

Expert Witnesses to the Human Rights Tribunal of Ontario: Paul Durber and Hugh Mackenzie

Summary of the Durber Report

Paul Durber, an independent pay equity expert and former Director of Pay Equity at the Canadian Human Rights Commission, examined whether midwives have been paid equitably and free of sex bias since the start of publicly-funded midwifery in Ontario in 1994. Durber used internationally and domestically accepted criteria to estimate the gender-neutral value of the work performed by midwives in three year increments over the 20 years of public funding. He compared this value to the gender-neutral value of the comparators chosen by the Ministry of Health and Long-Term Care to set the compensation of midwives in 1994: family physicians working at CHCs (Community Health Centres), and nurse practitioners working at CHCs.

Durber reviewed job descriptions, professional standards, academic research and reports including submissions to the Health Professions Regulatory Advisory Council to the MOHLTC. He also conducted interviews with professionals. Based on this information, Durber assigned a rating for each of the professions based on 12 factors relevant to the skills, efforts, responsibilities and working conditions. The family physician received the highest value and midwives the second.

Turning to compensation, Durber concluded that the compensation of midwives is not proportionately equivalent to the value equivalent of their male counterpart. Over the last 20 years, midwives' work has warranted compensation much higher than 63% initially set (which has decreased over time):

1994-1998	81%
1999-2001	85%
2002-2004	85%
2005-2007	86%
2008-2012	90%
2013	91%

Durber concludes that, at present, midwives should be paid at 91% of the family physician. Midwives' compensation is 52% of what they should be receiving. He says: "Even with some margin for error in value, it is clear that the compensation of the midwife is not fair and equitable. It is my opinion that sex bias is operating in the unequal compensation being received by midwives."

Paul Durber bio:

Paul Durber is an independent pay equity expert and compensation consultant based in Ottawa. His practice focuses on job evaluation, primarily in the context of gender-based pay equity. He has been an independent expert for over 14 years, providing independent advice to clients ranging from unions, employers, government and the private sector.

Mr. Durber served for nine years as the Director of the Canadian Human Rights Commission's Pay Equity group, overseeing investigations related to systemic discrimination and to equal pay for work of equal value, as well as policy development and inter-agency relations in the field of wage equality. Mr. Durber

testified frequently before the Canadian Human Rights Tribunal as an expert witness in the fields of job evaluation, classification in the federal public service and pay equity more generally. He has appeared before legislative committees at the federal level.

His pay equity consulting work has included advising on the implementation and maintenance of pay equity in organisations, designing job evaluation plans and implementing them with parties, adjudicating classification grievances, facilitating job value reviews (including health jobs such as nursing), developing job descriptions, studying equal pay complaints (under both federal and Québec legislation), providing advice in cases being litigated and advising on equitable compensation (including the use of external comparisons).

Summary of the Mackenzie Report:

Hugh Mackenzie is an economist with experience completing detailed analyses of pay structures and complex job evaluation systems. Using the Ministry's initial assessment of midwifery pay (the Morton Report) and using Durber's analysis, Mackenzie calculated what midwives' compensation should be today. Since 1994, "midwives' compensation has increased by 33%" while CHC physician's maximum compensation has increased by 76%. If pay equity had been established and maintained, midwives would be getting paid nearly double what their current actual compensation (\$197,315 -- \$94,800 higher). Please see 2013 [Pay Equity Gap for Midwives](#) for an illustration of Mackenzie's findings.

Hugh Mackenzie Bio:

Hugh Mackenzie provides economic consulting services to governments, unions and other organizations in the non-profit sector on budgetary policy; public and private sector cost analysis; public finance; and economic policy. His research interests include provincial and federal budgets and budgetary policy; local government finance; and education finance.

Mr. Mackenzie has worked for more than 35 years in a variety of different public policy capacities, at all three levels of government as well as in the non-profit sector. From 1991 to 1994, he was Executive Director of the Ontario Fair Tax Commission. He was one of two principal authors of the Commission report, and took direct responsibility for the Commission's research and writing with respect to local government finance and education finance.

He is a recognized expert on the funding of elementary and secondary education in Ontario, producing a widely-cited annual analysis and review of the Ontario elementary and secondary education funding formula. He is a frequent contributor to op-ed pages on issues related to public finance at the national, provincial and local levels as well as a regular commentator on these issues on radio and television.

He is a leading analyst and commentator on fiscal policy issues, nationally, in Ontario and at the local level in Toronto. As the co-chair and lead researcher for the Ontario Alternative Budget, he researches and writes an annual review of Ontario's fiscal situation, in 2012 featuring a detailed critique of the fiscal framework for the Drummond Report. He has also written extensively on the financing of health-care capital and on the fiscal issues raised by health-care costs in Canada.