



Human Rights in British Columbia: What you need to know



This fact sheet has been created to help you understand human rights in B.C. If you have any questions about your situation, 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*. In B.C., the *Code* helps to protect you from discrimination and harassment. 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.

* How am I protected?

In B.C., you are protected under the *Human Rights Code* if it is due to a personal characteristic covered by the *Code*. The protected characteristics are listed below.

In B.C. it is against the law to discriminate against or harass a person because of their:

- race, colour, ancestry, place of origin
- religion
- marital status
- family status (does not apply to buying property)
- physical or mental disability
- sex (includes being a man, woman, inter-sexed or transgender. It also includes pregnancy, breastfeeding, and sexual harassment)
- sexual orientation (includes being heterosexual, gay, lesbian or bisexual)
- age (19 and older, does not apply to buying property)
- criminal conviction (only applies to employment)
- political belief (only applies to employment)
- lawful source of income (only applies to tenancy)

* Where does the *Code* apply?

The *Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in situations such as at work, in a store or restaurant, or between a landlord and tenant.

It protects people against discrimination in printed publications. It also protects people in areas such as employment, renting, and buying property.

* What is discrimination?

In British Columbia, it is discrimination if you are treated badly or denied a benefit because of a personal characteristic.

Examples of discrimination

- Firing a woman because she is pregnant
- Refusing to rent an apartment to a couple because they are gay
- Refusing to hire someone because of a physical or mental disability
- Paying a woman less than a man who is doing the same job
- Forcing an employee to retire because of the person's age

* What is harassment?

Harassment is a form of discrimination. It can be words or actions that offend or humiliate you. It is harassment when someone repeatedly says or does things to you that are insulting and offensive. The *Code* protects you when harassment is based on a protected characteristic listed under "How am I protected". There are many types of harassment.

Examples of harassment

- Unwelcome sexual suggestions or requests
- Unwelcome touching or physical contact
- Staring at or making unwelcome comments about someone's body
- Jokes based on gender, sexual orientation, or racial stereotypes
- Comments that make fun of or insult people because of their sex, pregnancy, race or physical or mental disability

* What is the Duty to Accommodate?

Employers, landlords, and people who provide a service to the public 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

The **duty to accommodate** also means there is a legal duty to adjust a policy, practice or service. For example, an older person's needs may require that changes be made to the usual way things are done because of that person's age. Refusing to take reasonable steps could be discriminatory unless adjusting to these needs would result in **undue hardship**.

The **duty to accommodate** is the responsibility of the employer, landlord, or person who is providing the service to the public.

* Does intent matter?

Discrimination does not have to be **intentional** to be against the law. This means that even if the person responsible for the action or comment did not mean anything bad by it, it is still discrimination according to the law.

* 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 a personal characteristic protected under the Code – such as your race, colour, religious belief, gender, mental or physical disability, or sexual orientation.
- ✓ 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**.

* Dealing with discrimination and harassment

There are certain actions you could take if you are being discriminated against or harassed.

- If it is safe to do so, tell the person that their actions or comments are unacceptable and ask them to stop.
- 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. For example, if the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.

* 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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