



Human Rights in British Columbia: Sex Discrimination and Sexual Harassment



This fact sheet has been created to help you understand sex discrimination 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 of your sex or gender identity. 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 sex discrimination?

Sex discrimination includes gender, pregnancy, and sexual harassment. It means treating someone badly or denying them a benefit because they are male, female, intersex, transgender or because of their gender identity.

Sex discrimination can occur in a number of ways, including:

- You are called sexist names.
- You are denied service.
- You are not hired or promoted, while others around you are.
- You are threatened.
- You are fired.

Pregnant and Breastfeeding Women

It is against the law to discriminate against a woman because she may become pregnant, is pregnant, or has a baby.

Nursing mothers have the right to breastfeed their children in a public area. It is discriminatory to ask them to cover up or breastfeed somewhere else.

* What is sexual harassment?

Sexual harassment is a form of sex discrimination. It is sexual harassment if someone repeatedly says or does things to you that are insulting and offensive. It can be words or actions that are sex or gender-related.

There are many types of sexual harassment:

- unwanted touching
- making offensive jokes or remarks about women or men
- making sexual requests or suggestions
- staring at or making unwelcome comments about someone's body
- showing sexual pictures or images
- being verbally abusive to someone because of gender

Harassment may be sex discrimination even if it is not sexual in nature. This can happen when someone harasses you simply because of your gender. Sexual harassment happens most often to women, but it can also happen to men or between members of the same sex.

* Sexual Harassment and Power

Sexual harassment is considered an abuse of power. But there does not need to be an imbalance of power for it to occur. For example, a worker may harass a co-worker, or a student may harass a classmate. It does not need to be a boss, supervisor or teacher for it to be considered sexual harassment. Sexual harassment can include treatment by a customer or client.

* 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.
- ✓ 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 occurs. (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

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