailor made \$14,097. In all of the above instances the predominantly female and the predominantly male jobs were determined to have comparable point levels.

The Canadian government's 2.3 billion dollar settlement has drawn strong criticism. Monte Solberg, a Reform Party member of the Canadian Parliament lamented that "[t]o come up with some concept where a bunch of bureaucrats arbitrarily decide, based on some abstract theory, that one job that women dominate is somehow the same as another completely different job that men dominate - it's unworkable." Other critics protest that the settlement will increase the taxes in Canada, whose taxpayers already shoulder the highest tax burden among the Group of Seven industrialized nations.

Defenders of the Canadian government's settlement view it as needed to rectify, what they consider, the discriminatory impact upon female workers of the Canadian government's employment compensation policies over many years. Even if the lower wages for predominantly female jobs reflect going market salary rates, say the supporters of the settlement, these market rates themselves reflect pervasive discrimination against women in the workforce. Furthermore, the supporters of the settlement contest that the settlement will have a severely negative impact upon the Canadian economy. In this regard, Daryl Bean, President of the Canadian federal service union, estimated that over 40% of the 2.3 billion would be returned as taxes to the government.

Question: Is the October 1999 settlement of the Government of Canada, under the "equal pay for work of equal value" principle of Canada's Human Rights Act, morally justifiable? If so, why? If not, why not?