
Fourth Session, Forty-second Parliament
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Legislative Assembly of British Columbia

BILL 13

PAY TRANSPARENCY ACT

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Minister of Finance

Explanatory Note

This Bill supports the identification and elimination of pay differences among groups of workers by providing for the following:

- a requirement that information about pay be included in publicly advertised job postings;
- a prohibition on seeking pay history information about job applicants;
- a prohibition on certain types of reprisals by employers against employees;
- the responsibility of specified employers to collect information from employees, if the employees are willing to disclose the information, for the purpose of preparing annual pay transparency reports;
- the publication, by specified employers, of annual pay transparency reports;
- the publication, by the government, of annual reports containing specified information about pay gaps and trends;
- the designation of a government employee as the director of pay transparency, and the specification of the responsibilities of the director;
- consultation and cooperation with Indigenous peoples;
- a written review of the effectiveness of the Act and the regulations.

BILL 13 – 2023

PAY TRANSPARENCY ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – DEFINITIONS

Definitions

- 1 (1) In this Act:
 - “**annual report**” means a report under section 8;
 - “**director**” means the individual designated under section 10 as the director of pay transparency;

“Indigenous governing entity” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

“Indigenous peoples” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act*;

“pay” means, subject to any prescribed exceptions, the following:

- (a) a salary, wage or commission that is paid or payable by an employer to an employee for labour or services provided by the employee;
- (b) money that is paid or payable by an employer to an employee as an incentive in relation to hours of work, production or efficiency;
- (c) money that
 - (i) is paid or payable by an employer to an employee at the discretion of the employer, and
 - (ii) is not related to hours of work, production or efficiency;

“pay transparency report” means a report prepared by a reporting employer under section 5;

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

“publicly advertised job opportunity” means a specific job opportunity that an employer advertises to the public in any manner;

“reporting employer” means an employer referred to in subsection (2) or (3).

(2) The following are reporting employers:

- (a) the government;
- (b) British Columbia Housing Management Commission;
- (c) British Columbia Hydro and Power Authority;
- (d) British Columbia Lottery Corporation;
- (e) British Columbia Transit;
- (f) Insurance Corporation of British Columbia;
- (g) Workers’ Compensation Board.

(3) Unless exempted by regulation, an employer that has the following number of employees on January 1 of the applicable year is a reporting employer:

- (a) for 2024, 1 000 or more;
- (b) for 2025, 300 or more;
- (c) for 2026, 50 or more;
- (d) for a year after 2026, more than the lesser of 49 and any prescribed number.

PART 2 – OBLIGATIONS OF EMPLOYERS

Publicly advertised job opportunities

- 2 Unless exempted by regulation, an employer must, in an advertisement for a publicly advertised job opportunity,
 - (a) specify either
 - (i) the expected salary or wage for the job, or
 - (ii) the expected salary or wage range for the job, subject to any prescribed limitations on the use of a range for this purpose, and
 - (b) include any other prescribed information.

Pay history information about applicants for employment

- 3 An employer must not seek pay history information about an applicant for employment by any means, whether directly from the applicant or through a third party, unless the pay history information is publicly accessible.

Prohibited reprisals by employers against employees

- 4 An employer must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or threaten to do so, because the employee
 - (a) made inquiries to the employer about the employee's pay,
 - (b) disclosed information about the employee's pay to another employee of the employer or to an individual who has applied for employment with the employer,
 - (c) made inquiries to the employer about a pay transparency report or information contained in a pay transparency report,
 - (d) asked the employer to comply with the employer's obligations under this Act, or
 - (e) made a report to the director in relation to the employer's compliance with the employer's obligations under this Act.

PART 3 – REPORTING

Preparation of pay transparency reports

- 5 A reporting employer must, on or before November 1 of each year, prepare a pay transparency report that
 - (a) contains the prescribed information, and
 - (b) is in the prescribed format.

Collection of employee information

- 6 (1) For the purposes of preparing a pay transparency report, a reporting employer must do the following:
- (a) during the first year in which the reporting employer is required to prepare a pay transparency report, make reasonable efforts to collect the prescribed information from each employee of the reporting employer;
 - (b) at the time an individual becomes an employee of the reporting employer, make reasonable efforts to collect the prescribed information from that individual;
 - (c) at least once in every calendar year, provide to each employee of the reporting employer the opportunity
 - (i) to provide the prescribed information, and
 - (ii) to update or make additions to any information provided by the employee under this section.
- (2) A reporting employer must, when collecting information from an employee under this section,
- (a) collect the information in the prescribed manner, and
 - (b) inform the employee that the employee’s disclosure of the information is voluntary.

Access to pay transparency reports

- 7 (1) Subject to subsection (2), a reporting employer must, as soon as practicable following completion of a pay transparency report, publish the report on a publicly accessible website maintained by or on behalf of the reporting employer.
- (2) If a reporting employer does not have a publicly accessible website, the reporting employer must, as soon as practicable following completion of a pay transparency report,
- (a) make a copy of the report available to employees of the reporting employer in at least one conspicuous place in each workplace of the reporting employer, and
 - (b) make a copy of the report available to any member of the public who requests one.
- (3) A pay transparency report made available under subsection (1) or (2) must continue to be available until the reporting employer makes available a new pay transparency report.
- (4) The Lieutenant Governor in Council may prescribe other requirements in relation to the publication of pay transparency reports.

Annual reports

- 8** The minister must publish, by June 1 of each calendar year, beginning in 2024, a report that contains the following information in relation to the preceding calendar year:
- (a) differences among prescribed groups of individuals in relation to pay;
 - (b) a description of trends in relation to the differences referred to in paragraph (a);
 - (c) the number of reports of non-compliance received by the director under section 10 (2) (b) and a description of the nature of those reports;
 - (d) any other prescribed information.

**PART 4 – CONSULTATION AND COOPERATION
WITH INDIGENOUS PEOPLES**

Consultation and notification before completing reports

- 9**
- (1) Before completing an annual report or a report referred to in section 10 (2) (d), the director must provide written notice to each Indigenous governing entity that is authorized to act on behalf of Indigenous peoples whose rights or interests could be affected by the publication of the report.
 - (2) If an Indigenous governing entity responds in writing to a notice within 30 days after the notice was provided, indicating that the Indigenous governing entity wishes to be consulted and to cooperate in the preparation of the report, the director must, on one or more occasions and without limiting the manner of consultation and cooperation,
 - (a) provide a draft of the report to the Indigenous governing entity,
 - (b) give the Indigenous governing entity an opportunity to provide comments on the draft to the director, and
 - (c) consider any comments received from the Indigenous governing entity.
 - (3) When an annual report or a report referred to in section 10 (2) (d) is published, the director must provide written notice of publication to each Indigenous governing entity that received written notice under subsection (1) of this section.

PART 5 – GENERAL

Designation and responsibilities of director of pay transparency

- 10 (1) The minister must designate an individual appointed under the *Public Service Act* as the director of pay transparency.
- (2) The director has the following responsibilities:
- (a) to support employers in complying with their obligations under this Act;
 - (b) to receive reports of non-compliance by employers with their obligations under this Act;
 - (c) to prepare annual reports;
 - (d) to prepare and publish any other reports the director considers appropriate, including reports in relation to specific geographical areas of British Columbia or specific sectors of the economy of British Columbia;
 - (e) any other prescribed responsibilities.

Review of Act

- 11 (1) On or before the date that is 5 years after this Act comes into force, the minister, or an individual designated by the minister, must complete a written review of the effectiveness of this Act and the regulations.
- (2) The minister, or the individual designated by the minister under subsection (1), must carry out the written review in consultation and cooperation with Indigenous governing entities.
- (3) The written review described in subsection (1)
- (a) may make recommendations for measures that may be taken to improve the effectiveness of the Act and recommendations for amendments to the Act or the regulations, and
 - (b) must be published as soon as practicable after the completion of the report.

Section 5 of *Offence Act* does not apply

- 12 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Power to make regulations

- 13 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of the definition of “pay”, prescribing exceptions in relation to the definition;

- (b) for the purposes of section 1 (3), prescribing exemptions;
 - (c) for the purposes of section 1 (3) (d), prescribing a number less than 49;
 - (d) for the purposes of section 2, prescribing
 - (i) employers that are exempt from the requirements of that section,
 - (ii) limitations on the use of a range when specifying expected pay, and
 - (iii) information that must be included in advertisements for publicly advertised job opportunities;
 - (e) for the purposes of section 5, prescribing
 - (i) information that must be included in pay transparency reports, including information about the reporting employer, the composition of the reporting employer’s workforce, and differences in pay in the employer’s workforce in relation to employees’ self-identified gender and other characteristics, and
 - (ii) the format in which a pay transparency report must be prepared;
 - (f) for the purposes of section 6, prescribing
 - (i) information that must be collected by reporting employers, including information about the self-identified gender of employees and other personal information, and
 - (ii) the manner in which information must be collected;
 - (g) for the purposes of section 7 (4), prescribing other requirements in relation to the publication of pay transparency reports, including measures that a reporting employer must take in order to protect the identity of individuals who are employees of the reporting employer;
 - (h) for the purposes of section 8, prescribing
 - (i) groups of individuals, and
 - (ii) other information that must be included in an annual report;
 - (i) for the purposes of section 10 (2), prescribing other responsibilities of the director of pay transparency.
- (3) In making a regulation under this section, the Lieutenant Governor in Council may make different regulations in relation to different employers or classes of employers.
- (4) In a regulation under subsection (2) (e) to (h), the Lieutenant Governor in Council may adopt all or part of a data standard established under the *Anti-Racism Data Act*.

Related Amendment

Hydro and Power Authority Act

14 *Section 32 (7) of the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212, is amended by adding the following paragraph:*

(s.01) *the Pay Transparency Act; .*

Commencement

15 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 2	November 1, 2023
