

MAY 2023 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

Minimum Wage

Apr 5: To adjust for inflation, BC announced that it's increasing its general minimum wage from \$15.65 to \$16.75 per hour on June 1. The same 6.9% inflation adjustment will apply to separate minimum wages for residential caretakers, live-in home support workers and camp leaders.

Action Point: Find out more about the latest round of [minimum wage increases](#) taking effect across Canada

COVID-19

Apr 12: The BC Human Rights Commissioner criticized the Public Health Officer for lifting indoor mask restrictions in healthcare settings, which she says compromises the safety of seniors and other vulnerable people at higher risk of contracting COVID. While masking remains voluntary, "those who are most vulnerable among us shouldn't have to depend on the kindness of others to respect their fundamental rights," especially in hospitals, nursing homes and other health facilities, according to the Commissioner's letter.

Statutory Holidays

Apr 25: Third Reading for [Bill 24](#) amending the *Employment Standards Act* to ensure that all unionized employees in BC get the newly recognized National Day for Truth and Reconciliation stat holiday regardless of the terms of their current collective agreement.

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

Pay Equity

Apr 25: [Bill 13](#) establishing pay transparency in BC is through Third Reading and just one step from passage. It requires 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

Employment Benefits

Apr 24: BCFSa published a new [Advisory](#) notifying pension plan administrators and other stakeholders that the Superintendent has changed its policy on calculating commuted value for individuals who are employed in BC but who participate in a multi-jurisdictional pension plan registered outside of the province.

Employment Benefits

Apr 11: Newly published [Advisory 23-019](#) notifies stakeholders that BCFSa has updated and clarified its guidelines on the filing of valuation reports by pension plans with defined benefit provisions.

Privacy

Mar 30: Newly passed [Bill 12](#), the *Intimate Images Protection Act*, makes 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.

CASES

Discrimination: Family Status Accommodation Required Even If Employment Terms Don't Change

Working the same shift at the same mine with her journeyman electrician husband was no problem for a journeyman welder until the couple had their first child. When negotiations over a revised work schedule failed, the welder sued the employer for family status discrimination and failure to make reasonable accommodations. We

don't have to make reasonable accommodations, the employer responded, because we just want to continue the status quo and have made any actual changes to the terms of the welder's employment. The BC Human Rights Commission allowed the lawsuit and the employer appealed all the way to the Court of Appeal. **Result:** The welder had a valid claim for discrimination. The employer's duty to make reasonable accommodations applies to **any** term of employment that interferes with a parental duty, even if that term hasn't changed. But while employees need not prove that their employment terms have changed to be entitled to family status accommodations, the high court continued, they do have to show that the term of employment "seriously" interferes with a "substantial" parental or family duty [[*British Columbia \(Human Rights Tribunal\) v. Gibraltar Mines Ltd.*](#), 2023 BCCA 168 (CanLII), April 21, 2023].

Action Point: Find out how far employers must go to [accommodate the scheduling needs of working parents](#)