

Human Rights in British Columbia

DISCRIMINATION BASED ON SEXUAL ORIENTATION

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

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.

HOMOPHOBIA AND DISCRIMINATION BASED ON SEXUAL ORIENTATION

Homophobia is a fear or hatred of homosexuality and of people who are, or appear to be, gay, lesbian, or bisexual. Homophobia can exist as part of an individual's beliefs or more broadly as part of society's values, reflected in its practices and institutions. Homophobia is harmful because it hurts and isolates people and divides communities.

Sexual orientation discrimination occurs when someone actually does something based on their homophobic beliefs. Sexual orientation discrimination is often homophobia put into action by treating some people differently and poorly because they are homosexual or bisexual. (However, sexual orientation discrimination can also mean treating someone differently and poorly because they are heterosexual.) Although laws alone cannot change homophobic attitudes, human rights law can deal with individual acts of sexual orientation discrimination. In B.C., the Code makes it illegal to harass or insult someone, or to treat someone differently and poorly, because of their sexual orientation.

Sexual orientation discrimination can occur in a number of ways, including:

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.

- verbal abuse or threats;
- unwelcome remarks, insulting jokes, or name calling;
- denial of a service;
- not hiring or promoting someone; and
- publications or displays that criticize people based on their sexual orientation.

Examples of sexual orientation discrimination:

- A woman and her same-sex partner go to see an apartment for rent. When they arrive to view the apartment, the landlord realizes they are lesbian and tells them he doesn't want "their type of people living here because this is a building where we have traditional values."

- A gay man tells a trusted co-worker he is gay. Later, he finds his name included in graffiti that is insulting to homosexuals displayed in the workplace washroom.
- A local community newspaper runs a series of articles that insult gay and lesbian lifestyles.
- A group of students tease and physically assault another boy at school because they believe he is gay.
- A school board bans from the classroom books that show families with same-sex parents.
- An employer denies dental and medical benefits to the same-sex partner of an employee.

The Code protects all British Columbians from discrimination based on sexual orientation, regardless of whether they are gay, lesbian, bisexual, or heterosexual. Transgendered and transvestite people are also protected from discrimination under the Code, based on their sex or gender identity. (See *Human Rights in British Columbia: Sexual Discrimination and Harassment*.)

DEALING WITH DISCRIMINATION BASED ON SEXUAL ORIENTATION

If you are being discriminated against or harassed because of your sexual orientation:

- 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.)

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

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

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

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