



WBC

OUR HUMAN RIGHTS

How BC law protects us
from discrimination



BC
Human Rights
Clinic



BC Association of
Aboriginal Friendship Centres



This booklet contains legal information. It is not legal advice. For guidance on how the law applies in your specific situation, talk to a lawyer. The BC Human Rights Clinic provides free legal services to people with human rights complaints. Additional resources are listed at the back of this booklet.

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HOW BC LAW PROTECTS US FROM DISCRIMINATION

BC's Human Rights Code protects people in BC from discrimination. Discrimination means being treated badly because of your personal characteristics, such as your race, colour, ancestry, religion, disability, age, sex, gender identity, or sexual orientation.

Discrimination can happen when people are singled out or targeted because of their personal characteristics. Discrimination can also happen when neutral rules or policies affect some people differently because of their personal characteristics. We provide examples of different kinds of discrimination in this booklet.

The Human Rights Code applies in three main areas of daily life: our jobs, our tenancies, and our access to services and facilities. The law also prohibits discriminatory and hateful publications.

Indigenous people in BC and across Canada experience many forms of discrimination. While the BC Human Rights Code can't address all the inequity and injustices faced by Indigenous people, it can be used to hold people and institutions accountable for discrimination.

Read on to learn more about your right to be free from discrimination, and what you can do if your rights are violated.



WE HAVE THE RIGHT...

...NOT TO BE JUDGED BY THE COLOUR OF OUR SKIN

What is Racial Profiling?

Racial profiling means targeting someone based on their race or skin colour.

It can happen when people hold unfair and racist beliefs, called “stereotypes,” about an entire racial group. If they act on those unfair beliefs, they may be engaged in racial profiling.

What does Racial Profiling look like?

- An Indigenous teen is followed around a store by a suspicious security guard. The white teens in the store are left alone.
- Social workers show up at the hospital while an Indigenous woman is giving birth to take her baby away. The parents are supported by their community and perfectly capable of caring for their child.

What does the law say?

The BC Human Rights Code protects us from discrimination on the basis of our race, colour, ancestry, and place of origin. We are protected from discrimination in our jobs, our tenancies, and in our access to services like stores, transit services, and health care centres.



WE HAVE THE RIGHT... ...TO DISCRIMINATION-FREE HOUSING

What is Discrimination in Housing?

Landlords must treat their tenants fairly. Landlords are not allowed to discriminate when deciding who to rent to, or who to evict from their properties. This means they cannot take people's protected characteristics, like their race, religion, marital or family status, sexual orientation, gender identity, or source of income into consideration when making these decisions.

What does Discrimination in Housing look like?

- A landlord refuses to rent to someone because she is a single mother and receives social assistance.
- A tenant reports that another tenant in the building is making homophobic or racist comments to them, but the landlord doesn't do anything to address it.

What does the law say?

The BC Human Rights Code protects us from discrimination in our tenancies. The law says landlords must not refuse to rent to you, evict you, or otherwise treat you badly on the basis of any of your protected characteristics.



WE HAVE THE RIGHT... ...TO DISCRIMINATION-FREE HEALTH CARE

What is Discrimination in Health Care?

Indigenous people have shared many experiences of being treated unfairly when trying to access health care.

Sometimes, health care providers use unfair stereotypes about Indigenous people. Sometimes, they are denied care because the health care provider does not believe they are sick or hurt. When a health care provider has a bias or prejudice against Indigenous people, this can result in discriminatory treatment.

What does Discrimination in Health Care look like?

- An Indigenous man is having trouble walking and is slurring his speech. The ambulance driver doesn't take him to the hospital, and tells him to "sleep it off", believing he is drunk. In fact, he is having a stroke.
- A nurse treats other patients with care and compassion, but is rude and dismissive towards their Indigenous patient.

What does the law say?

The BC Human Rights Code protects us from discrimination in our access to services. The law says that service providers, including doctors, nurses, ambulance drivers, and emergency room staff, must not discriminate on the basis of any protected characteristic, including race, ancestry, colour, and place of origin.



WE HAVE THE RIGHT... ...TO A HARASSMENT-FREE WORKPLACE

What is Harassment?

Harassment includes physical or verbal behaviour that is offensive or humiliating.

Harassment may be discrimination when it targets someone's identity. Harassing someone about their race, place of origin, religion, disability, age, sexual orientation, or gender identity, could be discrimination and violate human rights law.

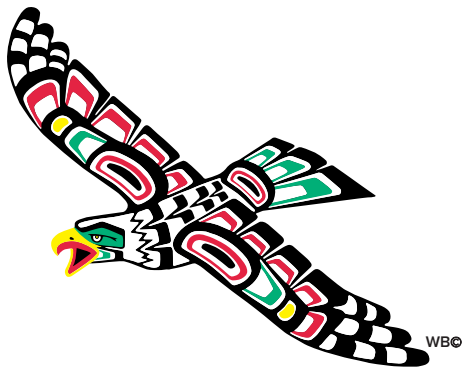
What does Harassment look like?

- A group of co-workers use a racist slur to describe their Indigenous colleague.
- A supervisor makes sexist "jokes" at work, and won't stop when a female colleague asks him to.

What does the law say?

The BC Human Rights Code protects us from discrimination on the basis of our race, place of origin, religion, disability, age, sexual orientation, and gender identity. We are protected from discrimination in our jobs, our tenancies, and in our access to services like stores, transit services, and health care centres.

WorkSafe laws also prohibit bullying and harassment.



WE HAVE THE RIGHT...

...TO HAVE OUR DISABILITIES ACCOMMODATED AT WORK

What is a Workplace Accommodation?

Sometimes a medical condition, a serious injury or illness, or a mental health issue gets in the way of our ability to do our jobs.

Employers have a duty to accommodate employees with disabilities. This may mean adjusting someone's job duties or working environment to remove a barrier to their ability to do their work.

What does Accommodation look like?

- An employer buys a new desk so an employer who uses a wheelchair can sit comfortably at it.
- A human resources manager works with an employee to return them to work gradually after they have been off work due to an injury.

What does the law say?

The BC Human Rights Code protects us from discrimination on the basis of a physical or mental disability. The law says employers must accommodate an employee's needs related to a disability. An employer must do their best to remove barriers to the workplace for disabled employees.

What can I do?

If you believe you've been discriminated against in your job, tenancy, or access to a service or facility, you can make a complaint to the BC Human Rights Tribunal. The Tribunal is like a court. It hears human rights complaints and makes decisions about them.

You make your complaint on the Tribunal's website:

www.bchrt.bc.ca

You must file your complaint within one year of the event. There is no cost. The Tribunal might award you compensation for what happened. The Tribunal might also order the other party to take steps to avoid discrimination in the future. You may also be able to find a resolution with the help of a Tribunal mediator.

A human rights complaint can take a long time – likely 1 to 2 years. A Tribunal mediation can be a much faster way to resolve the complaint. The Tribunal has several Indigenous members who can help mediate the complaint. You can also request an Indigenous process, like a ceremony or a healing circle, if you want to.

Who can help?

The BC Human Rights Clinic, part of the Community Legal Assistance Society (CLAS), provides free legal help with human rights complaints. Visit their website or call for more information or to book an appointment:

www.bchrc.net

604-622-1100

Toll free: 1-855-685-6222



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Other resources for legal help with human rights:

Indigenous Community Legal Clinic, UBC

Tel: 604-822-1311

Toll Free: 1-888-684-7874

E-mail: iclc@allard.ubc.ca

Vancouver Island Human Rights Coalition

Tel: 250-382-3012

E-mail: contactvihrc@gmail.com

University of Victoria Law Centre

Tel: 250-385-1221

UBC Law Students Legal Advice Program

Tel: 604-822-5791

Thompson Rivers University Community Legal Clinic

Tel: 778-471-8490

AC Friends of Court (help with the complaint form only)

E-mail: legalformsbc@gmail.com

Tel: 778-522-2839

Access Pro Bono

Tel: 1-877-762-6664

PovNet Find an Advocate –

find a legal advocate in your community

<https://www.povnet.org/find-an-advocate>



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BC Association of
Aboriginal Friendship Centres

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Artist: Wade Baker, Mintle-e-da-us,

Kingfisher© Symbol of peace, prosperity and love, and is a good hunter

Eagle© - Strength, wisdom and courage, and is a messenger from the Creator

Chilcat Raven with Sun© – Raven transforms the world by bringing the light back

Chinook Salmon© – Determination, strength and wisdom, a symbol of rebirth and eternal life

Twin Salmon© – Prosperity, return to the source, symbol of wealth and providence