

Blakes Bulletin

Labour & Employment

Quebec Businesses Required to Make Pay-Equity Disclosure

CATHERINE GAGNÉ

On March 31, 2011, the *Règlement concernant la déclaration de l'employeur en matière d'équité salariale* came into force. By virtue of this regulation, all businesses employing six (6) people or more and registered with Quebec's Enterprise Registrar will be subject to the requirement to produce an annual declaration in respect of pay equity called the *Déclaration de l'employeur en matière d'équité salariale* (Declaration).

In this Declaration, employers are required to provide information that will allow a determination to be made as to: whether they are subject to the *Pay Equity Act*; if they have completed a pay-equity exercise; and if they have evaluated pay-equity maintenance within their business. Information required for the Declaration includes:

- the Quebec enterprise number (NEQ);
- the size of the enterprise during a reference period;
- the sector of activity;
- the date of the posting of the pay-equity exercise, if applicable; and
- the date of the posting of the pay-equity maintenance analysis, if applicable.

Businesses subject to this new disclosure requirement must produce the online Declaration within the same timeline provided for producing their annual update with the Enterprise Registrar, that is, within six (6) months following the end of their financial year. It is possible to complete this on the Internet site of the Commission de l'équité salariale du Québec at the following address: <http://www.ces.gouv.qc.ca/english.asp>.

This new disclosure requirement in respect of pay equity will allow the Pay Equity Commission to identify enterprises that have not complied with the requirements of the *Pay Equity Act* and to impose penalties. In that respect, the *Pay Equity Act* provides for penalties between C\$1,000 to C\$45,000 for businesses which are not in compliance with its provisions. These penalties are doubled for repeat offences. The penalties are also applicable if the business provides false information in the context of its Declaration.

If you wish to receive additional information regarding the employer Declaration in respect of pay equity or your obligations regarding the *Pay Equity Act*, please contact:

<u>Catherine Gagné</u>	514-982-5061
<u>Natalie Bussière</u>	514-982-4080
<u>Aldona Gudas</u>	514-982-5050

or any member of our Labour & Employment Group.

Go to blakes.com/english/subscribe.asp to subscribe to other *Blakes Bulletins*.

NEW YORK	MONTRÉAL	OTTAWA	TORONTO	CALGARY	VANCOUVER	
	CHICAGO	LONDON	BAHRAIN	AL-KHOBAR*	BEIJING	SHANGHAI*
						blakes.com

* Associated Office