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Job Evaluation: A Quest for Gender Neutrality

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Executive Summary

The long debated issue of gender bias in job evaluation systems has become even more important with the advent of pay equity legislation in Ontario. This statute requires the use of a gender-neutral job comparison system to identify and rectify wage discrimination in female-dominated jobs. Unfortunately, this legislation provides very little guidance as to what is meant by a gender-neutral job comparison system. This paper identifies the ingredients of a gender-neutral comparison system.

- Early job evaluation systems had compensable factors and factor weights related to male-dominated managerial positions, thereby overlooking skills, abilities and experience found in traditionally female jobs.
- According to the literature, eliminating gender bias at the job description stage can be achieved by using multiple sources of job information, by developing a standard format for collecting this information and describing the jobs, and by training those who will perform these tasks.
- Similarly, several procedures can eliminate the problem at the evaluation stage: compensable factors should be based on requirements/characteristics valued by the organization, not on the gender of the job incumbent; they should be appropriate for both male- and female-dominated jobs; they should allow all of the job content to be evaluated; the measurement instruments should be based on objective scales; they should allow sufficient range within each compensable factor to distinguish between jobs.
- Furthermore, studies indicate that gender bias can be reduced if the evaluation committee does not know exactly what job is being evaluated, if it focusses on a part of the job, if members work independently first, then pool results, and if members are diverse.
- In the Haldimand-Norfolk decision, the Pay Equity Hearings Tribunal focussed on identifying sources of gender bias in the system. As a result, the findings provide some insights into job comparison components favoured by the Tribunal.
- The findings of this case, the first to deal with gender neutrality, indicate that the concept is a developing one; parties will have to assess the quality of their job evaluation systems continually.

Introduction

Ontario's pay equity legislation has brought the concept of 'comparable worth' to the forefront of the debate over equitable compensation. 'Comparable worth' emphasizes the concept that jobs do not have to be identical to have equal value for the purposes of compensation (Weiner and Gunderson 1990, 5). Underlying this concept is the belief that jobs held predominantly by women are compensated at lower levels than jobs held predominantly by men, simply because they are done by women (Treiman and Hartmann 1981).

The proposition that jobs of comparable value should receive equal pay ... is a response to two well-documented, persistent, and interrelated phenomena: a gender gap in wages received by working women and men, and the pronounced gender segregation of the labour force. (Major 1989, 1)

Occupational segregation allows jobs traditionally held by men and women to be paid differently even when of comparable value.

Occupational segregation refers to the fact that men and women tend to do different kinds of work. Despite the rapid increase in the number of women entering the workforce and their escalating levels of education, in the 1980s 60 percent of all female workers could be found in clerical, service and sales work (Weiner and Gunderson 1990, 7). In addition, in 1984 women represented 79.1 percent of the clerical labour force but only 31.9 percent of the managerial and administrative labour force. Since women made up 42.2 percent of the labour force, it was clear that they were over-represented in jobs which are traditionally low-paying (Conway 1987, 4).

Occupational segregation allows jobs traditionally held by men and women to be paid differently even when they are of comparable value. Over the years, the assumptions about why women work has resulted in these different compensation levels; compensation levels for female-dominated jobs were based on the assumption that women work for pin money, while the compensation levels for male-dominated jobs were based on the belief that men were the family breadwinners (Weiner and Gunderson 1990, 8). This resulted in unequal compensation levels for jobs equally valued by the organization. This consistent undervaluation of women's work has contributed to what has now become known as the wage gap.

In 1986, women were paid only 66 cents for each dollar earned by men (Weiner and Gunderson 1990, 10). This 34 percent wage gap is attributed to a number of factors. Approximately one-third of the gap is due to the occupational segregation of women into undervalued female-dominated jobs. The remaining two-thirds can be attributed to differences in education, the degree of unionization and the number of hours worked (Ontario Pay Equity Commission 1988b, 2).

The terms 'job comparison' and 'gender neutral' are not defined in the Ontario Act.

Ontario's *Pay Equity Act* (R.S.O. 1990, c.P.7), which came into effect on January 1, 1988, seeks to eliminate the portion of the wage gap that is attributed to the undervaluation of women's work (Ontario Pay Equity Commission 1988b, 2). The stated purpose of the Pay Equity Act 'is to redress systemic gender discrimination in compensation for work performed by employees in female job classes.' The Pay Equity Act recognizes that current compensation practices have failed to identify or remedy historic wage discrimination. As a result, Employers are required to examine their current compensation policies and practices and then establish and maintain pay equity. To this end, the Pay Equity Act requires that systemic discrimination in compensation of employees in female job classes be identified and that pay equity be achieved. Pay equity is achieved when:

the job rate for the female job class that is the subject of the comparison is at least equal to the job rate for a male job class in the same establishment where the work performed in the two job classes is of equal or comparable value. (s.6(1))

According to the Act systemic discrimination in compensation

shall be identified by undertaking comparisons between each female job class in an establishment and the male job classes in the establishment in terms of compensation and in terms of the value of the work performed. (s.4(2))

As such, the Act requires that employers undertake a comparison of all male- and female-dominated jobs within the organization. If, using a gender neutral comparison system, a female-dominated job is found to be of comparable value to a male-dominated job which is higher paid, the compensation rate of the female-dominated job must be increased.

The legislation is non-specific on the issue of how female and male job classes are to be compared; it specifies only that a job comparison system must evaluate jobs in terms of skill, effort, responsibility and working conditions and that it must be gender neutral. Since neither 'job comparison' nor 'gender neutral' are terms defined within the Act, identifying their meaning has become a significant task for those required to comply with the legislation. Therefore, the purpose of this paper is to identify the ingredients of a gender neutral comparison system to be used to determine comparable worth.

The concept of comparable worth is not new. Even before Ontario's pay equity legislation, comparable worth advocates argued that an assessment of the value of a job should rest on the characteristics and requirements of the job rather than on the characteristics

The job evaluation process establishes a hierarchy of jobs reflecting the value the organization places on each.

of the job incumbent (Treiman 1979). Job evaluation was regarded as the appropriate tool to assess the value of jobs within an organization. Job evaluation is the process of assessing the worth of a particular job on a number of compensable factors, usually including knowledge and skill, effort, responsibility, and working conditions. A numerical score is assigned for each compensable factor and a total score for the job is calculated. Jobs are then ranked according to their scores and the wages of jobs with similar scores are compared to determine the presence or absence of pay equity; if jobs with comparable scores have different compensation levels, pay equity does not exist (Acker 1987, 183). Ultimately, the job evaluation process establishes a hierarchy of jobs within the organization which should reflect the value the organization places on each.

The *Canadian Human Rights Act* specifically contemplates the use of a job evaluation system in the assessment of pay equity. According to the Canadian Human Rights Commission (1983),

It is ... important for employers to develop and use job evaluation systems and for the Commission to develop tools with which employers, unions and others can assess those systems and find if they comply with the requirements of the Act. [Italics added]

In contrast, the Ontario Act is vague and refers only to job comparison. According to the Ontario Pay Equity Commission (1988a, 2),

A job comparison system is any system designed to determine the relative worth of jobs within an employer's establishment.

As a result, it appears that there is no requirement for firms to use a formal job evaluation system.

In fact, the Pay Equity Commission has indicated that the method of job comparison could simply involve ranking male and female jobs on the basis of skill, effort, responsibility and working conditions; or, a more detailed evaluation process, involving assigning points to the four factors and then totalling them in order to compare jobs, could be used (Ontario Pay Equity Commission 1988b, 7). Therefore, a job evaluation system is only one kind of job comparison system under the Ontario regime. While these two terms are often used synonymously, a job comparison system does not have to be a job evaluation system (Ontario Pay Equity Commission 1989, 19).

According to the Pay Equity Commission, there were two reasons for using the term job comparison rather than job evaluation. First, although the term job evaluation is often used in discussions of comparable worth, it does not have a standard definition. Second, job evaluations are typically concerned with establishing the worth of all jobs in the or-

If gender bias exists in the job evaluation system, it is of little use in the pay equity analysis.

ganization; job comparison systems, in contrast, require the valuation of male- and female-dominated jobs in order to assess pay equity. Regardless of these differences, many parties implementing pay equity plans will modify and use a job evaluation system (Fudge 1990, 4). As a result, the remainder of this paper will focus on the use of job evaluation systems in the implementation of pay equity.

For a job evaluation system to be effective in assessing the worth of jobs within an organization and then establishing a pay-scale hierarchy, it must be accurate in its measurement. This does not mean that job evaluation is an objective measure of value; it is an inherently judgmental process, measuring the 'worth' of a job to a particular organization (Kaufman 1986, 41). If this 'judgment' allows for discrimination and bias, then the process becomes inequitable and unsuitable for achieving pay equity (Kaufman 1986, 41). Unfortunately, many job evaluation systems are perceived as being inaccurate measures of job worth; the most significant of these criticisms is that job evaluation systems are gender biased. If gender bias does in fact exist in job evaluation systems, they are of little use in the pay equity analysis since, the pay equity legislation requires the use of a gender-neutral system.

The *Pay Equity Act* recognizes that bias against women has existed in the workplace and that a gender-neutral comparison system is required to identify and remove these biases. The Commission has identified different points at which gender bias can enter the job comparison process:

in collecting job information;
in the selection and definition of compensable factors; in the weighting of these factors; and
in the evaluation of jobs in the organization. (Ontario Pay Equity Commission 1988a, 2)

Thus far however, the Pay Equity Commission has avoided approving any existing particular job evaluation systems such as Mercer or Stevenson, Kellogg, Ernst & Whinney (Fudge 1990). Moreover, until recently, there was no tribunal jurisprudence in either Ontario or the other provinces which could have offered any authoritative guidance on what was meant by gender neutral. For the first four years of the Act's existence the parties could seek guidance on the sources of gender bias in job evaluation systems only from the academic literature.

Sources of Gender Bias in Job Evaluation Systems

One of the primary purposes of a job evaluation is to determine which jobs within an organization are of comparable value, for the purpose of establishing an equitable pay structure. An evaluation of jobs involves three main stages (Steinberg and Haignere 1987).

1. Descriptions of jobs within the organization are collected. The description is generally based on the compensable factors of skill, effort, responsibility and working conditions.
2. Once the job description is compiled, it is then used in order to evaluate the jobs. For each compensable factor found in a job, a numerical score is assigned and a total score for the job is computed.
3. The jobs are ranked according to their scores and the wages of jobs with similar scores are compared to determine the presence or absence of pay inequity.

In most instances, female- and male-dominated jobs are the focus of these comparable worth analyses. If female-dominated jobs are consistently paid less than male-dominated jobs with a similar number of factor points, evidence exists that the pay structure discriminates against women's jobs.

In order to determine if discrimination exists in the pay structure, it is necessary to have an accurate job evaluation system. One of the most important aspects of a job evaluation system is that it be free of gender bias. Bias is a type of measurement error. This type of error can be either random or consistent. Gender bias is a consistent error which tends to work against women's jobs (Weiner and Gunderson 1990, 2). Developing job evaluation systems which are free of gender bias is a challenging task since gender bias tends to be very subtle. Many of the ways in which gender bias enters the job evaluation process are still being discovered; however, like many issues related to discrimination, once individuals become sensitized to gender bias it becomes easier to identify and rectify. A brief description of the history and development of job evaluations is a useful starting point in the assessment of gender bias.

In the late 1940s point factor job evaluation systems were introduced into industrial and managerial workplaces in the private sector in order to justify current salary levels. The compensable factors and factor weights which existed at that time were related to male dominated managerial positions. When these evaluation systems were used to assess jobs in the health care, service and office sectors, only minor changes were made to the underlying assumptions used to value jobs. These systems neglected skills, abilities and experience found in traditionally female jobs. Frequently overlooked job content includes such job

requirements as protecting confidentiality, coordinating meetings, sitting for long periods of time, and stress from multiple role demands (Steinberg and Haignere 1987, 169). As a result, these systems inaccurately measured the value of female dominated jobs and a lower compensation level resulted. The systems in use today are typically variations of these original systems (Haignere 1990). Many of them still contain factors and factor weights which obviously favour male jobs. The following sections will examine how this bias, which began fifty years ago, is still prevalent in job evaluation systems today.

Description of Job Characteristics

The characteristics of a job are typically described with respect to skill, effort, responsibility and working conditions. Within these general categories there are many sub-factors such as the total number of subordinates which an employee is responsible for, physical stress, working under time constraints, and so on. In order to be effective, the description of each job must be captured accurately in terms of the range of tasks and the behaviours associated with it (Steinberg and Haignere 1987). The collection of information about jobs within an organization is generally done through some combination of observation, interviews and open or closed-ended questionnaires administered to the employee and/or his/her supervisor.

The process of transforming job information into a job specification is vulnerable to bias.

Once the job information has been collected, it is transformed into a job specification. The specification is based on the accumulation of all of the responses from employees in an individual position. Job specifications typically include such items as the necessary qualifications for hire, common duties, supervision received and administered, working conditions and the difference between the levels in a series of jobs (Steinberg and Haignere 1987). Since the evaluation of the job will be based on this specification, it is essential that all of the relevant information about the job be included. From the research, it appears this process is vulnerable to a great deal of bias. The following is a description of how gender bias enters the job evaluation process at the job description stage.

Open-Ended Measurements In the job description process, open-ended questionnaires and interviews are often utilized. Unfortunately this method of collection is open to questions of validity and reliability as individuals with the same job title will answer open-ended questions differently (Haignere 1990). The responses to open-ended questions will differ based on the individual's verbal abilities, perception of their job, and ultimately gender (Arvey 1986).

The research indicates that there are significant gender differences in the language that men and women will use to describe their jobs and in their perceptions of the important aspects of work. Typically, women speak more imprecisely, using weaker verbs such as 'feel' rather than 'believe' and 'tell' rather than 'inform' (Haignere 1990). A closed-ended questionnaire would eliminate the differences in

language skills from the measurement of job characteristics. Over time, society has sent the message that women's work is less important than men's work. The use of open-ended questionnaires allows this belief to be incorporated into the job evaluations.

A second problem with open-ended questionnaires and interviews is that it is unlikely that job content information will be collected from all incumbents in a systematic fashion (Haignere 1990). If some incumbents report some aspect of the job while others do not, who will decide what information should be included in the job description? Those who write the job descriptions have a great deal of influence on the outcome of the evaluation (Haignere 1990). Again, this leaves the job evaluation process open to any form of bias or discrimination which exists in those writing the job description.

Closed-Ended Questionnaires Bias is less often associated with closed-ended questionnaires, but it still occurs. Closed-ended questionnaires may neglect to collect certain types of job content information and questions may be phrased in such a way so as not to be readily related to the work of the job incumbent (i.e., using examples of certain skills or responsibilities which relate only to male-dominated jobs) (Haignere 1990). These two issues will be discussed in greater depth later in the discussion of factor definitions and weights.

Non-Standard Questionnaires Different questionnaires are frequently used within organizations to measure job content among different levels of the organization. In one case, the managerial questionnaire measured the time stresses associated with the job but the same information was not collected from nonmanagerial jobs (Steinberg and Haignere 1987). As a consequence, time stress was not compensated in nonmanagerial positions. Based on the premise that men typically hold managerial positions while women hold nonmanagerial positions, there was quite an obvious gender bias in the job evaluation system at this organization.

Data Collected From a Supervisor Job data is often collected from the supervisor of the job incumbent. Under these circumstances gender bias can result from two types of filtering, availability bias and expectancy bias (Weiner and Gunderson 1990). Availability bias occurs when people assume that what they remember is an accurate description of reality. For example, a manager may overestimate the amount of typing in a secretary's job description because of the noise of this activity. On the other hand, the manager may underestimate the amount of time that the secretary spends in protecting the manager from interruptions. The second type of bias, expectancy bias, occurs because people's perceptions are strongly influenced by their expectations. Individuals are more likely to see those things which confirm stereotypes. Since many jobs are associated with members of a particular sex, stereotypical characteristics of each gender can influence how the job is perceived. For instance, since it is generally

assumed that men are physically strong and women are physically weak the physical demands associated with a woman's job (i.e., a nurse having to physically move a patient) may be missed. When availability bias or expectancy bias occur in a job evaluation, the result is that female-dominated jobs are not compensated for all of the required skills and abilities.

Writing the Job Description Writing the job description is the link between the collection of job characteristics and the evaluation of the job. Unfortunately, all too often there is a great deal of latitude and judgment associated with writing job descriptions. Since those that have collected the information have often done so in a non-systematic way, they may perceive or recall certain different information depending on whether the job involves women's work or men's work (Arvey 1986). As a result, it is inevitable that biases will enter the process at this stage.

Procedures to minimize gender bias:

- *use multiple sources of job information,*
- *develop a standard format for collecting information and describing jobs,*
- *train those responsible for these procedures.*

Minimizing Gender Bias at this Stage The discussion above suggests that gender bias can enter the job description stage of job evaluation by several means. Fortunately, by identifying these possible sources of bias, they can be minimized. For instance, the process could be improved by first using multiple sources of job information. This will ensure that all of the criteria and tasks associated with a job are accounted for. In addition, a standard format for collecting job information and describing all jobs should be developed. This will minimize the bias associated with the non-systematic collection of job information. Finally, and most importantly, those collecting job information and writing job descriptions should be trained to avoid gender bias in this phase of the evaluation process (Weiner and Gunderson 1990, 37).

Evaluation of Job Characteristics

The evaluation of job characteristics is based on the job specification developed in the first stage of this process. The evaluation of job characteristics allows jobs to be ranked hierarchically according to their value to the organization. This ranking ultimately allows for the direct transition into a compensation level. Gender bias may enter this stage of the process through the selection of factors to be valued, the weighting of these factors and the way in which the process is conducted.

The Selection of Compensable Factors Skill, effort, responsibility and working conditions are not in and of themselves gender biased. Nevertheless, gender bias can be introduced in terms of which criteria are selected and how they are defined. Two arguments are generally put forward as being associated with the choice of compensable factors on which to evaluate jobs (Arvey 1986). First, most traditional factors in job evaluations emphasize aspects associated with male-dominated jobs. For example, factors that emphasize physical strength

Gender stereotypes often affect factor definitions.

may be included while factors that emphasize mental fatigue may not be included. As a result, office workers, who are typically female, would not be compensated for the mental fatigue that they experience on the job. Second, job evaluation systems have often placed a great deal of importance on areas such as education and experience where men have traditionally dominated rather than on the factors which are actually related to job content.

Factor Definitions Factors in job evaluation have often been poorly defined and are therefore subject to a great deal of interpretation. While it is desirable to have factor definitions which are broad enough and flexible enough to apply to a wide selection of jobs, definitions should not be so broad that bias can be introduced into the evaluation (Arvey 1986). The greatest difficulty associated with this issue is that job characteristics of female dominated work are frequently overlooked in the job analysis. A well-known example comes from the Dictionary of Occupational Titles (Steinberg and Haignere 1987). The US Department of Labor compiled a list of almost every job title along with a rating of the job in terms of skill complexity. At that time, dog pound attendant was rated more highly than nursery school teacher, and zookeeper rated more highly than day care worker. The evaluators overlooked the job characteristics associated with taking care of children since they were not considered to be compensable factors but rather skills intrinsic to women. In this instance, the evaluators were measuring the job incumbents rather than the job itself, thereby introducing a gender bias into the system.

The example cited above demonstrates that gender bias typically operates in two distinct ways (Weiner and Gunderson 1990). First it involves stereotypes and assumptions about women and the kind of work they do. Second, it involves an inconsistency between how the stereotypical abilities of men and women are treated differently. Women, in the example above, were not compensated for their care of children because it was perceived to be an innate female quality; however, heavy lifting, which relies on physical strength, generally presumed to be an innate ability of men, is traditionally compensated.

In addition to overlooking compensable factors found in female jobs, many job evaluation systems simply fail to include typical characteristics found in female-dominated work. Job characteristics which are often overlooked in female-dominated jobs include the job stress related to the number of people from whom one receives direction; the skills required to create a record keeping system; the responsibility involved in coordinating meetings; and working conditions related to physically handling sick people (Steinberg and Haignere 1987). When the characteristics are not included in the job evaluation, employees are not properly compensated for the skills that they bring to the job. For example, most clerical positions have a lower rating than entry-level craft work because such features as a knowledge of grammar, the ability to compose original letters, and the ability to perform several skills simultaneously have not been included in the definition of technical skill (Steinberg 1990).

All jobs in the organization should be evaluated on the same criteria.

In many organizations gender bias is introduced into the job evaluation process by assigning factor points to various jobs throughout the organization in an inconsistent manner. At AT&T for example, the job evaluation system used to rate predominantly male, managerial jobs gave a high point value for customer contact. In contrast, the system used to evaluate the telephone operators, who were predominantly female, assigned only a few points for this same element. This inconsistency occurred even though the operator's calls were screened in order to assess the quality of the contact with customers (Steinberg and Haignere 1987). In other organizations, working around noisy machinery is frequently a sub-factor of working conditions; however, the noise of telephones, printers and people is usually not included under the working conditions for office and clerical jobs (Weiner and Gunderson 1990). In order to establish a gender neutral job evaluation system, it is necessary to evaluate different jobs throughout the organization based on the same criteria. These criteria should be established based on the value to the organization; if a factor is valued and compensated for at one level, it should be valued and compensated for at all levels.

The final criticism related to factor definitions is the fact that they often neglect to include examples from female-dominated work. For example, Arvey (1986) provided a skill-related definition from one job evaluation:

Importance of setting up or adjusting equipment (i.e., Setting up a lathe or drill press, adjusting an engine carburettor, etc.)

This factor definition failed to include examples from female-dominated work such as setting up a computer or preparing visual equipment for a managerial presentation. Without appropriate examples, job evaluators are far less likely to award that particular factor to an incumbent in a female-dominated job. Therefore, defining factors to ensure gender neutrality involves using words and examples that are relevant to both males and females.

Weighting of Factors Once the compensable factors have been selected, it is necessary to weight these factors in order to obtain a total point score for each job. These weights reflect the relative importance of each factor to the organization (Greig, Orazem, and Manila 1989). The weighting assigned to compensable factors should reflect an organization's values and objectives. If these values are associated with characteristics traditionally identified with one sex or the other, then the weights of compensable factors are not gender biased, even though they may appear to be so (Weiner and Gunderson 1990, 46). For instance, 'nurturing' is typically associated with women. 'Factor weightings - that give a higher weight to "people contact" would be appropriate for a hospital or a nursing home but probably not for a foundry or construction site' (Weiner and Gunderson 1990, 46). Nevertheless, if most of the factors on which male-dominated jobs are highly scored are also heavily weighted, while most of the

Each of the three standard weighting schemes has potential for gender bias.

factors on which female jobs are highly scored are given little weight, it is essential that these weights be reexamined to determine if they do relate back to the organization's values, rather than reflect a problem of discrimination within the organization (Weiner and Gunderson 1990). There are three types of weighting schemes: a priori, policy capturing and market weights.

A Priori The a priori approach uses a predetermined set of characteristics and associated weights in order to evaluate each job class. This system is known as a judgmental weighting system since the weights are established by a consultant or by members of the organization (Arvey 1986). This method involves deciding which factors are most valued by the organization and then assigning the corresponding weights. The advantage of the a priori system is that it forces the organization to give consideration to the job content which it values the most, thereby making it explicitly known what will be compensated for in that organization (Steinberg and Haignere 1987). However, these systems tend to lack the flexibility necessary and generally contain biases. In addition, it is difficult to establish who should make the judgments about the relative importance of the various factors.

Policy Capturing Rather than deciding how a set of compensable factors is to be weighted, as with the a priori weighting method, it is possible to assess the weights that are reflected in an organization's current pay practices. Multiple regression is used to capture the current relationship between the content of the job and the wages paid for that job (Weiner and Gunderson 1990). The advantage of this type of evaluation system is that it tends to make fewer statements about what the firm should value because the system is built to measure what is valued. However, since pay equity is attempting to redress the gender discrimination that is likely to exist in the current salaries associated with women's jobs, using the policy capturing weighting method without removing the gender bias would be inappropriate (Acker 1986). It is possible that using current salaries in setting the factor weightings will perpetuate current wage inequities.

Market Weights The final method for assigning factor weights is less popular than the previous two. Although similar to the policy capturing approach, market weighting involves regressing the factors against market wages in order to determine which are the most highly valued. Like policy capturing, this method captures all of the bias against women which exists in the marketplace (Arvey 1986). Since it is largely accepted that marketplace wages discriminate against female-dominated jobs, it is unlikely that this weighting method would be of use in eliminating this problem.

It is essential to note that each of these three systems describe 'what is,' rather than 'what should be' (Steinberg and Haignere 1987). Consequently, it is a distinct possibility that gender bias enters the job evaluation process through the

selection and weighting of compensable factors. During the evaluation phase of this process, the selected factors are clearly a point of entry for gender bias; however, the evaluation instrument is also an area of concern. The following two sections indicate common problems associated with the evaluating instrument.

Objective vs. Subjective Scales Some job evaluation systems have used subjective assessments of the job factor levels. For example, at one organization in Iowa, education was ranked from 1 to 8, with 1 representing 'no special previous training' and 8 representing 'advanced professional training ... in a comprehensive field of study' (Greig, Orazem, and Mattila 1989). A more accurate and defensible measure would have specified the number of years of education required for the job, since it is easier to evaluate the validity of an objective measure such as a year of education than a subjective ranking. In addition, employees are more likely to understand and accept the measurement if it is objective. Objective measures may also be more open to changes in job requirements (Greig, Orazem, and Mattila 1989). For instance, if the size of a department increases, there is no need to determine if the increase is large enough to move the supervisor from a 6 to a 7 on a subjective scale, rather it can be accurately measured on an objective scale. The use of a subjective evaluation instrument increases the chance of measurement error and possible bias, whereas an objective instrument reduces the number of decisions that must be made by the evaluator and hence, reduces the likelihood of bias in the job evaluation system.

Range of a Compensable Factor It is accepted that many blue-collar jobs have adverse working conditions. On the other hand, it is believed that all office jobs have the same working conditions (Weiner and Gunderson 1990). This is quite obviously incorrect as there is clearly a range of working conditions within an office setting. Secretaries experience noise, frequent interruptions, and demands from many people, while managers are often protected from this. If all of these jobs are assumed to have the same working conditions, then lower level jobs are not being given credit for working conditions that are less desirable (Weiner and Gunderson 1990).

Correcting Bias in the Evaluation Stage From the preceding discussion, it is apparent that the evaluation of job characteristics can be gender biased. It is necessary for compensation practitioners to examine their job evaluation systems to ensure that the problems discussed above are not evident in their organizations. First, the compensable factors which are chosen by the organization should be based on requirements or characteristics valued by the organization and not on the gender of the job incumbent. These compensable factors should be appropriate for both male- and female-dominated jobs and they should allow all of the job content in male- and female-dominated jobs to be fully evaluated. Finally, the measurement instruments that are used should

be based on objective scales and should allow a sufficient range within each compensable factor to distinguish between various jobs. Again, the key to avoiding gender bias in job evaluation systems is identifying the sources of bias and then avoiding them with the appropriate job evaluation techniques.

Salary Setting

Having been hierarchically ranked through the evaluation of job characteristics, jobs are then assigned a wage rate or salary level. These wages and salaries are set in one of two ways. First, the compensation of some jobs is established through a process known as benchmarking. This means that jobs within the organization are aligned with current wages in the appropriate external labour market. The organization conducting the job evaluation would select a number of organizations within the same industry and geographic area to participate in a market survey. From these organizations, job titles, which are believed to be representative of a family of jobs, are selected and their compensation levels are collected (Steinberg and Haignere, 1987). The evaluating organization may then average these figures in order to determine a market compensation level for a particular job. Once the benchmark salary has been established, the salaries for surrounding jobs can be fixed based on the already established hierarchy of value.

The second means of establishing the compensation of jobs is through a pay policy line. A pay policy line is constructed by plotting evaluation scores on a horizontal axis and the corresponding salary on the vertical axis. Once a pay policy line is constructed, the appropriate compensation of any job can be determined by its evaluation points.

The use of both benchmarking and pay policy lines for establishing compensation levels allow gender bias to enter the job evaluation procedure (Steinberg and Haignere 1987). When benchmark jobs are selected, the average salary becomes the basis for comparison. If there have been biases associated with the setting of these wage rates, in that job characteristics have been overlooked or undervalued, this bias will be introduced into the evaluating organization's compensation system (Steinberg and Haignere 1987). Furthermore, gender bias can be introduced into the system if low-paying organizations are selected to participate in the market survey for female-dominated jobs while high-paying organizations are chosen for the male-dominated jobs (Weiner and Gunderson 1990, 75). This problem can be further exaggerated if the evaluating organization uses several external sources for benchmarking. In one instance, a county in Iowa used a set of public jurisdictions to establish wage rates for their clerical workers, but used both private and public sector organizations to establish the wage rate for labourers and managers (Steinberg and Haignere 1987). Since managerial and blue collar jobs are typically higher paid in the private sector, this method would serve to widen the wage gap between male and female employees.

Wages and salaries can be set in two ways: benchmarking or pay policy line.

Pay policy lines are not without their weaknesses. When creating pay policy lines it is the usual practice to create one pay policy line for each job family. In addition, different bargaining units tend to have their own pay policy lines as do managerial and non-managerial jobs (Steinberg and Haignere 1987). To the extent that job families, bargaining units and managerial ranks are segregated by gender, comparisons across groups will not occur and pay equity will not be realized. Only by establishing a single pay policy line for the organization can jobs of comparable worth be adequately compared.

The Job Evaluation Committee

To this point, the discussion of gender bias in a job evaluation system has focused almost exclusively on the evaluation process — the collection of job description information and the selection and weighting of compensable factors. Each of these sections has identified how gender bias can enter the job evaluation system. To end the discussion with the conclusion that all gender bias enters the evaluation system because job information is collected in a non-systematic way or because firms fail to identify and weight the appropriate compensable factors, would leave a large gap in this review. Determining the sources of gender bias is only an initial step; determining why gender bias enters the evaluation system may be the crucial issue. In order to address this issue, it is necessary to consider the value that society places on women's work.

Systematic Bias Against Female Jobs A common belief among comparable worth advocates is that female-dominated jobs will receive a lower rate of compensation than male-dominated jobs even when their value to the organization is similar, because females are systematically undervalued in this society. In an effort to determine if this allegation is valid, several studies have been conducted over the past ten years. Most of these studies have examined the potential biases of job evaluations when job evaluation committees are dominated by males or females and when those committees know that the position being evaluated is male- or female-dominated. A brief review of several of these studies provides insight into the potential for systematically undervaluing female-dominated jobs.

An initial study in 1985 was designed to examine two sources of bias in job evaluations that could result in lower compensation for jobs held predominantly by women (Grams and Schwab 1985). The first source of error, direct bias, would occur if female-dominated jobs were undervalued as a result of their gender composition. The second source of error, indirect bias, would occur if job evaluations were influenced by current wages that were themselves biased against jobs in which women make up the majority. The results of this

*Knowledge of current
pay levels and current
gender composition
affected job evaluations.*

study concluded that the gender composition of the job did not have a statistically significant effect in influencing the evaluation of the job; however, this study also indicated that evaluator knowledge of current pay did have a statistically significant effect on job evaluations, with lower compensated jobs receiving lower evaluations. This conclusion is particularly significant since, if current wages do reflect gender bias, the problem will be further perpetuated if this information is used in job evaluation.

The first study conducted by Grams and Schwab had used college students, creating a potential difficulty in generalizing the findings to compensation practitioners. In this second study, compensation practitioners with both training and experience in job evaluation were used (Schwab and Grams 1985). This study sought to determine if the sex of the evaluator was a factor in evaluations. The study concluded that the sex of the evaluator did not have a statistically significant effect on the evaluations.

In a later study (Mount and Ellis 1987), the gender of a job was experimentally manipulated by using 'male' and 'female' titles for identical job descriptions. This approach was believed to simulate more closely the indirect manner in which evaluators receive information about the gender composition of jobs in organizations. The results of this experiment concluded that the gender composition of the job was not a significant factor in the job's evaluation. In addition, this study also supported the conclusion that knowledge of current pay levels affected job evaluations. This occurred, even among a group presumably trained to avoid it.

In contrast to those initial studies, a more recent study (Lewis and Stevens 1990) found that knowledge of gender composition in a job did have a statistically significant affect on job evaluations, with female-dominated jobs being evaluated less favourably than male-dominated jobs. In this study, a position determined to be gender neutral was evaluated by a three person committee. Both male- and female-dominated committees awarded the position more points when they believed that it was held by a man than when it was believed to be held by a woman; however, male and female committees did not differ significantly. Unlike the other studies where no such bias was identified, this study used a far more subtle method of informing the study's participants of the gender of the incumbent by simply placing a name on the corner of the job description but making no reference to it. Rather than giving the socially acceptable answer if the sex of the incumbent is blatant, this method may have provided more realistic assessments.

The literature appears to support the conclusion that the gender composition of the job evaluation committee is not a factor in the evaluation of organizational jobs. The research surrounding the issue of a job incumbent is gender and systematic bias is far less conclusive. While some of these studies have indicated that it is not an issue, others, perhaps those designed more realistically, have

given cause for concern. It would appear as though more research is needed in this area.

Evaluation Committees From the studies reported above, it does not appear that the gender composition of job evaluation committees is a factor in the job evaluation itself. Nevertheless, job evaluation committees may contain biased attitudes and perspectives.

Increasing the size and diversity of the evaluation committee reduces the problem of bias.

It is clear that the perceived importance of a job is influenced by the compensation that is associated with a job (Grams and Schwab 1985; Mount and Ellis 1987). Consequently, jobs that have been identified in the past as being of higher value, are perceived to be of higher value in the present, regardless of current job content. Gender bias can be minimized if evaluators do not know exactly what job they are evaluating, but focus only on a part of the job.

When job evaluators perform their evaluations as a team, their level of disagreement is reduced and the evaluation system appears to be highly reliable (Greig, Orazem and Mattila 1989). The use of teams tends to raise the measured reliability of the system since differences of opinion are generally not reported. If this is the case, the job evaluation process could be potentially dominated by evaluators at higher levels or those who are more vocal. These people will influence and possibly bias the other evaluators.

In order to avoid problems associated with evaluation committees, evaluators should work independently and then pool their results. This process will help to identify the bias, if any, of particular evaluators towards specific jobs. In order to avoid having the group dominated by one or two people, decisions can be made consensually rather than through voting. Most importantly, increasing the size and diversity of the committee reduces the problem of bias. The more diverse the committee, the more likely it will be to identify gender bias. Consequently, evaluation committees should be made up of people with different types of jobs, at different levels in the organization, with different lengths of service, different ages and different genders. People with different perspectives will notice different things and will raise different questions, thus resulting in discussions of gender bias.

Summary

The discussion of the literature has presented a view of the various sources of gender bias in the job evaluation process. By examining the research on job evaluation, it is apparent that these systems have, over time, allowed gender bias to be built into the instruments which measure the skills, effort, responsibility and working conditions of jobs. This gender bias begins during the description of job content, is continued and further exaggerated in the evaluation stage and

is institutionalized at the salary setting stage. Fortunately, by identifying the sources of gender bias in job evaluation systems, compensation practitioners can become more aware of the issue and consequently protect their systems from it. The sex biased design of job evaluation systems is a problem which can be overcome if the organization is committed to identifying and correcting these structures.

The examination of the literature has identified the many sources of gender bias in job evaluation systems; however, this does not provide a determination of gender neutrality for the purposes of pay equity. While these two concepts appear to be two sides of the same coin, eliminating the identified sources of gender bias may or may not result in a gender neutral system. Nevertheless, the Pay Equity Hearings Tribunal used this literature extensively, as a springboard for its 1991 decision on the gender neutrality of a job evaluation system. The following section analyzes this case.

The Haldimand-Norfolk Decision

The first case dealing with the issue of gender neutrality was brought before the Pay Equity Hearings Tribunal by the Ontario Nurses Association (ONA) in the Regional Municipality of Haldimand-Norfolk. The ONA was the bargaining agent for two bargaining units: those nurses employed full time at the Regional Health Unit (Local 78) and those nurses employed part time at two Homes for the Aged. Since both of these bargaining units consisted solely of female job classes, the parties were required to compare them to the male job classes throughout the establishment.

In December 1987 the Employer informed the ONA that it had acquired the services of William Mercer Ltd. and that the consultant was currently working on the development of factor language and a job analysis questionnaire for the purpose of implementing a job evaluation system. The Employer gave the Union no indication that they would be involved in this initial process. The Union informed the Employer that they were required to negotiate a gender-neutral comparison system in addition to the pay equity plan. In response, the Employer sent the ONA a Memorandum outlining when they would be finalizing and pretesting the job analysis questionnaire, giving weight to the factors and administering the questionnaire. The Union maintained that it had not agreed to any part of the job comparison system. On December 8, 1988 the Employer informed the ONA that it was prepared to administer the questionnaire. At that time, the ONA filed a complaint with the Pay Equity Commission.

A comparison system must identify and correct wage discrimination.

The ONA alleged that the Regional Municipality violated the Pay Equity Act by proposing a job comparison system which was not gender neutral. They claimed that the system did not systematically identify and therefore redress systemic discrimination in the wages of nurses. The comparison system was developed by William M. Mercer Ltd. and is a point factor job evaluation system; it includes the development of a questionnaire, the selection of factors, pilot testing, the collection of data, the use of a job evaluation committee, the weighting of factors, identification of male comparators and a process of undertaking the comparisons.

Having considered the evidence presented by the parties in this case, the Tribunal found that the comparison system must be able to assess the requirements of both female and male job classes; for it to be gender neutral, it must be capable of identifying and correcting wage discrimination. It then identified four components which must be examined in order to assess the gender neutrality of a job comparison system:

- Collecting accurate job information;
- Choosing a mechanism or tool to determine how value will attach to the job information;

- Applying the mechanism to determine the value of the work performed; and
- Making the comparisons.

The Tribunal concluded that while the parties to the pay equity plan have the freedom to create a system which meets their need, they have an obligation to ensure that each of these components is gender neutral. Since bias in one component ultimately means that the system as a whole is not gender neutral, gender bias must be eliminated from all aspects of the system. The Tribunal then considered each of these four components as they related to the *Haldimand-Norfolk* case.

Collecting Job Information

Section 5(1) of the *Pay Equity Act* requires:

For the purposes of this Act, the criterion to be applied in determining the value of work shall be a composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed.

The failure to collect job information properly cannot be corrected later by appropriate choices of compensable factors and weights.

In order to be gender neutral then, a comparison system must accurately and completely record and value the skills, effort, responsibility and working conditions of both the male and female job classes in the establishment. As evidence, two experts in the field of job evaluation commented on the necessity of accurate information collection. The first expert testified that the system must collect the most accurate job content information possible in order to measure the value of the job; he warned that the failure to collect job information properly could not later be corrected by the appropriate choices of compensable factors and associated weights. In contrast, the second expert claimed that capturing all job content was not necessary; rather the organization can select the job content it wishes to measure as long as male and female job classes are assessed on the same basis. The Tribunal concluded that Section 5 of the Act required a standard of correctness and completeness that could only be fulfilled by collecting all job content information in the most accurate means possible.

Based upon the requirement for the complete and accurate collection of job information, the Tribunal considered the following questions helpful in assessing the gender neutrality of the comparison system:

- What is the range of work performed in the establishment?
- Does the system make work, particularly women's work, visible in this workplace?

- Does the information being collected accurately capture the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed for both the female job classes in the plan and the male job classes to be used for comparison?
- Is the job information being collected accurately and consistently, the same way for each job class to be compared?

The comparison system must look at the type and range of job functions, the nature of the organization, its culture and goals.

What is the range of work performed in the establishment?

According to the Pay Equity Hearings Tribunal, the gender neutrality of a job comparison system must be assessed within a specific organizational context. The comparison system must look at the organization in terms of the type and range of job functions, the nature of the organization, as well as its culture and goals. This necessitates a close look at the nature of the organization including the services it provides or the products it produces. In addition, the system must specifically address the range of work performed by female job classes in the establishment so that it can identify systemic wage discrimination. Considering the evidence, the Tribunal concluded that both the Employer and the Union did consider the need to have a comparison system appropriate to a municipal workplace; however, it failed to address its appropriateness for the nurse job classes.

Does the system make work, particularly women's work, visible in this workplace? Does the information being collected accurately capture the skill, effort, responsibility and working conditions of all female job classes and the male classes to be compared?

The Tribunal found that because women's work has historically been undervalued, special attention must be given to those requirements of women's work that have gone unrecognized. As a result, one of the key requirements of a gender neutral comparison system is that it make visible those job characteristics, using the statutory criteria of skill, effort, responsibility and working conditions, that were previously not visible and thus not valued. The system must measure and value the work requirements, so that the Employer can meet its obligation to pay equitably for it. While the Tribunal was not suggesting that any work should be valued unfairly, they indicated that the Act requires the negotiating parties to consider why women's work in their organizations has been required but has not been properly valued. The Tribunal, quoting Steinberg and Haignere (1987), at page 166:

If jobs are described incompletely and inaccurately on a systemic basis, existing specifications become nothing more than job-

content based justifications for perpetuating undervaluation of female dominated or significantly minority jobs.

Having provided a rationale for the requirement that female job characteristics be made visible, the Tribunal went on to consider whether this comparison system met that requirement. The Tribunal reported that in this consideration, both parties presented a great deal of statistical evidence to support their cases. Considering the use of the statistical evidence, the Tribunal found that such tests are not appropriate in determining the gender neutrality of a job comparison system since their results are simply the product of their underlying assumptions.

The Tribunal then went on to consider the collection of job requirements. Having listened to expert evidence, the Tribunal concluded that the best source of information on the job requirements are the incumbents of the jobs. Since the incumbents are the most familiar with the skills and requirements of their work, the accuracy of the data collected is likely to be greater than if the committee provides the information and then analyzes it.

Each task an incumbent performs need not be recorded.

The collection instrument must be designed so that job incumbents can consistently and accurately report their work requirements. The Tribunal did not suggest that each task performed by the job incumbent must be recorded but rather, that there must be an accurate collection and valuing of the skills, effort and responsibility normally required in the work and the conditions under which it is normally performed. While the Act does not indicate how the negotiating parties should collect this information, the Tribunal indicated that any of a variety of ways including interviews with incumbents, questionnaires, or through sampling or testing would be satisfactory so long as the method used would elicit answers which would collect information on the actual work required and not simply be a function of the way men and women describe their work.

After reviewing the evidence, the Tribunal found that the Regional Municipality's comparison system, specifically the questionnaire, did not make visible the work of the nurse job classes in this establishment. The comparison system did not capture the nurse's job content accurately or completely. In making this assessment, the Tribunal examined each subfactor of the questionnaire. Examples of the questionnaire failings are provided below.

Skill Required 'Numeric Skills' was one of several subfactors contained within the Skill factor. The evidence presented by the Union indicated that nurses collect and analyze statistical data; they construct, read and interpret graphs in order to make their own treatment decisions, to report on their activities, and to undertake program planning. The questionnaire did not collect these skill requirements of female job classes. As such, this subfactor did not collect the skills of the nurses.

Having examined the questionnaire, the Tribunal concluded that the wording of the skill subfactors focused on managerial and administrative skills, and as a

result did not collect or make visible the oral communication, numeric skills, manual and dexterity skills, financial skills, experience, equipment knowledge and innovation skills of the nurse job classes.

Responsibility Required Under the Responsibility compensable factor was the subfactor 'Supervision of Others.' The Tribunal found that the question relating to this requirement did not accurately collect this information. Evidence was presented from the pilot study of the questionnaire indicating that when nurses were asked about their supervision of others, they responded at all different levels from 'does not apply' to the highest level, indicating that they could not identify their job requirements on the questionnaire. The Tribunal concluded that the questionnaire was collecting information on the type of supervision associated with management job classes; the questionnaire did not collect or value other kinds of supervisory responsibilities. As a result, this questionnaire was unable to make visible job requirements such as the supervision of other health care workers, of clients and of volunteers, or supervisory responsibility on night shifts or during the absence of the head nurse. These were skills which were not collected anywhere in the questionnaire.

In total, the Tribunal found that the comparison system failed to accurately and completely collect and make visible planning skills, co-ordination skills, financial responsibility, supervision of others, supervision received, internal and external contacts of the nurses jobs.

Effort Required This comparison system included two subfactors under Effort, 'Maintain Visual Effort' and 'Physical Effort.' From the evidence presented, the Tribunal found that the nurses were able to cite a number of job requirements, related to effort, which were not collected by this questionnaire. Production requirements, assessed as the number of home visits per week, fatigue from home visits and the mental and visual effort required to perform the job were among the job requirements which were not collected.

Working Conditions Requirements After hearing the evidence, the Tribunal concluded that the questionnaire would likely collect the working condition requirements of a nursing job. This approval seems to have been the result of the Employer adding the subfactors 'Potentially Dangerous People' and 'Exposure to Objectionable Substances' to the comparison system.

Although some of the subfactors in the questionnaire would have collected the skill, effort, responsibility and working conditions of the female job classes the Tribunal found many others were clearly lacking. Ultimately, the Tribunal concluded that the questionnaire could not make visible the work of nurses in this establishment because it did not accurately collect it. Since the instrument could not accurately collect the requirements it would be unable to value and compensate the requirements of a nursing job.

Is the information collected accurately and consistently?

The Tribunal favours the use of a closed-ended questionnaire.

When the Tribunal examined the accuracy and consistency with which the information was collected, they looked to the mechanics of the questionnaire. The Tribunal made a number of comments. Supported by the literature on gender bias in job evaluations, they favoured the use of a closed-ended questionnaire. It was their conclusion that closed-ended questionnaires result in more consistent and comparable responses since they minimize the impact of gender and linguistic differences between the job incumbents. As a result, the information that is collected more accurately reflects the requirements of the job.

In addition, the Tribunal found that the Employer's decision to remove supervisory review of the questionnaires from the collection process to be an important step in the accurate collection of job information. They believed that job incumbents would be more likely to be honest in their responses if the questionnaires were not examined by their supervisor. Of course, a significant drawback of this proposition is that incorrect information may be passed on to the job evaluation committee. Nevertheless, it was found that this method of collection would enhance the accuracy of the instrument.

While the Tribunal applauded these two points they ultimately found that the questionnaire contained serious comprehension problems. For example, each compensable factor level measured the frequency and complexity of a task together. Often the frequency and complexity were not paired to reflect accurately the work requirements. This would obviously hinder the accurate collection of job information. The language contained in the questionnaire was also a problem; many of the questions used relative terms such as 'smaller' or 'more frequent' with no reference point. The Tribunal concluded that without some reference points, the responses to the questionnaire would likely be inconsistent and invalid.

By answering each of these questions it became apparent that the collection of job information was not gender neutral. This obviously had serious implications for the gender neutrality of the job evaluation system as a whole. The Tribunal pointed out that parties must ensure that each stage of the job comparison process is gender neutral. For example, if the collection of job requirements is flawed, the process cannot be salvaged by a tool which effectively determines value; likewise, if the valuing tool is inherently inaccurate, it cannot be cured by the accurate collection of job requirements. Job comparison is a systematic process; a gender bias in one component will effectively ruin the chances for a gender-neutral system. Nevertheless, the Tribunal proceeded to the second question in the determination of gender neutrality.

Selecting a Mechanism to Value the Information

The second component of a gender neutral comparison system is a process to value the job information that has been collected. The Tribunal recognized that determining the value of work is a very complex process, especially under the Pay Equity Act. Under Section 14, the parties must develop a tool/mechanism to value the work; however, under Sections 4(2) and 5(1), the parties are required to identify systemic discrimination by comparing the value of the work based on skill, effort, responsibility and working conditions. This obviously makes the process very complicated. Nevertheless, the Tribunal maintained that only in circumstances where parties have bargained to an impasse on specific value issues will the Tribunal become involved to decide the most appropriate determination of value.

In selecting the mechanism to determine the value of job requirements the Tribunal considered the following:

- Can the tool determine the value of the work performed using the statutory criteria of skill, effort, responsibility and working conditions?
- Is the choice of subfactors, if used, undertaken free of gender bias?
- Are levels or equivalencies, if used, free of gender bias?
- Is the composite required by section 5(1) decided in such a way that gives value to all the statutory criteria and is point weighting free of gender bias?

Value must be based on skill, effort, responsibility, and working conditions.

Can the tool determine the value of the work performed using the statutory criteria?

This consideration requires that the tool to assign value to job requirements attaches that value based upon the criteria of skill, effort, responsibility and working conditions. The questionnaire proposed by the Employer is divided into subfactors, each of which attaches to one of the statutory criteria. As a result, the Tribunal found that the tool could determine the value of the work performed based on the criteria.

Is the choice of subfactors, if used, undertaken free of gender bias?

Although subfactors are not required by the Pay Equity Act, if as in this case, the parties choose to propose them, they must be free of gender bias. In commenting on the use of subfactors, the Tribunal recognized that some will benefit male-dominated jobs while others will benefit female-dominated jobs. For instance, a care-giving subfactor may be included when evaluating

jobs within a hospital, while dexterity might be included in a manufacturing organization. Although these subfactors are associated with a particular gender, they are appropriate because of their relevance to the goals and objectives of the organization.

The Mercer questionnaire contained over twenty-four subfactors based upon skill, effort, responsibility and working conditions. Although the Union claimed that there was a substantial imbalance in the selection of subfactors favouring male job classes, the Tribunal believed that the subfactors did provide enough range for incumbents to identify and record the job requirements of both nurses' work and the work of male job classes. Nevertheless, the Tribunal reminded the parties that the selection of subfactors would not compensate for the serious problems in the collection of job content information.

Are levels or equivalencies, if used, free of gender bias?

The questionnaire proposed in this job evaluation system simultaneously collected and evaluated job information; each question contained a range of increasingly complex responses and an associated higher value. The Tribunal found that the Employer's choice of levels set an initial hierarchy of value with no consideration of the possible gender bias in the setting of that hierarchy. This could have been avoided in one of two ways. First, the Employer could have completed an analysis of the current male-dominated job pay structure in order to assess the value that was placed on job requirements within the Municipality. This value could then have been transferred to female-dominated jobs. Second, the Employer could have undertaken a valuation of the requirements of a nurse's job. Based on the goals and objectives of the Municipality, they could have clearly identified those factors in a nursing job which are of value. Since neither of these analyses was performed, these equivalencies may have contained gender bias.

Although it is these equivalencies that the Employer is required to negotiate with the ONA, if the parties reach an impasse, the Tribunal has the jurisdiction to impose a decision. In this case, however, the Tribunal found it more beneficial to make the parties aware of possible gender bias in the factor levels to assist them when they return to the negotiating table. Two areas of concern were introduced about how the setting of equivalencies may not have properly valued nurses' work. First, in the 'Impact of Errors' sub-factor, the 'loss to the Municipality's prestige' was two levels higher than 'may result in serious injury to others.' Second, in the 'Outside Contacts' subfactor, contact with the media and publicity with respect to the image of the Municipality was seven levels higher than routine contact with patients. The Tribunal was concerned that valuation such as this resulted in the jobs with formal managerial responsibility receiving the highest scores.

When the values of the decision makers tend to favour either male or female job characteristics, gender bias will result.

Is the composite required by section 5(1) decided in such a way that gives value to all the statutory criteria and is point weighting free of gender bias?

According to the Tribunal, a key part of a gender-neutral comparison system is the weighting given to the factors and subfactors. However, the Tribunal pointed out that an analysis of the weighting process can help identify any previously hidden biases, but it is not sufficient to meet the requirement of gender neutrality. It is simply a part of the systematic process of comparison that the parties must undertake to ensure that the system is gender neutral. The comparison system must correctly measure and value the skill, effort, responsibility and working conditions, and weigh them in such a way as to not advantage either female or male job classes unfairly. This is a very delicate stage, since decisions are often based on value judgments; when the values of the decision makers tend to favour either male or female job characteristics, gender bias will result. In this case, the Tribunal found that 'the parties should have negotiated point weighting with a view to agreeing upon weights that value equally the female and male job requirements' (italics added).

Applying the Mechanism to Determine the Value of Work

In this case, the parties had not agreed to a job comparison system so they had not yet applied it. Nevertheless, the Tribunal felt that the following considerations would assist them in assessing the gender neutrality of this component of a job comparison system:

- Is the valuing tool of the comparison system applied consistently without regard to the gender of the job class?
- If a committee is used to evaluate jobs, is it representative, balancing the interests of the parties with duties and obligations under the Act?
- If a committee is part of the system, is it sufficiently knowledgeable to enable the parties to meet their obligations?
- Is the decision-making process accomplished in a manner free of gender bias?
- Did the mechanism identify systemic wage discrimination?

The Tribunal decision addressed the issue of committee representation because it was raised by the parties. In this case, the Mercer system required a job evaluation committee to collect questionnaire responses, assign weights to the subfactors, and apply the weights to the responses in order to determine a point value for each job class. The Tribunal noted that while the Act does not require parties to use joint committees in the implementation of a gender-neutral comparison system, if they choose to do so, the committees must contribute to, rather than detract from, the gender neutrality of the comparison system. The Regional Municipality argued that if the committee could reach an agreement, and it was comprised of Union and Management representatives, men and

Historical attitudes about the value of women's work can continue even in a committee with diverse representation.

women, representing a cross section of job classes, then that would be as near a measure of gender neutrality as possible. The Union argued that consensus should not be a test of gender neutrality.

The Tribunal found that the Employer's proposal for an equally represented union and management joint committee, representative of both sexes and various job classes, to be a good one. However, they were not in complete agreement on the issue of committee consensus and gender neutrality. They found that if a representative group of people agree, much of the potential gender bias would have been eliminated from the job comparison system. However, the Tribunal cautioned that the parties must be aware that historical attitudes about the value of women's work can continue to exist in a committee regardless of representation. Consensus alone does not necessarily eliminate traditional biases. Seeking information from the academic literature, the Tribunal reminded the parties that although committee members might be representative of jobs within an organization, they are often aware of the current salary hierarchy. The awareness of salary levels can lower the point values of a job class even when the job requirements are taken into account. Therefore, the Tribunal found that while consensus in the negotiation process is an important part of the acceptance of a pay equity plan, it is not a guarantee of gender neutrality.

The Tribunal's second comment on committees was related to training. The Tribunal believes that training of the job evaluation committee is a key requirement for a gender neutral job evaluation system. It is essential that there be training in bias-free evaluation and that committee members develop an awareness of the attitudes and biases people bring to the job evaluation process.

Making the Comparisons

In this case, the female job classes had not yet been compared to male job classes. As such, the Tribunal did not make any findings on this part of the process.

Summary

This Tribunal case was the first to deal with the issue of gender neutrality in a job comparison system. Although the case provides some guidance for other parties, its conclusions are very specific to the Haldimand-Norfolk case. Instead of identifying and defining gender neutrality in a job comparison system, the Tribunal has effectively identified what it is not. Like the academic literature, this case focused on identifying sources of gender bias in the system. Nevertheless, the findings of this case do provide other negotiating parties with some useful insights into the type of job comparison components favoured by the Tribunal. While the following list is not exhaustive, it does offer some guidance in the pursuit of a gender neutral job comparison system.

Gender-Neutral Job Comparison Components

- The gender neutrality of a job comparison system will be assessed with respect to the specific organizational goals and values. Therefore, the gender neutrality of a system in one organization does not guarantee its neutrality in another.
- A gender neutral comparison system will make visible those job characteristics of female jobs that were previously not visible and thus not valued.
- All job content information must be collected.
- Statistical tests are of little use in the assessment of the gender neutrality of a comparison system.
- The best sources of information on job requirements are the incumbents of those jobs.
- Although the Tribunal is not concerned with the method of data collection providing it elicits an accurate and complete list of job requirements, the use of closed-ended questionnaires results in the most consistent and comparable results.
- When developing factor levels, frequency and complexity should not be measured simultaneously. In addition, relative terms (i.e., more often) should not be used without reference points.
- The use of subfactors associated with a particular gender does not necessarily mean that the system is gender biased.
- The use of a balanced union and management job evaluation committee, representative of both sexes and various job classes, is a positive step towards a gender neutral system; however, committee consensus is not a guarantee of gender neutrality. Job evaluation committees must be trained to identify and avoid sources of gender bias.

Implications of The Haldimand-Norfolk Decision

As the *Haldimand-Norfolk* case was the first Pay Equity Hearings Tribunal decision to deal with the issue of gender neutrality, the findings have serious implications for other parties implementing a pay equity plan.

Maintaining Pay Equity

Pay equity is a self-managed, on-going process.

Pay equity in Ontario is intended to be an on-going process; it is not a one-time attempt to redress systemic discrimination in the compensation of female job classes.' As such, the findings of the Tribunal in the Haldimand-Norfolk case have implications for the maintenance of pay equity. While those parties implementing a pay equity plan were to use a gender-neutral comparison system, the Pay Equity Hearings Tribunal has made it clear that the concept of gender neutrality is a developing one. As more experience and knowledge are gained, information on the detection and avoidance of gender bias in job comparisons should be incorporated into the ongoing maintenance of pay equity

(Weiner 1991). The evolving standard of gender neutrality will force the parties to continually assess the quality of their job evaluation systems. As a result, those implementing pay equity must remain abreast of the developments in the job evaluation literature, especially as it pertains to gender bias.

Reasonableness Standard

Ontario's pay equity legislation was designed to allow the parties flexibility in selecting a gender-neutral comparison system. Unfortunately, its authors failed to provide a definition or description of gender neutrality, an omission which has caused difficulty and confusion in the implementation of the Act. As such, some believed that the ability of the Pay Equity Hearings Tribunal to develop minimum standards for a gender neutral comparison system was 'crucial' to the success of the Act (Fudge 1990, 2)

... indeed desirable, for the Hearings Tribunal to develop general legal criteria for gender neutrality in the context of adjudication. ... Thus, implicit in any decision are standards which are formulated at some level of particularity and which could be used as a basis for proceeding in future decisions. By making these implicit standards explicit what an adjudicative tribunal does is structure its discretion so as to enable potentially affected parties to modify their behaviour to meet the legal standard. Although such standards are not binding legal precedents, they serve an important function in providing consistency and predictability in the adjudicative process. (Fudge 1990, 4)

This would have necessitated the Tribunal developing a set of minimum criteria by which to assess the gender neutrality of a large range of job evaluation systems. This minimum criteria or reasonableness standard would have been in line with the Tribunal's announcement 'to provide decisions and reasons which not only determine the issues between the parties, but also assist other parties in meeting their obligations under the Act' (*Canadian Union of Public Employees, Local 1582 and the Municipality of Metropolitan Toronto and the Metropolitan Toronto Library Board*, Pay Equity Hearings Tribunal Decision, December 5, 1989, para. 26).

The *Haldimand-Norfolk* case did not develop a reasonableness standard or minimum criteria by which to assess the gender neutrality of a job evaluation system, although it did provide the parties with some insight into the types of systems favoured by the Tribunal. As has already been discussed above, a great deal more time was spent pointing out the sources of gender bias rather than indicating what would have been gender neutral. From this case, can it be concluded that only those systems which are completely free of gender bias will be accepted by the Tribunal? Will there ever come a point in the development of a job comparison system where the parties agree that all job content has been collected and accurately valued? If not, the parties will forever come before the Tribunal asking that it assess each aspect of a job comparison system for gender neutrality. One can only hope that as the Tribunal rules on more cases, a standard of reasonableness will begin to emerge. While it is highly unlikely that the Tribunal will ever develop a prototype of a gender-neutral comparison system, acceptable components will be identified.

By providing the parties with questions and criteria by which to develop job comparisons rather than providing an actual system, the Tribunal is reinforcing the notion that pay equity is a self-managed process. They have left the responsibility with the negotiating parties, to consider seriously what they value and how they are going to ensure that it is properly rewarded. While the information provided in this case is not a magical formula to gender neutrality, it does provide the parties with many of the initial tools necessary to develop an acceptable job comparison system.

Generic Job Evaluation Systems

Historically, job evaluations have been used to identify the goals and values of an organization's management and then reward them based upon current market compensation levels. In contrast, job evaluations for the purpose of pay equity are used to identify and redress the wage gap that exists between male- and female-dominated jobs because of gender and not the requirements of the job (*Ontario Nurses' Association (ONA)* and the Regional Municipality of *Haldimand-Norfolk*, Pay Equity Hearings Tribunal, May

29, 1991). Therefore, job evaluations today have much more stringent requirements than in the past. It is likely that most organizations that have used job evaluations in the past did not construct or choose them with the intention of complying with the pay equity legislation (Conway 1987, 23). Because gender neutrality is a relatively new concept to the field of job evaluations, it is likely that many systems will fail to meet the standards set out by the pay equity legislation.

For the purposes of pay equity, job evaluations must make aspects of women's work 'visible.' The requirements of women's work have long been overlooked and have therefore gone unvalued. In order to fulfil the requirements of the pay equity legislation, the Tribunal asked whether the evaluation system would make work, particularly women's work visible in the workplace. In addition, they asked if the information being collected, accurately captured the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed for both the female job classes in the plan and the male job classes to be used for comparison. The Tribunal made it very clear that these questions must be assessed within the organizational context. The job evaluation system must make women's work visible and it must reflect the values of that particular organization. Ultimately, this requires the organization to identify what it values and then scrutinize the job evaluation system in order to ensure that these elements are properly rewarded in female-dominated jobs.

A job evaluation system should be custom designed to reflect the values of the organization.

The requirement to determine the gender neutrality of a job evaluation system within a specific organizational context has serious implications for the use of off-the-shelf job evaluation systems. Many of the job evaluation systems on the market today are advertised as being universal or generic (Leff 1991, 87). As their name implies, generic job evaluation systems were intended to apply equally well to many different types of organization. In order to be generic, these job evaluation systems have been forced to ignore the unique qualities of the organizations in which they are being utilized (Leff 1991, 87). Within two organizations there may not be significant differences between jobs at the managerial level, but there would certainly be differences in job requirements at the lower levels. For instance, accountants may face similar job requirements regardless of the organization, but nurses, assembly line workers and library staff have much less in common (Leff 1991, 87). It is likely that the organizations in which these jobs are found, have very different priorities and values. How then could a generic job evaluation system accurately capture these differences?

In order to fulfil the requirements of the *Pay Equity Act* it appears that the job evaluation system must be flexible enough to capture the unique features of each organization. Since the gender neutrality of each job evaluation system is going to be assessed within each organization, it seems reasonable that each job evaluation system should be custom designed to reflect the values of that organization.

External Review

As has been discussed, the Pay Equity Hearings Tribunal claims that it will assess the gender neutrality of a job evaluation system within a specific organizational context. As a result, a job evaluation system could be found to be gender neutral in one organization and gender biased in another depending on the values of the organization. One must wonder whether the Tribunal is in a position to assess accurately the values of an organization in the finding of gender neutrality. Does the Tribunal have enough insight into the way organizations operate to apply the legislation fairly and reasonably or does the legislation leave organizations at the mercy of this Commission?

From the findings of the *Haldimand-Norfolk* case, it would appear that the Tribunal is going to scrutinize the values of each organization which brings a case before it. Two conclusions reached by the Tribunal gave some cause for concern. First, they were concerned that the job evaluation system was not properly valuing nurses' work since in the 'Outside Contacts' subfactor, contact with the media and publicity with respect to the image of the Municipality was seven levels higher than routine contact with patients. The Tribunal was concerned that valuation such as this provided jobs with formal managerial responsibility the highest scores. Second, the Tribunal went on to comment that, '... in this case, the parties should have negotiated point weighting with a view to agreeing upon weights that value equally the female and male job requirements' (*Haldimand-Norfolk*, para. 83). It appears that the Tribunal is attempting to impose external values on this organization. For instance, while it may seem equitable to value female and male job requirements equally, that may not be a true reflection of organizational goals and objectives.

For a process which is intended to be self-managed, it appears that the Tribunal may attempt to play a very significant role in determining the value of job requirements. This may be acceptable for public sector organizations such as hospitals where their organizational values should represent the values of our society. In such cases, it seems acceptable to ensure that the values of publicly financed organizations uphold a certain societal standard. However, should a private sector firm, already facing challenging and competitive economic times be burdened with the responsibility of valuing its employees according to a societal standard that does not reflect the values of the organization? Only additional cases will indicate the approach to be taken with private sector organizations.

Note

The Pay Equity Act requires that parties establish and maintain pay equity:

Every employer shall establish and maintain compensation practices that provide for pay equity in every establishment of the employer. (s.7(1))

The requirement for pay equity maintenance implies an on-going assessment of organizational compensation practices.

Conclusion

Since the *Pay Equity Act* was passed in 1987 it has been closely scrutinized. While it may be too early to determine if the legislation has been a success, it is not too early to see that the process of implementing pay equity has been fraught with difficulties. The problems that have arisen in the interpretation of many of the Act's provisions have led to a great deal of criticism. One of the greatest criticisms has been the lack of a clear definition of a gender-neutral comparison system. While the academic literature presents criteria for minimizing gender bias in job evaluation, neither academics nor the Pay Equity Hearings Tribunal has developed a conclusive method to demonstrate either gender bias or gender neutrality in any particular job comparison system. Nevertheless, the first decision of the Pay Equity Hearings Tribunal on the issue of the gender neutrality does have implications for those parties attempting to implement a plan.

First, employers must be much more cognizant of female job requirements than they have been in the past. The onus appears to be on the employer to ensure that all female job requirements have been collected. It is likely that a system which fails to collect even a few requirements will be deemed gender biased.

Employers and job comparison instruments are being held to a very high standard.

Second, the parties must clearly demonstrate a link between their organizational goals and the weight that is given to female-dominated job requirements. The organization must be able to demonstrate that they have set their mind to the task of valuing female job requirements within that organization. However, in the effort to redress systemic discrimination in female compensation it appears to be the expectation of the Tribunal that once female job requirements have been identified they will be given a higher weight than they have in the past. It is unlikely that the Tribunal will be satisfied with organizations identifying a job requirement of female jobs and then valuing it at the traditional level. This would be inconsistent with the idea that the Act is intended to properly value historically undervalued female work.

Finally, it appears as though the internal values of organizations are going to come under the close scrutiny of the Tribunal. Regardless of what the organization claims its organizational values to be, the Tribunal is unlikely to accept the conclusion that its female-dominated jobs are of lesser value than its male-dominated jobs. As a result, it is likely that internal values will ultimately have to meet some external standards dictated by the Tribunal.

From the conclusions of the Tribunal it is apparent that both employers and the job comparison instruments that they use are being held to a very high standard in this quest for gender neutrality. As more cases are decided by the Tribunal it is likely this standard will be clarified. In the meantime, parties to a pay equity plan must continue to negotiate the gender neutrality of a comparison system in these very murky waters.

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