

MAUT background Q & A on the Research Assistant (RA) Pay Equity Settlement

November 11, 2016

The Quebec Pay Equity Act requires all employers of more than ten employees to carry out Pay Equity audits at 5 year intervals, and to redress any inequities concerning female-dominated job categories through salary/wage increases, and retroactive payments. McGill's Pay Equity audits in 2005 and 2010 identified that Research Associates were a female-dominated category and that they appeared to be underpaid by comparison with other categories not female-dominated. To redress the inequity revealed in the 2010 audit results requires a wage increase of approximately 30%, which is due to come into effect in the near future. This will have serious financial impacts on researchers who employ research assistants on research grant funds.

- Q1. Is the Pay Equity Settlement an agreement negotiated with the RA's union (AMURE)?
- Q2. Does this affect me?
- Q3. How does it affect me?
- Q4. When is the RA wage increase to take place?
- Q5. How can I cope financially with the sudden increase in RA wages?
- Q6. Can I include the higher post-settlement wages in the budget sections of research grant applications?
- Q7. What if I find myself obliged to terminate an RA position as a result of the wage increase?
- Q8. Will the university provide legal services if I am named in a labor grievance as a result of decisions I may have to make about laying off an RA?
- Q9. Will my grant be charged for any back salary payment in the event that a terminated RA's grievance is successful and the arbitrator orders reinstatement?
- Q10. Is this the final round of RA Pay Equity exercises?
- Q11. With the unionization of postdocs, and the change in status from trainee to employee, will pay equity issues arise with that group?
- Q12. Will there be downstream impacts on wages paid to other research employee groups?
- Q13. What is MAUT doing about this?
- Q14. How can I help?**
- Q15. Where can I find more information about the Pay Equity process?

Q1. Is the Pay Equity Settlement an agreement negotiated with the union representing RAs (AMURE)?

No. The pay equity exercise is mandated by provincial law and is independent of the collective agreement. RAs are preferentially implicated in the Pay Equity Settlement because they are the largest McGill employee group having the requisite gender composition (>60% female).

Q2. Does this affect me?

This affects everyone who employs a regular (not casual) Research Assistant (RA). It does not directly affect wages for postdocs or graduate students, nor Research Associates (though it may have indirect effects as mentioned in Q12, below).

Q3. How does it affect me?

At the implementation date, which must be before August 31 2017 (see Q4), the hourly wage of all regular Research Assistants at McGill will increase immediately by 30% (along with the concurrent benefits increase). The university budget will cover all retroactive pay increase back to 2010, but the administration's current plan is that PIs will be responsible for the increased wage cost from their own research grant budgets from the implementation date going forward. To give an idea of possible impact, the hourly wage for a senior RA at the top of the AMURE payscale would increase by \$10.11. For a 40-hr week over a 52-week year this **increase** amounts to ~ \$21k, from \$70k to \$91k (not counting benefits).

Currently funded research grants had their budgets determined in the past and cannot easily be modified to meet the pay equity settlement increases in RA wages. Thus, if PIs wish to maintain RAs at their current work rate (hours per week), they will be obliged to divert grant funds now used for other aspects of their research programs towards increased RA wages. Reductions in these activities will all have negative impacts on research productivity, and on McGill's research training environment. Reducing the hours worked per week, or eliminating positions altogether, mean that key daily laboratory functions, often performed by RAs, will now be the responsibility of the PI. This means more of your time spent dealing with administrative details, and therefore even further reduced research productivity.

Q4. When is the RA wage increase to take place?

The entire Pay Equity process is a Quebec-government directed program with specified phases. The last phase of specifically-defined duration ended on August 29, 2016, by which date any complaints regarding the pay equity settlement must have been registered. Many complaints were in fact registered, and we are now in a phase whose duration cannot be precisely predicted because it depends on how long it takes the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* to respond to all complaints with a final ruling. The Commission has a deadline of one year from the close of the complaint-registration period (i.e., until August 29, 2017) to rule on the complaints, but it may not require a full year, so the implementation date could be at any time between now and then.

Q5. How can I cope financially with the sudden increase in RA wages?

At present, the administration has not offered any mechanisms to help you cope financially with the salary increase. (It must be recognized that the RA wage increase is retroactive from the implementation date back to 2010, and university funds will be used to cover this retroactive component. However this does nothing to help you cope after the implementation date).

One way to reduce the financial impact is to reduce the number of hours per week worked. If this were a suitable solution for you, it should be done in conjunction with the RA. This would reduce the net impact on your research grant budget, but at the cost of reduced hours worked, which presumably

translates into slower research progress.

Q6. Can I include the higher post-settlement wages in the budget sections of research grant applications?

Yes and it would be good to mention the Pay Equity Settlement issue in the budget justification. A reference that could be mentioned is the McGill HR web page <https://www.mcgill.ca/hr/compensation/pay-equity>

Q7. What if I find myself obliged to terminate an RA position as a result of the wage increase?

In principle, lack of available funds is a legitimate reason to terminate an RA position. This can happen, for example, in cases where research grants are not renewed. If you are obliged to write a termination letter because the pay equity wage increase means you can no longer afford an RA, you should state this in the termination letter. If you wish to consult with HR in writing such a letter it is their responsibility to assist you.

Q8. Will the university provide legal services if I am named in a labor grievance as a result of decisions I may have to make about laying off an RA?

In legal terms an individual PI who pays RAs from research grants is not the employer, but rather is a supervisor. The employer is in all cases the university. Nonetheless it is possible that PIs might be named, along with the university, in labor grievances brought by RAs whose positions have been terminated. We understand from the university's General Counsel Line Thibault that the university customarily and automatically provides legal support for any supervisors (including research PIs) who may be named in such cases.

Q9. Will my grant be charged for any back salary payment in the event that a terminated RA's grievance is successful and the arbitrator orders reinstatement?

Yes. The employer (the university) is ultimately liable for back salary payments, but the first place the money will be sought is the research grants identified as the source of funds in the appointment documents.

Q10. Is this the final round of RA Pay Equity exercises?

No. Provincial law mandates that pay equity maintenance be assessed at intervals of 5 years. The exercise in which we are now embroiled is the "2010" exercise. There will also be a "2015" exercise (undergoing calculation now). The delay between the index year and the implementation date (> 6 years for the 2010 exercise) is expected to be shorter for the 2015 exercise and it is expected that any further equity settlement payments that may be needed will be less than the 30% we are now facing for the 2010 assessment.

Q11. With the unionization of postdoctoral fellows (PDFs), and the change in status from trainee to employee, will pay equity issues arise with that group?

These Pay Equity settlements can apply to any employee group that is >60% female. At the moment we do not know the gender make up of the PDF population, but if this turns out to be >60%, they will be eligible for Pay Equity consideration in future pay equity assessments. (Research Associates have long been employees, but they are not affected by the current pay equity process because in 2010 they were not >60% female. If that should change in subsequent pay equity cycles, they may also become eligible for pay equity consideration.)

Q12. Will there be downstream impacts on wages paid to other research employee groups?

When the current cycle of Pay Equity is complete, RAs may be being paid more than Research Associates or PDFs. This can be expected to result in pressure to increase their salaries accordingly, independent of any question of pay equity *per se* for these groups.

Q13. What is MAUT doing about this?

MAUT has proposed possible solutions to the administration that would cushion the sudden impact on research grant funds of the expected RA wage increase, which will occur overnight on the pay equity implementation date. We will continue to seek solutions but we are now convinced that additional input from affected researchers is essential to convince the administration that this is a serious problem that needs a timely solution.

Q14. How can I help?

We ask you as MAUT members, as individuals or organized groups such as in units and departments, to write to Provost Manfredi AND your Dean, with a cc to Principal Fortier, outlining the negative impacts the administration's current plan for implementing the Pay Equity Settlement will have on your research productivity and academic activities. Because the implementation date could conceivably be as soon as late 2016, this is an urgent matter. Please make every effort to write your letter before the end of November. Please also cc MAUT so that we can track this information and integrate it into our own efforts. We also urge you to discuss this important matter with your colleagues who may not be aware of the seriousness and the impact.

Q15. Where can I find more information about the Pay Equity process?

McGill Human Resources has a web page on which information relating to Pay Equity, including the progress of the 2010 Pay Equity exercise can be found:

<https://www.mcgill.ca/hr/compensation/pay-equity>

Although not all links are currently functional, there is also some general information at <http://pec.mcgill.ca/>

The web site of the *Commissions des normes, de l'équité, de la santé, et de la sécurité du travail*, <http://www.ces.gouv.qc.ca/>