

# Human Rights in British Columbia

## PROTECTION FROM DISCRIMINATION

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 DISCRIMINATION? WHAT IS HARASSMENT?

In B.C., *discrimination* occurs when someone is treated differently and poorly because of their race, colour, ancestry, place of origin, religion, marital or family status, physical or mental disability, sex, sexual orientation, age (19 years and over), criminal conviction (in employment), political belief (in employment), or lawful source of income (in tenancy).

Examples of discrimination include:

- firing a woman from a job because she is pregnant;
- refusing to rent an apartment to a man because he is gay;
- refusing to hire someone because they have a physical or mental disability;
- paying a woman less than a man who is doing the same job; and
- forcing an employee to retire because of their age.

**Harassment** is a form of discrimination. Harassment occurs when a person is subjected (often repeatedly) to unwelcome comments or behaviour that is insulting or demeaning, or is otherwise offensive, because of any of the grounds listed above, such as race, religion, or sexual orientation. (For more information, see *Human Rights in British Columbia: Harassment*.)

In B.C., discrimination and harassment are against the law.

### 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.

### INTENTION

Discrimination 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 discrimination according to the law.

### DUTY TO ACCOMMODATE

Employers, landlords, and people who provide a service to the public have a duty to accommodate the special needs of people who may require changes to the usual ways in which something is done. For example, not accommodating the special needs of a disabled person or nursing mother is a form of

discrimination (unless accommodating their needs would create an undue hardship for the employer, landlord, or service provider).

## DEALING WITH DISCRIMINATION AND HARASSMENT

If you are being discriminated against or harassed:

- 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)