

Trending towards transparency: British Columbia passes pay transparency legislation

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On May 11, 2023, the B.C. government passed Bill 13, the 2023 *Pay Transparency Act* (the Act). According to a B.C. government [news release](#) published on International Women's Day, the Act is aimed at reducing the gender pay gap. The news release also states that the province will be consulting with employers and other organizations, including unions, Indigenous organizations and other equity-seeking groups, in order to further its efforts to reduce the gender pay gap in B.C.

The key requirements of the Act are as follows:

- **Pay history:** As of May 11, 2023, employers may no longer seek pay history information from most job applicants.
- **Pay secrecy:** As of May 11, 2023, employers may no longer prohibit employees from disclosing pay-related information to other employees. Employers are also prohibited from dismissing, suspending, demoting, disciplining or harassing any employee who asks their employer about their pay, reveals their pay to another employee or someone applying to work with their employer, asks the employer about its pay transparency report or gives information to the Director of Pay Transparency (the government official designated to monitor and support compliance with the Act) about their employer's compliance with the obligations under the Act.
- **Job postings:** As of November 1, 2023, employers will have to include the expected pay or the expected pay range for a specific job opportunity that they advertise publicly, along with any information that is required by future regulations.
- **Pay transparency report:** As of the dates set out in the table below, employers will be required to complete pay transparency reports and post them on a publicly accessible website or another publicly accessible means such that workers and members of the public may access the report. Details regarding the content of such reports are still being developed. The Act takes a phased approach to the implementation of the reporting requirement, which will apply in stages over the next four years, based primarily on the size of the organization, as follows:

November 1, 2023	B.C. government and six Crown corporations, including BC Hydro, BC Housing, BC Lottery Corp., BC Transit, ICBC and Work Safe BC
November 1, 2024	All employers with 1,000 employees or more
November 1, 2025	All employers with 300 employees or more
November 1, 2026	All employers with 50 employees or more

Pay transparency legislation in Canada

B.C., Nova Scotia and Prince Edward Island are now the only provinces with pay transparency legislation that is currently in force.

In each of Manitoba, Newfoundland and Labrador and Ontario, legislation containing obligations in respect of pay transparency has been introduced, but such measures are not currently in force. Much of the language and structure of the Act closely follows that of other jurisdictions. In particular, content of the Act is similar to Ontario's *Pay Transparency Act* and Newfoundland and Labrador's *Pay Equity and Pay Transparency Act*, in that each requires employers to post pay ranges in any publicly posted job postings and requires employers to complete and publish pay transparency reports.

Prior to the introduction of the Act, B.C. previously did not have either pay transparency or pay equity legislation, and it is one of the last provinces to enact such legislation. While both pay transparency and pay equity legislation are concerned with the principle of equal work for equal pay, pay transparency legislation focuses on promoting access to workplace pay-related information, whereas pay equity legislation deals with the pay trends in historically gendered roles and places a legal obligation on certain employers to assess and remedy any gender pay gaps within their workplaces.

Employers should consider current practices and policies in preparation for the implementation of the Act. For more information and assistance with updating policies and procedures, contact a member of Osler's Employment and Labour Group.