



BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL

GUIDE I — The BC Human Rights Code and Tribunal

Please Note

The information in this guide is an overview of the role of the BC Human Rights Tribunal under the Human Rights Code. This guide is not intended as a substitute for the Human Rights Code or the tribunal's Rules of Practice and Procedure. This guide is not legal advice. If you have legal questions, you should see a lawyer.

For further information, please see the section of this guide called “Where to Get More Help” (page 3).

Inside

page 1	— The BC Human Rights Code
page 1	— The BC Human Rights Tribunal
page 1	— Can the Tribunal Deal With All Types of Discrimination
page 2	— How to file a Complaint
page 2	— The Process After Filing
page 2	— Tribunal Staff
page 3	— Personal Information and Confidentiality
page 3	— How to Review a Tribunal Decision
page 3	— Where to Get More Help

The BC Human Rights Code

The BC Human Rights Code (the **Code**) is a law created by the B.C. legislature. The purposes of the Code are to:

- foster a society in B.C. where there are no impediments to full and free participation in the economic, social, political and cultural life of B.C.
- promote a climate of understanding and mutual respect where all are equal in dignity and rights
- prevent discrimination prohibited by the Code
- identify and eliminate persistent patterns of inequality associated with discrimination prohibited by the Code
- provide a means of redress for those persons who are discriminated against contrary to the Code.

The Code prohibits discrimination in certain areas of activity (for example, employment). The Code also creates the tribunal and sets up a process for making and resolving complaints of discrimination.

The BC Human Rights Tribunal

The BC Human Rights Tribunal (the **tribunal**) is responsible for dealing with human rights complaints made under the BC Human Rights Code. The tribunal is where you can make a complaint that someone has discriminated against you under the Code.

The tribunal's job is to resolve human rights complaints in a way that is fair to the parties - the person who made the complaint and the person whom the complaint is against. The tribunal does this in two ways:

1. The tribunal helps the parties to resolve the complaint.
2. If the parties don't resolve the complaint, the tribunal holds a hearing.

The tribunal operates much like a court but is less formal and more flexible.

The tribunal is made up of members. Members are experts in human rights law. They are appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council designates one of the members as Chair of the tribunal.

The tribunal also has staff who you will deal with if you are a party to a complaint. (See page 2 — “Tribunal Staff.”)

Can the Tribunal Deal With All Types of Discrimination

No. The tribunal can only deal with human rights complaints that arise in British Columbia and that are covered by the Code. The tribunal cannot deal with any other type of discrimination.

Note: The Code does not cover matters within federal jurisdiction. For example, banking is a matter of federal jurisdiction; so the tribunal cannot deal with a complaint against a bank.

Discrimination complaints may only be made on certain grounds:

- Race
- Colour
- Ancestry

- Place of origin
- Political belief
- Religion
- Marital status
- Family status
- Physical disability
- Mental disability
- Sex
- Sexual orientation
- Age
- Criminal conviction
- Lawful source of income
- Retaliation

Note: Not all of these grounds of discrimination apply in each of the following areas of discrimination.

The areas of discrimination covered by the Code are:

- Publications
- Purchase of property
- Tenancy
- Employment Advertisements
- Accommodations, services, or facilities
- Wages
- Employment
- Membership in unions or associations

You can also file a complaint if someone retaliates against you because you filed a human rights complaint, or because you assisted someone else with their complaint.

How to File a Complaint

To file a complaint you need to get a **Complaint Form**, fill it out, and file it with the tribunal within six months of the incident. (See contact information at the end of this guide for obtaining a Complaint Form.)

If the incident occurred more than six months ago, you may still file a complaint but the tribunal will have to decide whether to accept the complaint outside the time limit.

For more information on filing a complaint, see the tribunal's [Guide 2: Making a Complaint](#)

The Process After Filing

If you file a complaint, you become a **complainant**. If a complaint is made against you, you become a **respondent**.

Once a complaint is filed, the tribunal will decide whether it has the power under the Code to accept the complaint. If the tribunal decides it has that power, the tribunal will send a copy of the Complaint Form to the respondent and will ask the respondent to provide the complainant and the tribunal with a written response on a **Response to Complaint Form** within a set time.

For more information on how to complete a Response to Complaint Form, see the tribunal's [Guide 3: Responding to a Complaint](#)

The complainant and respondent will have many chances to settle all or part of the complaint at any time during the tribunal process, including at an early settlement meeting before the respondent files a response to the complaint.

For more information on settlement at the tribunal, see the tribunal's [Guide 4: The Settlement Meeting](#)

In most cases, the tribunal will assign a case manager to manage the complaint. In longer or more complex cases, a tribunal member may manage the complaint.

Generally, once a Response to Complaint Form is filed, the parties will be asked to attend a settlement meeting and a pre-hearing conference, and hearing dates will be set. The pre-hearing conference is meant to ensure that the parties are ready to proceed to a hearing.

If the parties cannot agree on a settlement, the tribunal will hold a hearing before a member who will decide whether the complaint is justified, and if so, what the appropriate remedy is.

The member will give either an oral decision at the end of the hearing or a written decision some time later.

For more information on the tribunal's hearings, see the tribunal's [Guide 5: Getting Ready for a Hearing](#)

Tribunal Staff

The parties to a complaint may have contact with any of the following people at the tribunal:

Case Manager: your main contact with the tribunal, communicates with the parties to ensure that forms are complete, coordinates all arrangements for settlement meetings, pre-hearing conferences, pre-hearing applications and hearings, and conducts some pre-hearing conferences.

Inquiry Officer: provides information to the parties and the public about the human rights process.

Receptionist: receives the tribunal's mail and courier packages, provides some information and directs telephone calls.

Registrar: manages the complaint process, supervises the administrative staff, and may hold some pre-hearing conferences.

Member: with authority under the Code, hears and decides complaints as well as any preliminary applications. Members may conduct settlement meetings and pre-hearing conferences.

Personal Information and Confidentiality

The tribunal's proceedings are public. Information contained in the complaint file can be available to the public through: in tribunal decisions, at hearings, at a judicial review, and if a person makes a successful application under the Freedom of Information and Protection of Privacy Act. The tribunal also allows public access to portions of complaint files (but not to the parties' addresses and phone numbers) three months before the dates set for hearing.

Parties can ask the tribunal not to allow public access to the complaint file, or to hear certain information at a hearing in private. However, they must be able to show that their privacy interests are greater than the public interest in an open human rights process.

How to Review a Tribunal Decision

If you are a party to a complaint and you disagree with a tribunal decision regarding that complaint, you may ask the BC Supreme Court to review the tribunal's decision. You may need legal assistance with your judicial review.

Where to Get More Help

If you need help or legal advice you should contact a lawyer or other expert advisor. Assistance may be available at:

BC Human Rights Clinic

Vancouver Region
Suite 1202-510 West Hastings St.
Vancouver, BC V6B 1L8
Phone: (604) 689-8474
Fax: (604) 689-7511
Toll Free: 1-877-689-8474

BC Human Rights Coalition

Vancouver Island Region
418-620 View St.
Victoria, BC
Phone: (250) 382-3012
E-mail: vihrc@telus.net

The Law Centre

Third Floor-1221 Broad St.
Victoria, BC V8W 2A4
Phone: (250) 385-1221
Fax: (250) 385-1226

UBC Law Students' Legal Advice Program

Room 158, 1822 East Mall
Faculty of Law
University of British Columbia
Vancouver, BC V6T 1Z1
Phone: (604) 822-5791

Western Canada Society to Access Justice

Phone: (604) 878-7400
Fax: (604) 324-1515
Web site: www.accessjustice.ca

You can also find legal information about human rights on the following Web sites:

[BC Human Rights Tribunal](http://www.bchrt.bc.ca)
including links on the Web site
www.bchrt.bc.ca

[B.C. government Web site](http://www.ag.gov.bc.ca/programs/hrc/index.htm)
www.ag.gov.bc.ca/programs/hrc/index.htm

[Canadian Human Rights Reporter](http://www.cdn-hr-reporter.ca)
www.cdn-hr-reporter.ca

This guide is one in a series of guides available from the tribunal or your local Government Agent's office. The titles are:

- 1 The BC Human Rights Code and Tribunal
- 2 Making a Complaint
- 3 Responding to a Complaint
- 4 The Settlement Meeting
- 5 Getting Ready for a Hearing

The tribunal also has a series of information sheets available from the tribunal or your local Government Agent's office. (See contact information below.)

BC Human Rights Tribunal

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Vancouver, BC, V6B 5J3

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Fax: (604) 775-2020

TTY: (604) 775-2021

Toll free: 1-888-440-8844

Web site: www.bchrt.bc.ca

To find the British Columbia Government Agent's office nearest you, call the tribunal at one of the numbers listed above, or contact Enquiry BC for assistance, toll free, at:

1-800-663-7867. You can also check the Government Agents' Web site at:
www.governmentagents.gov.bc.ca