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Third Session, Forty-second Parliament  
71 Elizabeth II, 2022  
Legislative Assembly of British Columbia

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**BILL M 202**

**EQUAL PAY REPORTING ACT**

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Ms. Stephanie Cadieux

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### **Explanatory Note**

This Bill creates a framework to allow the public to assess the gender pay gap of certain employers. It requires employers with more than the prescribed number of employees to disclose the mean and median pay of male and female employees to a designated registrar. If an employer has more than the prescribed threshold of employees, gender pay gap information must be published on the website of the employer and the website designated by the registrar. This Bill is based on the gender pay gap reporting regulations currently in effect in the United Kingdom.

## BILL M 202 – 2022

# EQUAL PAY REPORTING ACT

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

### Definitions

1 In this Act:

“**bonus pay**” has the prescribed meaning;

“**employee**” has the same meaning as in the *Employment Standards Act*;

“**employer**” has the same meaning as in the *Employment Standards Act*;

“**employer’s website**” means a website that is

- (a) maintained by or on behalf of the employer, and
- (b) publicly and freely accessible;

“**full-pay relevant employee**” means a relevant employee who is not, during a relevant pay period, being paid at a reduced rate or nil as a result of the employee being on leave;

“**official website**” means a website that is

- (a) maintained by or on behalf of the registrar, and
- (b) publicly and freely accessible;

“**pay period**” has the same meaning as in the *Employment Standards Act*;

“**registrar**” means an individual appointed under section 5 as the Registrar of Equal Pay Reporting;

“**regular wage**” has the same meaning as in the *Employment Standards Act*;

“**relevant employee**” means an employee who is employed by a relevant employer during the snapshot period, but does not include a partner in a firm;

“**relevant employer**” means an employer with more than the prescribed number of employees;

“**snapshot period**” means the prescribed date or period of time.

### Calculation

2 For the purposes of this Act, the amount of an employee’s regular wage or bonus pay is to be calculated on the gross amount before any deductions made at the source, including but not limited to income taxes.

**Duty to publish annual information relating to pay**

- 3 (1) Subject to this section and the regulations, a relevant employer must publish, for the 2022 calendar year and each subsequent year, the following information:
- (a) the difference between the mean regular wage of male full-pay relevant employees and female full-pay relevant employees;
  - (b) the difference between the median regular wage of male full-pay relevant employees and female full-pay relevant employees;
  - (c) the difference between the mean bonus pay paid to male relevant employees and female relevant employees;
  - (d) the difference between the median bonus pay paid to male relevant employees and female relevant employees;
  - (e) the proportions of male and female relevant employees who were paid bonus pay;
  - (f) the ratio between the number of male full-pay relevant employees and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartiles of regular wage.
- (2) Information published under subsection (1) must
- (a) be in the form and manner the registrar requires,
  - (b) be accompanied by a written statement which
    - (i) confirms that the information is accurate, and
    - (ii) is signed in the prescribed manner, and
  - (c) include or be accompanied by any information the registrar requires.
- (3) The relevant employer must publish the information required by subsection (1) no later than 12 months following the snapshot period.

**Form and manner of publication**

- 4 Information published under section 3 must
- (a) be published on the employer’s website, if a website exists,
    - (i) in a manner that is accessible to all its employees and to the public, and
    - (ii) for a period of at least five years beginning on the date of publication, and
  - (b) be published on the official website designated for that purpose by the registrar.

**Registrar**

- 5 (1) In this section, “**minister**” means the member of the Executive Council charged with the administration of the *Public Service Act*.
- (2) The minister must designate a person who is appointed under the *Public Service Act* as the Registrar of Equal Pay Reporting.
- (3) The registrar has the powers and duties conferred or imposed on the registrar under this Act and the regulations.

- (4) The registrar may delegate, in writing, any power or duty of the registrar under this Act to a person employed in the ministry of the minister.

### **Regulations**

- 6** (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) respecting the meaning of bonus pay;
  - (b) respecting the calculation of information to be published under section 3 (1);
  - (c) respecting the powers and duties of the registrar;
  - (d) respecting the protection of privacy of individuals in accordance with the *Freedom of Information and Protection of Privacy Act*;
  - (e) prescribing the number of employees for the purpose of defining a relevant employer.
- (3) In making a regulation under this Act, the Lieutenant Governor in Council may do one or both of the following:
- (a) delegate a matter to a person;
  - (b) confer a discretion on a person.

### **Transitional regulations**

- 7** (1) The Lieutenant Governor in Council may make regulations considered necessary or advisable for the purpose of more effectively bringing into operation the provisions of this Act and to obviate any transitional difficulties encountered in doing so.
- (2) Without limiting subsection (1), a regulation may suspend, for the period the Lieutenant Governor in Council specifies, the operation of a provision of an enactment if that provision would impede the effective operation of this Act.
- (3) Unless earlier repealed, a regulation made under this section is repealed one year after it is enacted.

### **Commencement**

- 8** This Act comes into force by regulation of the Lieutenant Governor in Council.