



Human Rights in British Columbia: Discrimination against people with physical or mental disabilities



This fact sheet has been created to help you understand discrimination against people with physical or mental disabilities in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because you have a disability. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

* What is a disability?

A disability is a condition that limits a person's senses or activities. It may be physical or mental, visible or invisible.

* What are some examples of a disability?

- mental illnesses, such as depression
- learning disabilities, such as dyslexia
- drug or alcohol addiction
- diabetes
- HIV/AIDS
- sensory impairments, such as blindness or deafness

* Do people have to accommodate my disability?

Employers, landlords, and people who provide a service to the public must try hard to accommodate the needs of disabled people up to the point of undue hardship. This is called the **duty to accommodate**.

How a disability is accommodated depends on the specific situation. For example, it may require that an employer or landlord:

- provide you with additional training
- adjust your work schedule
- modify or purchase equipment
- modify your work or workload

* Discrimination at work

The *Code* makes it illegal for employers to:

- advertise a job in a way that discriminates against you because you have a disability
- deny you a job because of your disability
- pay you a different wage than other people doing the same job because you have a disability
- dismiss, lay-off or demote you because of your disability, unless you can no longer perform the essential parts of the job

* Discrimination in a public place

Disabled persons have the right to use all public services and facilities, including movie theatres, stores, restaurants, educational institutions, public transit, and government services.

Sometimes a facility or service cannot accommodate a disabled person's needs. In that case, the service provider must prove that it would be an undue hardship to be required to do so.

* Discrimination in housing

A landlord cannot:

- refuse to rent a house or an apartment to you if you are disabled
- charge you a higher rent or security deposit
- evict you because you have a disability

A landlord must accommodate a person's disability up to the point of **undue hardship**.

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

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

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your mental or physical disability.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet *Human Rights in British Columbia: What you need to know*.

* Where can I get help?

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

If someone has made a complaint against you, you are a **respondent**. **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

You may be directed to the **BC Human Rights Tribunal** to file your complaint.

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

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