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#### **Pay Equity for 911 Operators**

If you call the 9-1-1 emergency line in the City of Vancouver, your call will be answered by one of the many women who work at the Communication Centre in the Vancouver Police Department. They will deal with your call either directly, if it is a police matter, or the call will be downstreamed to another agency such as fire or ambulance. These women (referred to as Communication Operators) handle thousands of calls a day and dispatch police to various parts of the city to handle any number of criminal activities. When a call is downstreamed to the Fire Department it is taken and handled by a Fire Dispatcher. Fire Dispatchers, who are mostly men and Communication Operators, who are mostly women do substantially similar work. However, the women who work in the Communication Centre are paid substantially less than the men in the Fire Dispatch Centre. Sometimes this difference in pay can amount to in excess of \$20,000 per person. This sex based wage discrimination has been in existence in the City of Vancouver for many years.

Approximately one hundred Communication Operators in the Vancouver Police Department filed a Human Rights Complaint in 1990 in order to address these discriminatory wage practices. They retained BC PIAC in 1992. Since that time, BC PIAC has acted as co-counsel with Anita Braha, an expert in the human rights field.

The Human Rights Complaint alleges two grounds of discrimination, namely sex based wage discrimination and discrimination based on sex in the terms and conditions of employment. After many preliminary court motions, the hearing commenced in September of 1997. The hearing lasted approximately 60 days and was concluded in July of 1998. The parties to this matter, which include the City of Vancouver and the Vancouver Police Board, provided lengthy written submissions to the Human Rights Tribunal, which were completed in January of this year.

There are two main legal issues before the Tribunal. The first legal issue is whether or not the City of Vancouver is the employer of the Communication Operators. The City of Vancouver and the Vancouver Police Board have taken the position that it is the Vancouver Police Board who employs the Communication Operators. They take this position even though the City of Vancouver participates in the hiring, payroll, and is involved in the administration of the Communications Centre. The City of Vancouver and the Vancouver Police Board take the position that the Vancouver Police Board is the employer, and therefore there can be no wage discrimination as between the Fire Dispatchers and the Communication Operators because they are employed by separate employers. Needless to

say, the Communication Operators disagree with this assertion and led substantial evidence to support their legal position.

The second legal issue to be decided by the Tribunal is whether or not the work done in the Communication Centre is substantially similar to the work done in the Fire Dispatch Centre. Although the City of Vancouver and the Vancouver Police Board conceded that overall the work is substantially similar, they did not concede that there was a match at each level of job categories. The Communication Operators led substantial evidence to support their position that there were matches at each job category.

It is BC PIAC's opinion that this is an important systemic discrimination case. It is a case which will deal with the interpretation and application of s. 12 of the Human Rights Code. It will define and shape the law for all others who look to this section for redress in the area of systemic sex based wage discrimination. Furthermore, this decision comes on the heels of other important pay equity decisions in Canada. It is BC PIAC's opinion that this case will provide a critical addition to the law which is currently developing in this area.

We expect the decision to be released in 1999.

## **APEC Hearing**

The RCMP Public Complaints Commission Hearing into the activities of certain RCMP officers at UBC in November 1997 during the APEC conference fell apart completely late last fall with court cases claiming bias on behalf of the Commission and the Chair of the Panel and the resignations of the Solicitor General, Andy Scott, the Chair of the Panel, Gerald Morin, and eventually the resignation of the remaining two members of the Panel.

The Chair of the Panel has now appointed a one-member panel to start the hearing again. The Commissioner is the Hon. E.N. (Ted) Hughes, Q.C. Mr. Hughes is a former Saskatchewan judge, Deputy Attorney-General of British Columbia, and Conflict of Interest Commissioner in British Columbia. He has headed a number of Commissions of Inquiry in the past and is more experienced than the previous panel. There is also a new Commission Counsel.

The new process is already more organized and structured than the previous one. Commencing January 27, 1999, there will be three weeks of discussion of preliminary matters, including whether intervenors should be funded, what witnesses should be called, what additional evidence is required and similar matters. The formal hearing of evidence will commence on March 22, 1999, and continue on a fairly regular basis of two weeks of hearing followed by one week off until the end of October with no hearings in July and more limited hearings in August and September. The Centre continues to represent the B.C. Civil Liberties Association which looks forward to finally addressing the many issues arising from the APEC meeting.

## **Rogers Does It Again**

Rogers Cable TV has recently announced an increase in basic cable television rates. The increase of 90 cents per month commencing March 1, 1999, is directly attributable to the

addition of two new channels to the basic cable offering - CTV Sportsnet and CTV Headline News. When these channels originally came on stream last fall, Rogers indicated they would be free. This was primarily to ensure an audience for these channels with the idea that once people were on board they would complain less when they were subsequently charged.

Despite what Rogers has been saying, this increase was neither mandated nor specifically approved by the Canadian Radio-Television and Telecommunications Commission (CRTC) and the CRTC has chastised it for misleading customers. While the CRTC does regulate basic cable television rates the regulations allow cable companies to charge for these channels.

Shaw Cable has also announced that it will be charging for these channels and other cable companies are expected to follow Rogers' lead.

The positive side to the increases is that it has forced the CRTC to take action and it has indicated that it will be issuing a public notice for a proceeding to determine whether it should increase its regulation of cable TV rates.

The cable companies keep telling us that they are working on technologies that will allow customers to pick and choose the channels they want, but we are still waiting.

## **Pay Phones & Accessibility**

We took part in a Canadian Radio-Television and Telecommunications Commission (CRTC) proceeding when Paytel Canada Inc., a company wishing to enter the local pay telephone market asked CRTC to adjust the requirements for the keypads on telephones. The CRTC's requirements call for larger buttons on a keypad spread which are further apart than standard sets. Paytel wished to use a normal sized keypad with either a raised dimple or "pip" on the number 5 key or a keypad which would have indented numbers and letters. Paytel told the CRTC that its requirements negatively effected competition and therefore should be changed.

We consulted the BC Coalition of People with Disabilities, the Neil Squire Foundation and the Canadian National Institute for the Blind to provide some practical guidance on this matter. It became clear that improving access for one particular group had a resulting impact on the ability of other groups to access the same pay telephones. In the end, we asked the CRTC to implement a "universal design", where the goal is to ensure maximum flexibility, benefits, and ease of use for as many individuals as possible. We pointed out that given the complex needs of the various disabled communities, not only must the requirements actually serve the group targeted, but that they must also not act as a barrier to other disabled groups. We recommended that minimum guidelines be developed by the CRTC to provide assistance to CRTC and other parties.

We are pleased that our submissions had a positive impact at the CRTC. The CRTC has requested that the Canadian Standards Association set up standards regarding characteristics that should be integral to all pay telephones. These new standards will pay particular attention to keypad characteristics helping to ensure that the needs of persons with disabilities are addressed.

## Using Coins in Pay Telephones

We intervened in this proceeding because of two important issues. First, BC Tel asked the CRTC to change the requirement that public telephones be equipped with coin boxes. This would mean that some phones would only be accessible by pre-paid phone cards or credit cards. Our clients, representing low income people and the elderly, would be affected negatively by this.

Many Canadians do not have telephones in their homes because they cannot afford the service. Many of these same people do not have credit cards nor are they able to afford pre-paid phone cards. There is also a segment of the population that do have telephones in their homes who may not have credit cards nor be able to afford pre-paid phone cards. Similiar to the above, the elderly and those with health problems would be inconvenienced and may be faced with the daunting task of attempting to find a pay phone which they could use. Thus for low income and elderly groups, payphones without coin boxes would prove to be enormously inconvenient.

We also pointed out that the removal of coin telephone service is not in the public interest for all people. Many people will sometimes require the use of pay phones at night or in remote locations in emergency situations and would be frustrated that they would be unable to use coins.

The second issue in this hearing was a request by BC Tel to limit the length of pay telephone phone calls to three minutes for some public pay phones in BC. BC Tel had received a request by a school to limit the length of calls because some students were on the phone for extremely long periods of time. We felt it was important for the CRTC to hear our comments on this matter as it could set a precedent for other public telephones. Essentially, we stated that the public pay phone was the only way some low income consumers could access the telephone system and it would be unfair to limit phone calls, especially for such a short period of time. Many calls take longer than three minutes. Thus this would be a hardship for many people while BC Tel would be able to double the revenue for each three minute period.

We await the CRTC's decision.