

Human Rights in British Columbia

DISCRIMINATION AGAINST PERSONS WITH PHYSICAL OR MENTAL DISABILITIES

British Columbia's *Human Rights Code* protects people from being treated differently and poorly because they have a disability. People are also protected if someone treats them differently and poorly because they think the person has a disability, even though they do not.

We all have a duty to respect each other's human rights. The B.C. *Human Rights Code* (the Code) is an important law that protects people from discrimination, including harassment. The Code allows a person or group to file a complaint with the BC Human Rights Tribunal if they believe they have been discriminated against or harassed, and protects them from retaliation if they make a complaint.

WHAT IS A DISABILITY?

A disability is a condition that limits a person's senses or activities. It may be physical or mental, visible or invisible, temporary or permanent.

Examples of disabilities include:

- mental illnesses (such as schizophrenia);
- developmental delays;
- learning disabilities (such as dyslexia);
- drug or alcohol addiction;
- HIV/AIDS; and
- sensory impairments (such as blindness).

DISCRIMINATION AT WORK

The Code makes it illegal for employers to:

- advertise a job in a way that discriminates against someone because they have a disability;
- deny someone a job because of their disability, if the person is able to do the job;
- pay someone a different wage than others doing the same job because the person has a disability; and
- fire or lay off or demote a person because of their

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

- race;
- colour;
- ancestry;
- place of origin;
- religion;
- marital status;
- family status;
- physical or mental disability;
- sex (includes pregnancy, breastfeeding, and sexual harassment);
- sexual orientation;
- age (19 and over);
- criminal conviction (in employment only);
- political belief (in employment only);
- lawful source of income (in tenancy only).

Where?

The *Human Rights Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in **public situations**, which include schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial and local government offices, and transit services. It also protects people against discrimination in printed publications and in areas such as employment, tenancy, and the purchase of property.

disability, unless the person can no longer perform the essential parts of the job.

Bona Fide Occupational Requirement

An employer can refuse to hire a person if the job has bona fide occupational requirements that cannot be modified to accommodate a person's disability. For example, the job may require a person to regularly climb ladders. If someone's disability prevents them from climbing ladders, the employer may have a right to refuse to hire that person. However, the employer must be able to prove the requirement is reasonably necessary and cannot be modified without undue hardship to the employer.

DISCRIMINATION IN PUBLIC SERVICES AND FACILITIES

Disabled persons have the right to use all public services and facilities, including movie theatres, stores, restaurants, educational institutions, public transit, and government services. While there may be times when a facility or service cannot accommodate a disabled person's needs, the service provider must prove that undue hardship would result if they were required to do so. (See Duty to Accommodate.)

DISCRIMINATION IN HOUSING

A landlord cannot refuse to rent a house or an apartment to a disabled person, charge them a higher rent or security deposit, or evict them because they have a disability. A landlord must accommodate a person's disability up to the point of undue hardship. (See Duty to Accommodate.)

DUTY TO ACCOMMODATE

Employers, landlords, and people who provide a service to the public have a duty to reasonably accommodate the needs of disabled persons, unless doing so would result in undue hardship. How a disability is accommodated depends 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, or restructure an employee's duties.

DEALING WITH DISCRIMINATION

If you are being discriminated against or harassed because of a mental or physical disability:

- If it is safe to do so, tell the person firmly that their actions or comments are unacceptable and ask them to stop. If you find this difficult, consider asking a friend for help.
- 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. If the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.
- File a human rights complaint with the BC Human Rights Tribunal. (See Contacts.)

HELP WITH COMPLAINTS

A complaint must normally be filed within six months after the alleged discrimination or harassment occurs. Filing a complaint initiates a legal process that is similar to a court proceeding. Assistance is available when either filing or responding to a complaint. A publicly funded legal clinic provides assistance, including legal representation, to eligible persons everywhere in B.C., free of charge. (See Contacts.)

CONTACTS

BC Human Rights Tribunal

Suite 1170 – 605 Robson St.
Vancouver, BC V6B 5J3
Phone: 604 775-2000
Toll Free (in BC): 1-888-440-8844
TTY (for hearing impaired): 604 775-2021
Web: www.bchrt.gov.bc.ca

BC Human Rights Clinic

For complainants anywhere in the province:
BC Human Rights Coalition
Suite 1202 – 510 West Hastings St.
Vancouver, BC V6B 1L8
Phone: 604 689-8474
Toll Free: 1-877-689-8474
Web: www.bchrcoalition.org

For respondents anywhere in the province and Victoria-area complainants:
University of Victoria Law Centre
Third Floor 1221 Broad St.
Victoria, BC V8W 2A4
Phone: 250 385-1221
Toll Free: 1-866-385-1221
E-mail: reception@thelawcentre.ca

Ministry of Attorney General

Dispute Resolution Office
Justice Services Branch
PO BOX 9222 STN PROV GOVT
Victoria, BC V8W 9J1
Phone: 250 387-1480
TTY: Please call Enquiry BC: 1-800-661-8773
Web: www.ag.gov.bc.ca/human-rights-protection