

Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

CANADIAN HUMAN RIGHTS TRIBUNAL

File No. T470/1097

B E T W E E N:

PUBLIC SERVICE ALLIANCE OF CANADA

Complainant

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

GOVERNMENT OF THE NORTHWEST TERRITORIES

Respondent

O R D E R

WHEREAS the Public Service Alliance of Canada (the "PSAC") filed a complaint against the Government of the Northwest Territories (the "Government") with the Canadian Human Rights Commission (the "Commission") on March 28, 1989 (the "Complaint"); and

WHEREAS in the Complaint, the PSAC alleges that the Minister of Personnel for the Government has violated sections 7, 10 and 11 of the *Canadian Human Rights Act* (the "Act"); and

WHEREAS the Tribunal was assigned on February 20, 1998 to hear the sections 7 and 11 parts of the Complaint referred to it by the Commission; and

WHEREAS the PSAC later withdrew the section 7 portion of the Complaint; and

WHEREAS the Government, the PSAC and the Commission (collectively the "Parties", individually the "Party") are agreed that under the collective agreements and arbitral award in force between the Government and the Union of Northern Workers ("UNW") during the period March 28, 1989 to March 31, 1998, Government employees in female dominated occupational groups received less in wages than employees in male dominated occupational groups performing work of equal value; and

WHEREAS the Parties have agreed upon a wage and payment calculation methodology to provide redress to the employees affected by the Complaint and wish to finally settle and resolve the Complaint and any and all matters, claims, or things, whatsoever covered by and/or arising out of, and/or relating to the Complaint, including, without limitation, all issues relating to remedy and redress advanced by the Parties; and

AND UPON HEARING from counsel for the Parties and upon having reviewed the Agreement of the Parties dated June 25, 2002, a copy of which is attached hereto ("the Agreement");

AND UPON FINDING that the Complaint is substantiated,

The Tribunal hereby orders, upon the consent of the Parties, as follows:

1. The Government shall pay compensation to Eligible Employees as defined in Appendix "B" of the Agreement, in the manner specified in Appendices "A" and "B" to the Agreement.
2. The terms of the attached Agreement and its Appendices form part of this Order, and are fully enforceable as such.

These orders are made pursuant to subsection 53(2) of the *Act* and finally resolve all matters relating to this Complaint.

"Original signed by"

Paul Groarke, Chairperson

Athanasios Hadjis, Member

Jacinthe Théberge, Member

YELLOWKNIFE, Northwest Territories

June 25, 2002