



March 2, 2023
Vancouver

Hon. Katrine Conroy, Minister of Finance
Hon. David Eby, Premier
Hon. Harry Bains, Minister of Labour
Mable Elmore, Parliamentary Secretary for Anti-Racism Initiatives
Kelli Paddon, Parliamentary Secretary for Gender Equity
Janet Routledge, Parliamentary Secretary for Labour
Hon. Nikki Sharma, Attorney General

Re: Development of Pay Equity and Transparency Legislation

Dear Minister Conroy, Premier Eby, Minister Bains, Parliamentary Secretary Elmore, Parliamentary Secretary Paddon, Parliamentary Secretary Routledge, and Minister Sharma.

The provincial government has undertaken the process of developing pay transparency legislation for BC. We the 128 undersigned organizations and individuals urge you not only to ensure that legislation is robust and effective, but more importantly, to also enact intersectional pay equity legislation well before the next election.

We echo the sentiments of your NDP colleagues from 2001 in unequivocally stating that:

1. Women and people who are marginalized because of their gender are being systematically underpaid for work of equal value, compared to the wages their male counterparts earn. This is especially true for those who are Indigenous, Black, racialized, and those who have a disability or are otherwise marginalized;
2. The free market has not, and will not, correct this on its own;
3. We need a law to address this entrenched discrimination.

As the Honourable Evelyn Gillespie, Minister of Women’s Equality, said when she rose to support her government’s proposed pay equity legislation in the legislature on March 26, 2001:

... pay equity for women will not be achieved without legislation. ... Our friends at the federal level have introduced pay equity legislation. Ontario has introduced pay equity legislation. Quebec has introduced pay equity legislation which covers both the public and the private sectors. So what is the excuse not to act? There is no excuse. It's time to act. It's time to correct the wrongs of the past. Just give women what belongs to them, what is rightfully theirs...We've got to move beyond hand-wringing about whether we can do it or how we can do it. It's the time to do it. It's the right thing to do. It's the fair thing to do. It is what we must do.¹

As we know, the former NDP government did succeed in passing legislation to add pay equity provisions to the Human Rights Code. During debates government members likened the passage of their 2001 bill to other historic Acts, like those that outlawed child labour and gave women the right to vote.² Within months, however, it had been repealed by a new government. Neither party has advanced the issue since, and our province remains one of a few jurisdictions in Canada without proactive pay equity legislation. As a result, we are tied with Alberta for having the worst gender pay gap in the country.³ We have paid a staggering price for government inaction.

British Columbia needs an intersectional Pay Equity Act that enshrines in law the responsibility of all employers to identify and close gaps in pay for work of equal value.

Instead, your government has committed only to introducing pay transparency legislation, arguing it will “close the gender pay gap by empowering employers and their employees with factual information about their organization’s pay gap.”⁴ While we appreciate that pay transparency plays a role in promoting equity, your legislation will take no direct action to protect and advance the right to equitable pay. Instead, it will continue to tacitly place the burden on women and other equity-deserving groups to contend with their employers for basic fairness.

The Honourable Graeme Bowbrick, Attorney General of British Columbia, recognized this reality in 2001:

¹ Hansard, March 26, 2001

² Hansard, March 26, April 10, 2001

³ “B.C. moves toward pay transparency measures” BC Government News. March 8, 2022. <https://news.gov.bc.ca/26347>

⁴ “Developing Pay Transparency Legislation: Discussion Paper.” Ministry of Finance and Ministry of Labour. June 2022.

So if we all agree that pay inequity exists, then who bears the burden of that inequity? That's the fundamental question. Should it continue to be women, as it has been for so many years? I would suggest that those who say that it all has to be done voluntarily and that everyone can take their time are saying: 'Yes, women will have to continue to bear this burden until market forces correct this.' ... Hon. Speaker, the fundamental question that I have to ask -- and I hope others in this debate might answer it -- is: what about the cost to women? They're the ones who've been bearing the brunt of this for decades. They continue to bear the brunt of it. We have to find a way, as a society, of addressing this. It is not fair that only women should bear this burden.⁵

Now, two decades later, you have the power to change this. Recognizing that your government is set on introducing pay transparency legislation in early 2023, **we ask that you also enact intersectional pay equity legislation well before the next election.** For example, we know the gap is substantial for people who are marginalized because they are Indigenous, Black, racialized, a migrant, have a disability, or because of their gender.

As a province with obligations under the federal United Nations Declaration on the Rights of Indigenous Peoples Act and BC's Declaration on the Rights of Indigenous Peoples Act, and numerous Reconciliation Agreements with Indigenous nations, the wage gap between Indigenous peoples and the rest of the population represents a disparity in Canada's legislative intent and hollow reconciliatory words versus a commitment to action. Numerous studies have shown higher rates of unemployment among Indigenous populations, with those registered as First Nations suffering the largest wage disparity. To achieve your goal of "closing socio-economic gaps that separate Indigenous people from other British Columbians," your government must implement pay equity and transparency legislation and put your legislative and signed agreements into action.

Pay transparency by itself is not enough, but it is not too late for your forthcoming legislation to lay the groundwork for a robust pay equity regime. To that end, we ask that your pay transparency legislation include the following minimum elements that build toward pay equity:

1. A robust enforcement regime. The legislation should include oversight and accountability mechanisms that ensure employers are complying with the law. It cannot be voluntary. Employers who do not comply should be named publicly and should face fines of a size sufficient to change their behaviour.

⁵ Hansard, March 26, 2001

2. Transparency in all aspects of compensation. The legislation should require transparency of total annual compensation including all bonuses and non-monetary benefits and perks. This information should be tied to job titles and descriptions of core duties. Understanding total compensation is necessary to ensure pay equity.

3. Broad application across the economy. Pay transparency should be mandatory for all employers with 10 or more employees across all sectors. Pay equity is needed in organizations of all sizes.

4. A data system built to support pay equity. The legislation must provide for the storage of pay data in a central repository that supports the analysis necessary for a future pay equity regime. For example, the federal government's Workplace Equity Information Management System (WEIMS) stores data on each employee in federally regulated workplaces collected under the federal Employment Equity Act.

5. A single interface for public access to pay data. The legislation should make data available to the public through one easily searchable online interface and in as much granularity as privacy considerations will allow. Organizational pay equity plans can be added at a later date.

6. Disaggregation of data for deeper analysis. Data should be collected such that it can be disaggregated by individual demographic characteristics including gender, disability, age, race, Indigeneity, place of origin, and family status, as well as by region, sector and occupation groups. The data must be stored in a way that allows researchers to understand the links between identity factors. This will support pay equity by revealing gaps between and within areas of the economy where equity-deserving groups are over- or under-represented.

7. Worker protections as well as transparency. The legislation should include worker protections linked to greater pay equity, as proposed in the government's June 2022 discussion paper. Specifically, it should:

- a. Require that employers include the salary and benefits in all job postings
- b. Not allow employers to ask job candidates about prior compensation
- c. Prevent retaliation measures being taken by employers against employees who choose to reveal their compensation levels to others

8. A new Pay Equity Office to lead implementation. An office offering expertise in pay equity is needed to support the above priorities and will be required to oversee a future pay equity regime. The Pay Equity Office should be launched, with funding, in early 2024.

Pay transparency legislation alone will not secure the right to equal pay for work of equal value unless it is followed by a true Pay Equity Act. One discloses the issue, the other addresses it.

In signing this letter, each of us commits to building awareness among British Columbians of the history of pay equity in our province and of the aspirations of your predecessors that remain unrealized. If your government's efforts end at pay transparency, this will be seen for what it is – a failure to meet even the bar set over two decades ago by another NDP government.

Perhaps the Honourable Joan Smallwood, Minister of Labour, said it best in 2001: "...the issue of equal pay for equal value is a fundamental human right -- nothing more complicated than that, simply the recognition of a fundamental human right." ⁶

With respect,

Organizational signatories:

1. West Coast LEAF
2. Union of BC Indian Chiefs
3. First Nations Summit
4. Canadian Centre for Policy Alternatives BC Office
5. BC Federation of Labour
6. Living Wage for Families BC
7. Worker Solidarity Network
8. Vancouver Native Housing Society
9. BC Poverty Reduction Coalition
10. Battered Women's Support Services
11. Public Service Alliance of Canada, BC Region
12. Wilderness Committee
13. British Columbia Federation of Retired Union Members
14. Women's Health Research Cluster
15. British Columbia Library Association
16. HUB Cycling
17. MoveUP
18. MOSAIC
19. Women Transforming Cities
20. International Longshore and Warehouse Union
21. Pride at Work Canada
22. The Labour Studies Program, Simon Fraser University
23. BC Health Coalition
24. Community Legal Assistance Society
25. Hogan's Alley Society

⁶ Hansard, March 26, 2001

26. Vancouver & District Labour Council
27. BC Centre for Women in Trades
28. BC Employment Standards Coalition
29. Professional Institute of the Public Service of Canada
30. Single Mothers' Alliance
31. BC Society of Transition Houses
32. YWCA Metro Vancouver
33. Health Sciences Association of British Columbia
34. CUPE BC
35. Northern Feminist Institute for Research and Evaluation
36. Migrant Workers Centre
37. Pivot Legal Society
38. Radical Action with Migrants in Agriculture - Okanagan
39. Disability Alliance BC
40. New Westminster & District Labour Council
41. Coalition of Child Care Advocates of BC
42. BC General Employees' Union
43. UFCW 1518
44. British Columbia Teachers Federation
45. Vancouver & Lower Mainland Multicultural Family Support Services Society
46. hua foundation
47. Buxton Consulting Ltd
48. Living in Community
49. REACH Community Health Centre
50. British Columbia Federation of Retired Union Members
51. Rise Women's Legal Centre
52. Federation of Post-Secondary Educators of British Columbia
53. Vancouver Foundation
54. Hospital Employees' Union
55. Bakau Consulting Inc.
56. Hogan's Alley Society
57. Elizabeth Fry Society of Greater Vancouver
58. British Columbia Association of Social Workers
59. Capilano Students' Union

Individual signatories:

60. Marjorie Griffin Cohen, Professor Emeritus, Feminist Economist, Simon Fraser University
61. Genesa Greening, CEO, Vancity Community Foundation
62. Paola Murillo, Executive Director
63. Alison Brewin, Consultant, Non-Profit Management
64. Arlene McLaren, Emeritus Professor of Sociology, Simon Fraser University

65. Andrew Longhurst, Health policy researcher, political economist & PhD candidate, Simon Fraser University
66. Zailda Chan, President, UNITE HERE Local 40
67. Tracy Humphreys, Executive Director, BCEdAccess Society
68. Gerardo Otero, Professor of International Studies at Simon Fraser University
69. Mark Thompson, Prof. Emeritus, Sauder School of Business, UBC
70. Catarina Moreno, Consultant and Board Director, Social Impact Organizations
71. Claudia Maldonado, Women's Employment Counsellor
72. Walter Gerlach, Directing Business Representative - Northwest District 250 of the International Association of Machinists & Aerospace Workers
73. Scott Lunny, Director, United Steelworkers (USW) District 3
74. Jim Iker, SFU Labour Advisory Committee
75. Genevieve LeBaron, Director and Professor, Simon Fraser University School of Public Policy
76. Rebecca Cobb, Associate Professor, Psychology, Simon Fraser University
A. Travers, Professor of Sociology, Simon Fraser University
77. Maya Gislason, Associate Professor, SFU
78. Sabrina Higgins, Assistant Professor of Global Humanities, Simon Fraser University
79. Jim Stanford, Economist and Director, Centre for Future Work
80. Parvaneh Saeedi, Professor of Engineering
81. Cathy Walker, Adjunct Professor, SFU Labour Studies Program
82. John Calvert, Retired Associate Professor, SFU
83. Coro Strandberg, Community member
84. Evelyn Pinkerton, Professor Emerita
85. Paola De Rycke, Senior Lecturer, Simon Fraser University
86. Duncan Cameron, President Emeritus & CCPA research associate
87. Anil Hira, Professor of Political Science, Simon Fraser University
88. Veronica Dahl, Lifetime Professor Emeritus, Computing Sciences, Simon Fraser University
89. David Fairey, Labour Economist & Labour Relations Consultant
90. Carol Liao, Associate Professor of Law, University of British Columbia
91. El Chenier, Professor of History, Simon Fraser University
92. Seth Klein, Team Lead, Climate Emergency Unit
93. Marion Pollack, Retired activist
94. Daune Campbell, Managing Producer of Axis Theatre Company
95. Lara Akin, Professor, Simon Fraser University
96. Ian Angus, Professor Emeritus, Simon Fraser University
97. Yuthika Gime, Associate Professor, Simon Fraser University
98. Malcolm Steinberg, Director Public Health Programs, Faculty Health Sciences, Simon Fraser University
99. Tanya Broesch, Associate Professor of Psychology, SFU
Neil Naiman, Senior Scholar York University
100. Tamara O'Doherty, Lecturer, School of Criminology, Simon Fraser University

101. Nina Smart, Librarian, Simon Fraser University
102. Sneja Gunew, Professor Emerita
103. Lea Caragata, Professor of Social Policy, UBC
104. Suzanne de Castell, Professor Emerita Gillian Creese, Professor Emerita, Sociology Department and the Institute for Gender, Race, Sexuality & Social Justice, University of British Columbia
105. Susan Clements-Vivian, University Lecturer, Simon Fraser University
106. Martha Rans KC, Founder, Pacific Legal Education and Outreach Society
107. Lois Woolf, Architect. Art Therapist
108. Moonie Paliwal, Women's Support Worker
109. Iglia Ivanova, Senior Economist, Canadian Centre for Policy Alternatives - BC Office
110. Colleen Fuller, Former President, REACH Community Health Centre, Vancouver
111. Janet Andrews, Secretary-Treasurer, New Westminster & District Labour Council
112. Gina Choe, HSA union steward
113. Sharon Hurd, Retired Executive Director Phoenix Transition Society
114. Kelly Quick, Women's rights advocate
115. Kenneth Ciochon, Former Community Centre Board Member
116. Ellen Schultz, Retired journalist
117. Anelyse Weiler, Assistant Professor of Sociology, University of Victoria
118. Anita Shaw, Instructor, Psychology/Women's and Gender Studies, University of Northern British Columbia
119. MD Tanvir Hasan Shourov, General Secretary of Ethical Social Research Initiative (ESRI)
120. Clare McGovern, Senior Lecturer, Political Science, Simon Fraser University
121. Donald Forsyth, Retired Engineer
122. Enda Brophy, Associate Professor of Communication, SFU
123. Barbara Wood, President, REACH Community Health Centre
124. Bonnie Gray, Ph.D.
125. Mindi Gobbi, Community member
126. Frank Abbott, History Instructor (Retired) Kwantlen Polytechnic University
127. Michelle Coburn, community activist
128. Evelyn Pinkerton, Professor Emerita