



THE CANADIAN  
BAR ASSOCIATION  
L'ASSOCIATION DU  
BARREAU CANADIEN

INFLUENCE. LEADERSHIP. PROTECTION.

September 23, 2016

Via email: [president@tbs-sct.gc.ca](mailto:president@tbs-sct.gc.ca); [maryann.mihychuk@parl.gc.ca](mailto:maryann.mihychuk@parl.gc.ca); [minister-ministre@swc-cfc.gc.ca](mailto:minister-ministre@swc-cfc.gc.ca)

The Honourable Scott Brison  
President of the Treasury Board  
Treasury Board of Canada Secretariat  
8<sup>th</sup> Floor, 90 Elgin Street  
Ottawa, ON K1A 0R5

The Honourable MaryAnn Mihychuk  
Minister of Employment, Workforce Development and Labour  
165 Hôtel de Ville Street  
Gatineau, QC K1A 0J2

The Honourable Patty Hajdu  
Minister of Status of Women  
22 Eddy Street 10<sup>th</sup> Floor  
Gatineau, QC J8X 2V9

Dear Ministers Brison, Mihychuk, and Hadju:

**Re: Pay Equity and the Gender Wage Gap**

I am writing on behalf of the Canadian Bar Association's Pay Equity Working Group (CBA Working Group) to add our voice to the call for urgent progress on pay equity and to encourage the federal government to take additional steps to address the factors that contribute to the gender wage gap.

The CBA is a national association of 36,000 lawyers, Quebec notaries, law teachers and students, with a mandate to promote improvements in the law and the administration of justice. The CBA Working Group brings together representatives of the CBA's Women Lawyers Forum, Constitutional and Human Rights Law Section, Public Sector Lawyers Forum and Canadian Corporate Counsel Association. The attached resolution adopted by the CBA's governing Council in August 2016 reflects the CBA's commitment to assisting governments and the legal profession in advancing initiatives to eradicate the gender wage gap and address pay equity.

We look forward to the government's response to the report of the Special Committee on Pay Equity. We hope the government will move quickly with needed reforms, and we look forward to an opportunity to offer our insights and expertise as the legislative and policy agenda unfolds.

Yours truly,

*(original letter signed by Tina Head for M. Sandra Appel)*

M. Sandra Appel  
Chair, Pay Equity Working Group

Att: Resolution 16-13-A, Pay Equity in the Legal Profession

## Pay Equity in the Legal Profession

**WHEREAS** the 1993 Canadian Bar Association Task Force for Gender Equality in the Legal Profession report, *Touchstones for Change*, reviewed and analyzed the status of gender equality in the legal profession and made a number of recommendations;

**WHEREAS** the 2004 federal Pay Equity Task Force report concluded that women continue to earn less than their male counterparts and that there was a 67.4% female/male earnings ratio for lawyers and Quebec notaries and put forward substantive recommendations including that the government introduce proactive pay equity legislation;

**WHEREAS** the House of Commons created the Special Committee on Pay Equity in February 2016 to conduct hearings on pay equity and to propose a plan to adopt a proactive federal pay equity regime;

**WHEREAS** studies released in 2016 show that female lawyers still earn between 15% and 25% less than their male colleagues;

**WHEREAS** all Canadians are guaranteed the fundamental right to equal pay for work of equal value;

**WHEREAS** 15,578 or 43% of Canadian Bar Association members are women;

**WHEREAS** the Canadian Bar Association is committed to equality in the legal profession;

##  quit  salariale au sein de la profession juridique

**ATTENDU QUE** le Groupe de travail sur l' galit  des sexes dans la profession juridique de l'Association du Barreau canadien, dans son rapport de 1993 intitul  *Les assises de la r forme*, a  tudi  et analys  l' tat de l' galit  des sexes dans la profession juridique et a fait un bon nombre de recommandations;

**ATTENDU QUE** le rapport de 2004 du Groupe de travail f d ral sur l' quit  salariale a conclu que les femmes continuent d' tre moins bien r mun r es que leurs homologues masculins et que le taux des gains femmes-hommes  tait de 67,4 % pour les avocats et avocates et notaires au Qu bec, et a mis de l'avant des recommandations sur le fond, voulant notamment que le gouvernement adopte des mesures l gislatives proactives en mati re d' quit  salariale;

**ATTENDU QUE** la Chambre des communes a mis sur pied le Comit  sp cial sur l' quit  salariale en f vrier 2016 qui avait pour mandat de mener des audiences sur l' quit  salariale et de proposer un plan visant l'adoption d'un r gime f d ral proactif en mati re d' quit  salariale;

**ATTENDU QUE** des  tudes publi es en 2016 d montrent que les avocates gagnent encore de 15 %   25 % de moins que leurs coll gues masculins;

**ATTENDU QUE** le droit fondamental des Canadiens et des Canadiennes   la parit  salariale pour l'ex cution de fonctions  quivalentes est un droit qui leur est garanti;

**ATTENDU QUE** 15 578, soit 43 % des membres de l'Association du Barreau canadien sont des femmes;

**ATTENDU QUE** l'Association du Barreau canadien est engag e   promouvoir l' galit  au sein de la profession juridique;

**BE IT RESOLVED THAT** the Canadian Bar Association:

- make written submissions to federal, provincial and territorial governments, advocating the eradication of the gender pay gap in Canada;
- urge federal, provincial and territorial governments to develop an action plan within one year that would include adopting substantive and meaningful pay equity legislation to eradicate the gender pay gap by 2020;
- urge all law offices across Canada and other employers of lawyers and Quebec notaries to review their compensation practices and procedures and undertake substantive and meaningful action to eradicate the gender pay gap by 2020.

**Certified true copy of a resolution carried by the Council of the Canadian Bar Association at the Annual Meeting held in Ottawa, ON, August 11, 2016.**

**QU'IL SOIT RÉSOLU QUE** l'Association du Barreau canadien :

- rédige des mémoires à l'intention des gouvernements fédéral, provinciaux et territoriaux prônant l'élimination de l'écart salarial entre les hommes et les femmes au Canada;
- exhorte les gouvernements fédéral, provinciaux et territoriaux à élaborer, d'ici un an, un plan d'action qui comprendrait l'adoption de mesures législatives substantielles et concrètes en matière d'équité salariale, dans le but d'éliminer l'écart salarial qui existe entre les hommes et les femmes d'ici l'an 2020;
- exhorte les bureaux d'avocats dans toutes les régions du pays et les autres entreprises qui embauchent des juristes à passer en revue leurs procédures et pratiques en matière de rémunération et à prendre des démarches substantielles et concrètes en vue d'éliminer l'écart salarial qui existe entre les hommes et les femmes d'ici l'an 2020.

**Copie certifiée d'une résolution adoptée par le Conseil de l'Association du Barreau canadien, lors de son Assemblée annuelle, à Ottawa (ON), le 11 août 2016.**

**John D.V. Hoyles  
Chief Executive Officer/Chef de la direction**