

- Difference of rate of pay. (2) A difference in the rate of pay between a female and a male employee based on any factor other than sex shall not constitute failure to comply with this section.
- Conciliation officer to inquire into complaint. **5.** (1) The Minister may on the recommendation of the Deputy Minister designate a conciliation officer to inquire into the complaint of any person that she has been discriminated against contrary to section 4 of this Act. 5
- Complaint to be in writing. (2) Every such complaint shall be in writing on the form prescribed by the Deputy Minister and shall be mailed or delivered to him at his office. 10
- Duty of conciliation officer. (3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of. 10
- Report. (4) The conciliation officer shall report the results of his inquiry and endeavours to the Deputy Minister. 15
- Commission. **6.** (1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Deputy Minister, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the Commission to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act. And no order shall be made or protest entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the Commission, or to review, prohibit or restrain any of its proceedings. 20
- Powers of Commission. (2) The Commission shall have all the powers and enjoy all the rights and privileges of the Canada Labour Relations Board under section 58 of the *Industrial Relations and Disputes Investigation Act*. 25
- Duties of Commission. (3) The Commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Deputy Minister the course that ought to be taken with respect to the complaint, which recommendation may include reinstatement with or without compensation for loss of earnings and other benefits. 35
- Majority recommendations prevail. (4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission. 40
- Deputy Minister may ask for clarification, etc. (5) After a commission has made its recommendations, the Deputy Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Deputy Minister until they have been so clarified or amplified. 45