



# Human Rights in British Columbia: Protection in Employment



This fact sheet has been created to help you understand human rights in B.C. and the protection it provides you in employment.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

## Information for Employees

The *Code* protects job applicants and employees.

### \* How am I protected in employment?

You are protected by the *Code* from discrimination in hiring or on the job if the discrimination is based on one or more of the **protected personal characteristics**:

- Race, colour, ancestry, place of origin
- Political beliefs
- Religion
- Marital status
- Family status
- Physical or mental disability
- Sex (including pregnancy, transgender)
- Sexual orientation
- Age (if 19 or more)
- Conviction of a criminal or summary offence not related to the employment

You can file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against regarding employment.

### \* What is discrimination in employment?

The *Code* protects all aspects of employment, including:

- recruitment ads
- interviews

- hiring
- working conditions
- promotions and dismissals
- benefits
- wages

Discrimination means treating someone badly or denying them a benefit based on a personal characteristic such as religion or disability.

Examples of discrimination in employment are:

- Firing a woman from a job because she is pregnant
- Making sexual comments about appearance, clothing, or body parts
- Refusing to hire someone because they have a physical or mental disability
- Paying a woman less than a man with the same job qualifications for the same job
- Forcing an employee to retire because of their age
- Refusing to accommodate a work schedule for a religious observance

### \* How do I know if I have a Human Rights complaint?

To make a complaint under the BC Human Rights Code relating to employment, all of the following must be true:

- ✓ You have been treated badly.
- ✓ You are being treated differently and badly because of a personal characteristic, such as your race, colour, religious belief, gender, mental or physical disability, or sexual orientation.
- ✓ The treatment occurred in a situation at or relating to work.

## Information for Employers

The Code protects job applicants and employees. Employers must ensure that:

- Employment decisions are based on criteria related to the job
- The work environment is free from discrimination

### \* When interviewing

For employers asking questions during an interview, the general rule is:

**Ask only what is needed to make a hiring selection on the basis of skills and merit.**

### \* When advertising jobs

The Code does not allow job ads requiring a specific personal characteristic protected by the Code, unless there is a legitimate job requirement. For example, an employer can advertise to hire only women for a position as an intake worker at a shelter for abused women.

### \* What is the duty to accommodate?

Employers must try hard to accommodate the personal characteristics protected under the *Code*. This is called the **duty to accommodate**. The accommodation will depend on the specific situation.

For example, it may require an employer to:

- provide someone with additional training
- adjust a work schedule
- modify or purchase equipment
- change an employee's duties

If you require a modification or adjustment at work, tell your employer. The employer has the responsibility to make reasonable efforts to find the most suitable accommodation – unless it would result in **undue hardship**.

### \* Where can I get help or more information?

**Complainants** anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

#### BC Human Rights Clinic

300-1140 West Pender Street, Vancouver, B.C. V6E 4G1

Tel: 604 622-1100 Toll Free: 1 855 685-6222

Fax: 604 685-7611

Online: [www.bchrc.net](http://www.bchrc.net)

You are a **respondent** if someone has made a complaint against you. **Respondents** anywhere in the province and Victoria-area complainants can get information by contacting:

#### University of Victoria

Law Centre Clinical Law Program

Suite 225 – 850 Burdett Avenue, Victoria, B.C. V8W 1B4

Tel: 250 385-1221 Toll Free: 1 866 385-1221

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

You can get additional information from the **BC Human Rights Tribunal**:

#### BC Human Rights Tribunal

Suite 1170 – 605 Robson Street, Vancouver, B.C. V6B 5J3

Tel: 604 775-2000 Toll Free: 1 888 440-8844

TTY (for hearing impaired): 604 775-2021

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

*This information sheet is intended for general information purposes only. It is not intended to provide or replace legal advice.*