

Human Rights in British Columbia

SEXUAL DISCRIMINATION AND HARASSMENT

British Columbia's *Human Rights Code* protects people from being treated differently and poorly because of their gender.

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.

SEXUAL DISCRIMINATION

Sexual discrimination means treating someone differently and poorly because of their gender. Sexual discrimination can occur in a number of ways, including:

- denial of a service;
- not hiring or promoting someone; and
- firing someone.

Pregnant and Breastfeeding Women

It is illegal to discriminate against a woman because she may become pregnant, is pregnant, or has a baby. Nursing mothers have the right to breastfeed their children in a public area, and it is discriminatory to ask them to cover up or breastfeed somewhere else.

SEXUAL HARASSMENT

Sexual harassment is a form of sexual discrimination. Sexual harassment occurs when someone is subjected (often repeatedly) to unwelcome sexual or gender-related remarks and gestures, including:

- inappropriate touching;
- making offensive jokes or remarks about women or men;
- making sexual requests or suggestions;

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.

- staring at or making unwelcome comments about someone's body;
- displaying sexually offensive pictures; and
- being verbally abusive to someone because of gender.

Sexual harassment does not have to be sexual in nature. It also occurs when someone harasses a person simply because they are a man or a woman. Sexual harassment happens most often to women, but it can also happen to men or between members of the same sex.

Sexual Harassment and Power

Employers and other people in positions of power may use this power to sexually harass others. If a boss, supervisor, or instructor suggests that if an employee becomes sexually involved with them, they will give the employee a raise, a better grade, or some other reward, that is sexual harassment.

If a person in a position of power threatens or punishes someone for refusing a sexual request, or for complaining about inappropriate sexual comments or behaviour, that is also sexual harassment.

DEALING WITH SEXUAL DISCRIMINATION AND HARASSMENT

If you are being discriminated against or harassed because of your gender:

- 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 B.C.): 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

Strategic Planning and Legislation Office
11th Fl 1001 Douglas St.
PO BOX 9286 STN PROV GOVT
Victoria, BC V8W 9J7
Phone: 250 356-9666
TTY: Please call Enquiry BC: 1 800 661-8773
Web: www.ag.gov.bc.ca/human-rights-protection