

## **BC's Pay Transparency Act**

The Pay Transparency Act became law in British Columbia on May 11, 2023, to address systemic discrimination in the workplace. The act addresses pay history, secrecy and transparency in job postings and sets out requirements for certain provincially regulated employers to report gender-based pay data to the government.

As employers, Producers should ensure that they are taking appropriate steps to comply with the requirements in the Act and be aware of the effective dates when new pay transparency reporting requirements will apply.

Key impacts of the Act include:

### **Pay History**

Employers can no longer ask job applicants about what they were paid at positions with other employers. Employers may still:

- Use the pay history information they already have about that employee to determine the pay for a new position
- Rely on publicly accessible information on the pay for similar positions

### **Q: Can an employer still ask a prospective crew member or a performer for their quoted rate?**

A: Employers should not ask prospective cast or crew members their quoted rate, although applicants may choose to provide this information themselves.

### **Q: Can a producer disclose pay history information between productions under their control?**

A: The Act does not define "employer"; therefore, the current recommendation is to define the Employer as the individual production company or the specific entity engaging the employee. The regulation prohibits sharing employment/human resources information with other entities/affiliates.

### **Pay Secrecy**

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 asks the employer to comply with the Pay Transparency Act
- Gives information to the Director of Pay Transparency about their employer

### **Q: Can an employee ask about other employees' pay?**

A: Employees may ask other employees about their pay, but there is no obligation to answer. An employer may not disclose an employee's pay to another employee if asked.

## **Job Postings**

As of November 1, 2023, employers must include the expected pay or the expected pay range for a specific job opportunity that they advertise publicly. This requirement does not apply to general recruitment campaigns or to jobs that are not publicly posted.

### **Q: How will this requirement impact corporate or 'in-house' hiring?**

A: Ads in trade publications, postings on job boards or listings on hiring sites and apps would be considered publicly advertised and must include the expected pay or pay range.

### **Q: How will this impact the hiring of crew in production?**

A: Most production positions are not publicly advertised. If Production posts for a position publicly, then the expected pay or pay range must be included. This could include identifying a scale rate applicable for the position if covered under a collective agreement. Wage or salary information provided in a public posting should be the employer's reasonable expectation of pay for the job at the time of posting. Union dispatch notices would not meet the threshold of 'public' advertising; however, postings made on social media platforms for available crew positions could be considered 'public'.

### **Q: How will this requirement impact casting?**

A: Casting notices such as those through the Casting Breakdown service are likely to meet the 'publicly advertised' threshold and should include the expected pay/pay range. Casting breakdowns should ensure they also comply with requirements in Article A411 of the UBCP/ACTRA BCMPA or Article A509 of the BCMAA in the case of animation productions as follows:

***BCMPA Article A411 Right to Negotiate Above Minimum Terms*** *The Producer shall not restrict the right of the Performer to negotiate terms (including rates or fees) and conditions in excess of the minimum provisions of this Agreement. While the Producer may advise that a Role has been budgeted at Minimum Fees, such advisement, in oral or written notices, must state that Performers who work above Minimum Fees are welcome to audition and will be considered.*

***BCMAA Article A509 Right to Negotiate Above Minimum Terms*** *The Producer shall not restrict the right of the Performer to negotiate terms (including rates or fees) and conditions in excess of the minimum provisions of the Agreement. Oral and/or written notices, advising that the Producer is offering minimum fees only, may not be issued.\**

\*To ensure compliance with the Act, animation companies should follow the BCMPA example, noting the budgeted amounts and that above-scale performers are welcome to audition.

## **Pay Transparency Report**

Employers above a certain size must complete, and post, pay transparency reports by November 1 each year. This requirement will apply in stages over the next four years:

- 2023: B.C. government and the six largest Crown corporations, which are BC Hydro, BC Housing, BC Lottery Corp., BC Transit, ICBC, and Work Safe BC
- 2024: all employers with 1,000 employees or more
- 2025: all employers with 300 employees or more
- 2026: all employers with 50 employees or more

**Q: What information must be included in a pay transparency report?**

A: A report must contain gender categories (Man, Woman, Non-binary, and Unknown), time period, number of employees, pay differences between employees in applicable reference categories (including overtime pay and hours), and bonus pay (if applicable). Employees can decline to provide their gender information for purposes of preparing the pay transparency report.

**Q: When must an employer begin collecting the information?**

A: Reports are due by November 1 for a twelve-month period (completed financial year or calendar year) preceding the year the pay transparency report is prepared. For example, by November 1, 2025, employers with 300 or more employees will be required to submit a report for either the preceding calendar year (January 1 - December 31, 2024) or the financial year completed (e.g. April 1, 2024 – March 31, 2025, if the fiscal year ended March 31).

**Q: How is it determined that an employer has reached the employee thresholds listed above?**

A: The thresholds are determined by the employer's number of employees on January 1 of the applicable year. Thus, employers with 300 or more employees on January 1, 2025, must submit a report on November 1, 2025.

You can read more about the Act and requirements at the [BC Government website](#), including [tools and guidance](#) for preparing pay transparency reports.

Questions about the Pay Transparency Act may be directed to the BC Industrial Relations team at the following coordinates:

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