



# Legislative Updates

## **British Columbia: Pay Transparency Act**

The British Columbia *Pay Transparency Act* took effect on November 1, 2023. As a reminder and further to our previous [e-Alert](#) in June, this legislation applies to all provincially regulated employees in British Columbia and aims to enhance transparency around compensation.

Beginning November 1, 2023, all employers in British Columbia must include the expected pay or the expected pay range for a specific job opportunity that they advertise publicly. The government of British Columbia has provided additional guidance to employers regarding this requirement.



In particular:

- Employers do not need to include bonus pay, overtime pay, tips, or benefits on job postings
- The expected wage or salary or expected wage or salary range must be included within the job posting (for example, \$20 per hour, \$20-\$30 per hour, \$40,000 per year or \$40,000 - \$60,000 per year)
- Employers must not include an unspecified minimum or maximum amount (for example, \$20 per hour and up is not permitted)
- Employers have the discretion to determine how large the range on an advertised wage or salary range can be
- Wage or salary information should be the employer's reasonable expectation of pay for the job at the time of posting

- The requirement applies to jobs posted by third parties on job search websites, job boards and other recruitment platforms on behalf of the employer
- The requirement applies to jobs advertised in other jurisdictions if the position is open to residents British Columbia and may ever be filled by someone living in British Columbia (in-person or remotely)
- The requirement does not apply to a job that is not posted publicly, general “help wanted” posters that don’t advertise a specific opportunity and general recruitment campaigns that don’t mention specific job opportunities

### **Ontario: Pay Transparency**

The Ontario government will soon introduce legislation that, if passed, would require employers to include expected salary ranges in job postings. In addition, the legislation would make Ontario the first jurisdiction in Canada to require businesses to disclose if artificial intelligence (AI) is used during their hiring process.

Stay tuned!

### **Federal: Canada Labour Code**

*Please note the below changes do not impact provincially regulated employers.*

#### **Provision of Menstrual Products**

Effective December 15, 2023, federally regulated employers are required to provide, at no cost, menstrual products, including clean and hygienic tampons and menstrual pads, in each toilet room, to employees as well as a covered container for the disposal of such products.

If it is not feasible to provide menstrual products in a toilet room, employers are required to provide them in another location in the same workplace that is controlled by the employer, accessible by employees at all times and offers a reasonable amount of privacy.

#### **Notice of Termination**

Effective February 1, 2024, federally regulated employers will be required to provide employees with notice of termination, or pay in lieu of notice, based on the length of an employee’s continuous employment. Employees with 3 consecutive months of continuous service will still be

entitled to 2 weeks' notice. However, effective February 1, 2024, when an employer terminates the employment of an employee who has completed at least three (3) years of employment, they must either:

- Provide the employee with written notice equivalent to at least 1 week per completed year of employment, up to a maximum of 8 weeks of notice, or
- Pay the employee their regular wages in lieu of notice

A combination of notice and wages in lieu of notice will be permitted.

**Please note:** this does not alter the unjust dismissal protections in the Code.

In addition, effective February 1, 2024, employers will be required to provide employees with a statement of benefits that details:

- Vacation benefits;
- Wages;
- Severance pay; and
- Any other benefits and pay arising from their employment.