



Human Rights in British Columbia: Discrimination based on gender identity or expression



This fact sheet has been created to help you understand discrimination based on gender identity or expression in BC. 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 differently because of your gender identity or expression. 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. **Retaliation** is when someone tries to harm you or get back at you for something they think you did or are going to do to them.

* Definitions used in this fact sheet

Gender identity is a person's sense of themselves as male, female, both, in between or neither. It includes people who identify as **transgender**. Gender identity may be the same as or different from the sex a person is assigned at birth.

Gender expression is how a person presents their gender. This can include behaviour and appearance, including dress, hair, make-up, body language and voice. This can also include their name and pronoun, such as he, she or they. How a person presents their gender may not necessarily reflect their gender identity.

For example, if a person's gender identity is male, his gender expression is male only if he demonstrates typically male characteristics in behavior, dress, and/or mannerisms. Gender identity is different from a person's sexual orientation.

Trans or **transgender** is a broad term that describes people with different gender identities and expressions that do not conform to general ideas about what it means to be a girl/woman or boy/man. For example, people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer. Being transgender does not mean any specific sexual orientation.

* What is gender identity or expression discrimination?

Everyone has the right to define their gender identity and to express their gender. Trans people must be recognized and treated as the gender they live in and prefer to express.

Discrimination happens when a person is treated badly or is denied a service or benefit because of their gender identity or expression.

Gender identity or expression discrimination can occur in a number of ways, including:

- You are called offensive names.
- You are exposed to inappropriate jokes, images, emails and social media.
- You are denied services where your gender identity or expression was a factor in the denial.
- You are fired or not hired or not promoted where your gender identity or expression was a factor in the decision.
- You are denied rental housing where your gender identity or expression was a factor in the denial.

* 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 gender identity or expression.
- The treatment occurred in a public place; for example, 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 BC, 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: 604 689-7611
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

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