

BC Employers Must Include Pay in Job Postings from November 1, 2023

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The BC *Pay Transparency Act* (the Act) came into force on May 11, 2023. As of November 1, 2023, employers will be required to start posting the expected salary or wage, or expected salary or wage range, in publicly advertised job advertisements.

On October 12, 2023, the BC Government published guidelines (the Guidelines) to clarify the following issues:

1. To whom the Act applies; and
2. The salary or wage information that employers will be required to post in public job advertisements.

Application of the Act

The Guidelines clarify that the Act applies to jobs advertised in other jurisdictions if the position is open to BC residents and may ever be filled by someone living in BC, either in-person or remotely.

This means the Act applies to employers located outside of BC if they:

1. hire employees in BC (including remotely); or
2. post jobs that are open to job applicants in BC or could potentially be filled by someone in BC, regardless of where the employer's office is located.

The Act does not apply to general "help wanted" posters that don't advertise a specific opportunity and general recruitment campaigns that don't mention specific job opportunities.

Salary or Wage Information to be Posted in Public Job Advertisements

The Act itself does not say what is included in "salary" or "wage" for purposes of posting this information in job advertisements.

The Guidelines clarify that it includes only an employee's base pay (i.e., base salary or wage), and does not

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include bonuses, benefits, commission, tips, or overtime pay. It is entirely up to the employer to decide what pay information it wants to post over and above the expected base salary or wage for a position.

It is also entirely within the employer's discretion what salary or wage range it posts if the employer decides to post an expected salary or wage range. The only limitation in the Guidelines is that a salary or wage range cannot have an unspecified minimum or maximum. For example, an employer cannot post "up to \$20 per hour" or "\$20 per hour and up."

The Guidelines provide the following examples of acceptable postings:

1. \$20 per hour
2. \$20-\$30 per hour
3. \$40,000 per year
4. \$40,000-\$60,000 per year

Other Pay Transparency Obligations

The Act imposes other obligations on employers as well. The following obligations came into effect on May 11, 2023:

1. Employers cannot ask job applicants about their pay history.
2. Employers cannot dismiss, suspend, demote, discipline, or harass an 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 about their employer.

Conclusion

Now is the time to review job advertisements to ensure they comply with the Act and the Guidelines.

We are currently waiting for Regulations to be published that may provide additional information on the obligations that employers will need to comply with. We will provide a further update on the Regulations when it becomes available.

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This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.