

# Human Rights in British Columbia

## HARASSMENT

British Columbia's *Human Rights Code* protects people from being treated differently and poorly because of their gender.

We all have a duty to respect each other's human rights. The B.C. *Human Rights Code* (the Code) is an important law that protects people from discrimination, including harassment. The Code allows a person or group to file a complaint with the BC Human Rights Tribunal if they believe they have been discriminated against or harassed, and protects them from retaliation if they make a complaint.

### WHAT IS HARASSMENT?

**Harassment** is a form of discrimination. Harassment occurs when a person or group is subjected (often repeatedly) to unwelcome comments or behaviour that is insulting or demeaning, or is otherwise offensive. Common examples of harassment include name-calling, telling offensive jokes, and making offensive gestures.

Harassment is harmful because it attacks the dignity and self-respect of the victim. In the workplace, it may negatively affect both the victim's ability to perform their duties and the work environment as a whole.

In B.C., it is against the law to harass a person because of their race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation, disability, or age. Employers, landlords, and other service providers have a responsibility to provide a harassment-free environment for their employees, tenants, and customers.

Examples of harassment include:

- unwelcome sexual suggestions or requests;
- unwelcome touching or physical contact;
- staring at or making unwelcome comments about someone's body;

### In B.C., it is illegal to discriminate against or harass a person because of their:

- race;
- colour;
- ancestry;
- place of origin;
- religion;
- marital status;
- family status;
- physical or mental disability;
- sex (includes pregnancy, breastfeeding, and sexual harassment);
- sexual orientation;
- age (19 and over);
- criminal conviction (in employment only);
- political belief (in employment only);
- lawful source of income (in tenancy only).

### Where?

The *Human Rights Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in **public situations**, which include schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial and local government offices, and transit services. It also protects people against discrimination in printed publications and in areas such as employment, tenancy, and the purchase of property.

- jokes based on gender, sexual orientation, or racial stereotypes;
- comments that make fun of or belittle or insult people because of their sex, pregnancy, race, or physical or mental disability;
- racist, sexist, or anti-gay publications or graffiti displayed in the workplace; and
- any unwelcome behaviour, such as starting rumours in the workplace, that is engaged in, in whole or in part, because of a person's race, sexual orientation, or other similar personal characteristic.

## INTENTION

Harassment does not have to be intentional to be against the law. This means that even if the person responsible for the action or comment did not “mean it,” it is still harassment according to the law.

## DEALING WITH HARASSMENT

If you are being harassed because of your race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation, disability, or age:

- If it is safe to do so, tell the person firmly that their actions or comments are unacceptable and ask them to stop. If you find this difficult, consider asking a friend for help.
- Keep a written record of exactly what happened and when, and of what was said.
- If the discrimination or harassment happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. If the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.
- File a human rights complaint with the BC Human Rights Tribunal. (See Contacts.)

## HUMAN RIGHTS COMPLAINTS

To make a complaint under the *Human Rights Code*, **all** of the following must be true:

- you have been singled out and treated differently and poorly, compared to others;
- you are being treated differently and poorly **because** of a personal characteristic, such as your race, colour, religious belief, sex, mental or physical disability, or sexual orientation; **and**
- the treatment occurred in a public situation, for example, at work, in a store or restaurant, or between a landlord and tenant.

## HELP WITH COMPLAINTS

A complaint must normally be filed within six months after the alleged discrimination or harassment occurs. Filing a complaint initiates a legal process that is similar to a court proceeding. Assistance is available when either filing or responding to a complaint. A publicly funded legal clinic provides assistance, including legal representation, to eligible persons everywhere in B.C., free of charge. (See Contacts.)

## CONTACTS

### BC Human Rights Tribunal

Suite 1170 – 605 Robson St.  
Vancouver, BC V6B 5J3

Phone: 604 775-2000

Toll Free (in BC): 1-888-440-8844

TTY (for hearing impaired): 604 775-2021

Web: [www.bchrt.gov.bc.ca](http://www.bchrt.gov.bc.ca)

### BC Human Rights Clinic

*For complainants anywhere in the province:*

BC Human Rights Coalition

Suite 1202 – 510 West Hastings St.

Vancouver, BC V6B 1L8

Phone: 604 689-8474

Toll Free: 1-877-689-8474

Web: [www.bchrcoalition.org](http://www.bchrcoalition.org)

*For respondents anywhere in the province*

*and Victoria-area complainants:*

University of Victoria Law Centre

Third Floor 1221 Broad St.

Victoria, BC V8W 2A4

Phone: 250 385-1221

Toll Free: 1-866-385-1221

E-mail: [reception@thelawcentre.ca](mailto:reception@thelawcentre.ca)

### Ministry of Attorney General

Dispute Resolution Office

Justice Services Branch

PO BOX 9222 STN PROV GOVT

Victoria, BC V8W 9J1

Phone: 250 387-1480

TTY: Please call Enquiry BC: 1-800-661-8773

Web: [www.ag.gov.bc.ca/human-rights-protection](http://www.ag.gov.bc.ca/human-rights-protection)