

# Human Rights *in British Columbia*

*April 2003*  
(Contacts Updated June 2006)

## INFORMATION FOR EMPLOYERS

The rights of British Columbians are protected by the Human Rights Code. In employment this means equal access to employment opportunities and fair treatment in the workplace. Everyone, including employers, benefits when discrimination is prohibited because only job-related considerations such as ability, merit and performance are used to evaluate applicants and employees. When these criteria are used in evaluation, employers get the best person for the job.

The BC Human Rights Code covers all provincially regulated businesses and agencies. This includes all the ministries of the provincial government, local and municipal governments, schools and universities, hospitals and medical clinics, and private businesses such as stores, restaurants, and rental accommodation.

(There is also a Canadian Human Rights Commission which deals with federally regulated agencies and businesses.)

### Employer rights protected:

The Human Rights Code does not interfere with the employer's right to hire, dismiss, promote and establish conditions of employment that best serve their business goals. Employers have the right to:

- define specific employment needs according to business priorities
- require job-related qualifications and/or experience
- hire, promote and assign the most qualified person for a position
- establish standards for evaluating job performance
- require adherence to clearly defined job descriptions and performance criteria
- discipline, demote or dismiss incompetent, negligent or insubordinate employees
- set employment terms and conditions

## Types of Unlawful Discrimination and Harassment

The Human Rights Code makes discrimination and harassment on the basis of the following characteristics unlawful:

- Race
- Colour
- Ancestry
- Place of Origin
- Age (covers only those 19 years and older and less than 65 years old)
- Sex (which includes pregnancy, breastfeeding, and sexual harassment)
- Physical or mental disability (which includes HIV/AIDS and drug or alcohol addiction)
- Sexual orientation (being gay, lesbian, straight or bi-sexual)
- Criminal conviction (employment only)
- Political belief (employment only)
- Lawful source of income (tenancy only)
- Religion
- Marital status
- Family status

### Employer duty to not discriminate:

The Human Rights Code protects employees and job applicants by ensuring that employment decisions are based on job-related criteria and not discriminatory factors.

Employees (and applicants) have the right to:

- be considered for jobs and promotions on the basis of merit,
- work in an environment that is free from discrimination and harassment
- be given a clear statement of the skills, experience and education required for the job
- be informed of duties, and performance expectations
- be advised of shortcomings and permitted an opportunity to improve job performance

## Accommodation

Sometimes a particular characteristic may mean a person is unable to do something (e.g.: if a person is completely blind they will not be able to be employed as a bus driver). Human rights law recognizes this and does not regard these few situations as discriminatory.

More often, however, a particular characteristic will mean a person does something differently, perhaps more slowly, or requires some form of assistance. Employers need to accommodate these different capabilities, or requirements for assistance up to the point of undue hardship to avoid contravening human rights law.

## Equal Pay

The Human Rights Code requires employers to pay men and women the same pay for doing the same or substantially similar work. To determine whether work is substantially similar, it is necessary to compare the skill, effort, and responsibility of the male and female dominated jobs and not just rely on what the job descriptions say. An employer must not reduce the wages of any employee in order to comply with the equal pay requirement of the Code.

## Contacts

### Human Rights Tribunal

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Phone: (604) 775-2000  
Toll Free (in B.C.): 1-888-440-8844  
TTY (for hearing impaired): (604) 775-2021  
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Web: [www.bchrt.gov.bc.ca](http://www.bchrt.gov.bc.ca)

### BC Human Rights Clinic

(For Complainants Anywhere in B.C.)  
C/O BC Human Rights Coalition  
Suite 1202-510 West Hastings St.  
Vancouver, BC, V6B 1L8  
Phone: (604) 689-8474  
Toll Free: 1-877-689-8474  
E-mail: [info@bchrcoalition.org](mailto:info@bchrcoalition.org)  
Web: [www.bchrcoalition.org](http://www.bchrcoalition.org)

### The Law Centre Human Rights Clinic

(For Respondents and local Complainants)  
Third Floor-1221 Broad St.  
Victoria, BC V8W 2A4  
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