

Job Postings In B.C. May Soon Have To Disclose Wage And Salary Ranges



On March 7, 2023, the Legislative Assembly of British Columbia introduced Bill 13, the *Pay Transparency Act*. Bill 13 proposes that all B.C. employers be required to include wage or salary ranges on all publicly advertised jobs and that mid- and large-sized employers be required to publish publicly accessible “pay transparency reports.” In addition, the bill looks to prohibit employers from asking job applicants for compensation history or retaliating against employees who disclose their pay to co-workers or potential job applicants. If Bill 13 passes, each year by June 1, the Ministry of Finance will publish an annual report that will serve as centralized reporting of gender pay in British Columbia.

These changes in British Columbia mirror pay transparency legislation being introduced across the country. Aside from the federal government’s *Pay Equity Act*, only Prince Edward Island and Newfoundland and Labrador have enacted pay transparency legislation containing similar requirements and prohibitions for employers. However, a distinguishing feature of Bill 13 is the B.C. government’s inclusion of consultation requirements and an intersectional approach to data collection.

Regulations that will provide employers with guidance on how to prepare the transparency reports are expected in the Fall.

GRADUAL INTRODUCTION

If Bill 13 is passed, the transparency reporting obligations will be introduced in stages based on the size and sector of the employer, as follows:

November 1, 2023

- BC Public Service Agency and Crown corporations with more than 1,000 employees will lead the way and start reporting on pay transparency on November 1, 2023.

November 1, 2024

- Employers with 1,000 employees or more will start their transparency

reporting on November 1, 2024.

November 1, 2025

- Employers with 300 employees or more will start their transparency reporting on November 1, 2025.

November 1, 2026

- Employers with 50 employees or more will start their transparency reporting on November 1, 2025.

IMPACT ON EMPLOYERS

In summary, Bill 13 proposes the following obligations for specified employers:

- Requirement that information about pay be included in publicly advertised job postings
- Prohibition on seeking pay history information about job applicants
- Prohibition on certain types of reprisals by employers against employees
- Collection of information from employees in relation to their self-identified gender and other characteristics, if the employees are willing to disclose the information, for the purpose of preparing annual pay transparency reports
- The publication of annual pay transparency reports

Bill 13 is subject to further legislative debate and potential revisions as it progresses through the legislative process. We will continue to monitor its progress for any changes and updates.

by Michael Howcroft (Toronto) , Thelma Zindoga (Toronto) and Lyann Ordenes (Articled Student) (Toronto)