



The Pay Equity Commission
Review Services
Notice of Decision

Re: *Pay Equity Act*, R.S.O. 1990, c. P.7, as amended
(the *Act*)

Pay Equity Office

and

Liberty Entertainment Group
(the Employer)

File Number:	17-23482
Date of Issue:	August 27, 2020
Review Officer:	Michelle Mendonça
Issued under Section(s):	32(2) and 34(2)

Issue

1. Has the Employer disclosed information demonstrating that its current compensation practices provide for pay equity, as required by Part I of the *Pay Equity Act* (the *Act*)?

Background

2. Liberty Entertainment Group (the Employer) is a private company that operated nine restaurant venues in Ontario at the time of monitoring. They are as follows:
 - BlueBlood Steakhouse, Toronto
 - Casa Loma, Toronto
 - CIBO Wine Bar, King Street, Toronto
 - CIBO Wine Bar, Yonge Street, Toronto
 - CIBO Wine Bar, Yorkville Avenue, Toronto
 - Liberty Grand Entertainment, Toronto
 - Liberty Entertainment Group, Toronto
 - Rosewater, Toronto
 - Spice Route Asian Bistro and Bar, Toronto.
3. The Employer started operations at its first venue (Rosewater) in December 1996. The Employer does not have a record of when it hired its 10th employee.
4. There is one bargaining agent at one location (Casa Loma): Service Employees International Union (SEIU) Local 2, Brewery, General & Professional Workers' Union.
5. On October 27, 2017, the Pay Equity Office contacted the Employer to request pay equity related information regarding its Monitoring Program.
6. On November 1, 2017, the Employer submitted a signed copy of the Certificate of Posting.
7. On May 10, 2019, the file was re-assigned to a new Review Officer.
8. The Employer hired a consultant to assist with its pay equity review.
9. The Employer considered all venues as one Ontario-wide establishment for pay equity purposes. A complete list of venues, locations and operating dates is attached as Appendix A.
10. By July 16, 2020, the Employer submitted the following: monitoring checklist, employee listings (2016 to 2018), payroll information (2016 to 2018), list of job classes and gender predominance, job evaluation system, job evaluations and results, and job comparisons (2016 to 2018 for non-union job classes, and 2015 to 2019 for union job classes).

11. For union employees represented by SEIU Local 2, Brewery, General & Professional Workers' Union, the Employer identified three job classes, including one female job class, two male job classes, and zero gender-neutral job classes.
12. For non-union employees, the Employer identified the following job classes in the establishment: 142 job classes, including: 64 female job classes, 58 male job classes and 20 gender-neutral job classes.
13. A complete list of all female, male and gender-neutral job classes is attached to this decision as Appendix B.

The Law

14. To meet the minimum requirements, all employers covered by the *Act* must carry out each of these activities for each of their establishments:
 - a) Determine job classes, including the gender and job rate of job classes.
 - b) Determine the value of job classes based on factors of skill, effort, responsibility and working conditions.
 - c) Conduct comparisons for all female job classes using job-to-job or proportional value methods.
 - d) Adjust the wages of underpaid female job classes so that they are paid at least as much as an equal or comparable male job class or classes.

Analysis

15. I have exercised the authority under subsection 34(3)(b) of the *Act* and obtained the following information from the Employer:
 - Certificate of Posting
 - Monitoring checklist
 - Collective Agreement (SEIU Local 2, Brewery, General & Professional Workers' Union)
 - Payroll information for the years 2016 to 2018 (union and non-union)
 - Employee listings including employee number, job title, gender and pay rate (2016 to 2018) (union and non-union)
 - Calculation of gratuities for applicable job classes at each location
 - Job classes and their gender predominance
 - Gender neutral job evaluation system and weighting formula
 - Job evaluations and results

- Job comparisons using the job-to-job (floating point band) and proportional value methods (2016 to 2018) (non-union)
- Job comparisons using the job-to-job method (floating point band) (2015 to 2019) (union).

16. The Employer reviewed and completed job evaluations for each job class. The job evaluation system considered the four statutory factors as set out by the *Act* including: skill, effort, responsibility, and working conditions.
17. The availability of benefits was considered in the review. Gratuities were considered in the job rates for applicable job classes.
18. Female job classes and male job classes were compared, and no pay equity adjustments were owed.

Decision

19. Under Section 34(2) this will serve as notice to the employees and Employer that, based on the information provided, the Employer's current compensation practices provide for pay equity as required by Part I of the *Act* for the period investigated.
20. Under Section 32(2) this Notice of Decision must be placed in a common area (such as a bulletin board in the employee lunch/break room) of the workplace for all employees to read and be posted on the Employer's website / intranet in the view of the current COVID-19 emergency.
21. This Decision does not preclude any current or former employee or the Employer from filing a complaint with the Pay Equity Office.

Dated this 27th day of August, 2020, at the City of Toronto, Ontario.

<Original signed by>

Michelle Mendonça
Initial Review Officer

Note: Employees may ask employers for details regarding their pay equity comparisons for their individual job classes. Employers are prohibited from penalizing employees because of pay equity.