

APRIL 2023 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

COVID-19

Apr 3: Effective today, BC Public Service employees no longer have to provide proof of vaccination against COVID-19. More than 98% of employees complied with the vaccine mandate since it's been in effect, the government reports.

Statutory Holidays

Mar 9: BC passed [Bill 2](#) officially making the September 30 National Day for Truth and Reconciliation, aka, Orange Shirt Day, a stat holiday. So far, Orange Shirt Day has become a stat holiday only in PEI, the 3 territories and the federal jurisdiction.

Action Point: Use the resources on the HRI [Statutory Holiday](#) Compliance Centre to avoid stat holiday violations at your workplace

Pay Equity

Mar 7: Newly tabled [Bill 13](#) would establish pay transparency in BC by requiring employers to, among other things, include pay information in job ads, refrain from asking job applicants about their pay history or taking reprisals against employees for discussing their pay and publishing annual pay transparency reports.

Action Point: Find out more about [pay equity laws](#) and their practical impact on operations

Discrimination

Mar 7: The new pay transparency legislation, [Bill 13](#), doesn't go far enough in

eliminating pay disparity between men and women, says the BC Human Rights Commissioner, citing the bill's lack of "accountability mechanisms." At 17%, the province has one of the highest gender pay gaps in Canada and doesn't have a pay equity law, the Commissioner adds.

Discrimination

Mar 7: "We lost our collective innocence during the pandemic." So begins the new 482-page [report](#) from the BC Human Rights Commission documenting the increase in hate crimes and incidents that took place in the province during the pandemic.

Labour Relations

Mar 21: BC confirmed that the more than 75% of public servants that have tentative or ratified collective agreements will receive a 6.75% wage increase for the next 2 years—the guaranteed general wage increase of 5.5% and the maximum 1.25% cost-of-living adjustment.

Workplace Harassment

Mar 9: Newly tabled [Private Member Bill M-215](#) would impose new restrictions on the use of non-disclosure agreement to settle claims of discrimination and harassment. Several provinces have adopted similar legislation.

Action Point: Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

Privacy

Mar 6: Newly tabled [Bill 12](#), the *Intimate Images Protection Act*, would make it easier for victims whose intimate photos or images have been published without consent to get the postings taken down and sue the person(s) who posted them for money damages.

Health & Safety

Mar 16: WorkSafeBC issued a new [guideline](#) (under Section 8.3 of the OHS Regulations) to help employers ensure that PPE properly fits all workers regardless of gender. The hazards created by ill-fitting PPE are particularly pronounced for women in traditionally male-dominated industries, such as construction, mining,

and firefighting, the guideline explains.

CASES

Labour Relations: OK for New Union to Organize Employees of Recently Decertified Union

Right after the BC Labour Board canceled its bargaining rights, Local 40 swooped in to begin efforts to organize the employees that USW previously represented. The USW characterized the move as an illegal raid in violation of Section breach of Section 33(10) of the *Labour Relations Code*, which prevents another trade union from applying for certification for a period of time after a decertification is granted. The Board tossed the complaint, reasoning that the Section 33.10 ban applies to certification and doesn't say anything about organizing. The arbitrator found the Board ruling reasonable and nixed USW's appeal [[*Sodexo Canada Limited v United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 1-1937*](#), 2023 BCLRB 39 (CanLII), March 15, 2023].