

BC's Office of the Human Rights Commissioner

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Vancouver, B.C. V6C 3E1
Phone: 1-844-922-6472

BCOHRC Stamp

INSTRUCTIONS FOR RETURNING THIS FORM

- **Email** us your form by attaching a saved copy and sending it to:
Trish.Garner@bchumanrights.ca
- Or print and **mail** a copy of your form to us

CONTACT INFORMATION

Name of organization:		
Name and position of person completing this form:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

Purpose of collecting contact information:

The BCOHRC uses your contact information to process your application.

SPECIAL PROGRAMS FOR AN INDIVIDUAL ACCOMMODATION

Accommodation is the process of removing barriers that prevent people from meaningfully accessing core aspects of public life, including education, public services, and employment. Employers and public service providers have a legal obligation to accommodate people where those barriers relate to a protected characteristic like disability, religion, or sex.

Occasionally, a person may need an accommodation that entails restricting the rights of another group of people. For example, a male student with disabilities may need to work with a male educational assistant to meaningfully access an education. In that case, a school district might seek to restrict hiring to male educational assistants. This means that women are excluded from the opportunity to work in that job.

Where an accommodation restricts the rights of another group of people based on their protected characteristic, the BCOHRC will only approve the restriction under s. 42 of the Human Rights Code where there is evidence to establish that the restriction is necessary to ameliorate the disadvantage faced by an individual. The evidence must show that the proposed restriction is justified by the nature of the individual's protected characteristic, and not by stereotypical assumptions or speculation.

Here are some examples of assumptions that may be based on stereotype and will require concrete evidence to support them:

- Women cannot work with men or boys that are aggressive toward them.
- Support with a person's self-care can only be provided by a person of the same gender.

The evidence that must be provided to support this kind of special program is:

- Evidence about the person's protected characteristic. For example, if the person has a disability, that disability must be identified and described.
- Evidence about why the accommodation is necessary. This should come from a treating professional, such as a doctor, psychiatrist, or member of a School Based Resource Team.
- Evidence about whether any alternative accommodations that would not exclude a group based on protected characteristics have been considered, and if so, why they are not suitable.
- Any other information related to the need for the special program. This might include an Education Action Plan, any documented history of other attempts at accommodation, or letters from parents or family members.

EXISTING SPECIAL PROGRAM

Identify the existing special program that you wish to renew.

EFFECTIVENESS OF THE SPECIAL PROGRAM

Describe the results of the special program to date, as applicable:

- If the special program related to hiring, information about the staff hired under the terms of the special program
- Whether the special program has achieved any of its goals and, if so, how
- Challenges faced in the course of the special program

I have attached more information on _____ extra page(s)

ONGOING NEED

Identify why there is an ongoing need to continue the special program. Describe:

- The disadvantage that the special program intends to continue to address
- The anticipated benefits of the special program

I have attached more information on _____ extra page(s)

UPDATES

Provide any updates about the structure and implementation of the special program. This should include any changes in:

- The nature of the sponsoring organization
- The staff person or persons responsible for monitoring the special program

I have attached more information on _____ extra page(s)

THIRD PARTY INTERESTS

Identify any third parties affected by the special program. For example:

Unions or employee associations

For each identified third party, you must:

- attach a written statement from the third party, setting out its position on the special program; and
- provide a copy of this application to the third party.

Name of affected third party organization:		
Contact person and position:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

Name of affected third party organization:		
Contact person and position:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

I have attached more information on _____ extra page(s)

If you have not identified any third parties, describe how you have consulted with employees or other people or groups who may be affected by the special program.

I have attached more information on _____ extra page(s)

TIMELINE

Identify any relevant timelines that the BCOHRC should be aware of in processing your application. In particular, please identify if there is any urgency to your request.

For example:

- *The special program must be implemented before the start of school in September*
- *The position in the special program must be filled as quickly as possible*