



HUMAN RIGHTS IN BC

Presented by Emily Zarychta
ezarychta@clasbc.net

Lawyer with the BC Human Rights Clinic at the Community
Legal Assistance Society (CLAS)



A few notes

- 5-minute presentation, followed by questions
- Legal information, not legal advice
- Limits of confidentiality
- Free/low-cost resources listed at the end of the PowerPoint

BC Human Rights Clinic: <https://bchrc.net/>

- **We provide free legal services to people who need help with a provincial human rights complaint**
- Province-wide
- Information by phone
- Legal advice and representation – by application
- Education workshops

What are “human rights”?

- (Provincial) BC [Human Rights Code](#)
 - Protects people from discrimination in: employment, tenancies, and access to services within BC
- (Federal) [Canadian Human Rights Act](#)
 - Protects people from discrimination in federally-regulated environments, including:
 - Airlines, Banks, Telecommunications companies, Inter-provincial transportation, First Nations governments, RCMP
- **Discrimination means:**
 - Treating someone badly on the basis of their identity
 - Negative impact that’s connected to a person’s identity

WHO is protected?

- *Everyone*

WHERE are we protected?

- *In our Jobs*
- *In our Homes*
- *In our access to Services*

WHAT are we protected from?

- ***Discrimination on the basis of a protected characteristic:***
Indigenous Identity, Race, Colour, Ancestry, Place of origin, Religion,, Marital status, Family status Physical or mental disability, Sex, Sexual orientation, Gender identity or expression, Age (19 and over), Political belief (employment only), Lawful source of income (tenancy only), Unrelated criminal conviction (employment only)

What is discrimination?



- Focus is on impact, not intention
- Can be subtle (e.g., “microaggressions”) – racism often is
- Patterns of behaviour versus single incidents
- Based on real or perceived characteristic

- **DIRECT DISCRIMINATION:** Treating someone differently in a way that causes disadvantage

- **INDIRECT aka ADVERSE EFFECT DISCRIMINATION:** where a requirement, qualification or factor which is not discriminatory on its face results in exclusion or disadvantage

Here are some examples that could constitute discrimination under the *Code*:

- Your co-workers keep joking about the “Wuhan flu” and asking you why you had to eat bats. You have complained to your supervisor, but she shrugged it off.
- You are looking for a new apartment, and a prospective landlord refuses to show you the apartment. He says he had “issues with Black tenants” in the past.
- You are at a restaurant. The server refuses to serve you and makes a racial slur.

Not *all* discriminatory conduct is covered by the *BC Human Rights Code*

- The *Code* does not protect you from discriminatory treatment that occurs outside the protected areas listed in the *Code*.
- If someone verbally attacks you related to your race while you're walking down the street, you could not make a human rights complaint.
- The attacker was not providing you with a service, tenancy, or employment.
- However, you may report the incident to the police or a community-based agency.
- Check out [Resilience BC's Anti-Racism Network](#) and [Elimin8Hate](#) to find more information on anti-racism tools and resources.

Filing a Human Rights Complaint

If you have experienced discrimination in a protected area, you can file a human rights complaint

- The Complaint goes to the BC Human Rights Tribunal (like a court).
- Starts a legal process leading to a public hearing (like a trial).
- Tribunal website: <http://www.bchrt.bc.ca/>

Proving Discrimination

- Requires evidence - **Your story is evidence!**
- You must show there is a connection between the protected characteristic and negative treatment.
- Balance of probabilities

Human Rights Legal Help at CLAS

- [BC Human Rights Clinic](https://bchrc.net/) – free legal help for human rights complainants after a complaint is accepted by the Tribunal. <https://bchrc.net/>
- [Short Service Clinic](https://bchrc.net/services/short-service-clinic/) - free half-hour appointments with a lawyer or legal advocate. <https://bchrc.net/services/short-service-clinic/>
- [SHARP](https://clasbc.net/get-legal-help/sexual-harassment-in-the-workplace) - Summary advice related to sexual harassment cases. Up to 5 hours of free legal advice/assistance, including BC and Canadian human rights complaints, if applicable. <https://clasbc.net/get-legal-help/sexual-harassment-in-the-workplace>

Human Rights Legal Help

- Migrant Workers Centre - help drafting complaints for migrant workers. <https://mwcbbc.ca/how-to-get-legal-help/>
- Vancouver Island Human Rights Coalition – information and assistance with human rights complaints. <https://vihrc.com/>
- [University of Victoria Law Centre](#) – free legal help for human rights complainants and respondents in the Capital Regional District.
- [UBC Law Students Legal Advice Program](#) – free legal help for human rights complainants and respondents in the Lower Mainland.
- [Thompson Rivers University Community Legal Clinic](#) – free legal help for human rights complainants and respondents in Kamloops, Merritt, Ashcroft, Barriere, and Salmon Arm.
- [Amici Curiae](#) – assistance with legal forms.
- [Access Pro Bono](#) – free legal help on a variety of legal issues.
- [Canadian Bar Association Lawyer Referral Service](#) – 30 minute consultation with a lawyer.
- [PovNet Find an Advocate](#) – find a legal advocate in your community