

## BC's Office of the Human Rights Commissioner Special Programs Application

### Instructions for completing and returning this form

- Complete all sections of the form below
- Email us your form by attaching a saved copy and sending it to:  
[specialprograms@bchumanrights.ca](mailto:specialprograms@bchumanrights.ca)
- Also attach any supporting materials referenced in your application

### Contact information

Name of organization:	
Name and position of primary contact for this special program:	
Mailing address:	
City:	
Province:	Postal code:
Tel:	
Email:	

#### Purpose of collecting contact information:

BC's Office of the Human Rights Commissioner (BCOHRC) uses your contact information to process your application.

## Additional information for special programs for Indigenous people

The BCOHRC recognizes that Indigenous people in Canada face pre-existing disadvantage arising out of a legacy of colonialism, including the inter-generational trauma associated with residential schools. Indigenous peoples in Canada continue to have lower educational and economic achievements than non-Indigenous people in Canada, as well as poorer health outcomes and increased risk of violence.

In 2015, Canada's Truth and Reconciliation Commission studied this legacy of disadvantage and made a number of calls to action to begin the necessary process of reconciliation. The Commission called for greater Indigenous representation, and better cultural competence in the education, health, justice and child welfare sectors, as well as other aspects of public life.

- **Education:** The Truth and Reconciliation Commission as well as the BC Ministry of Education have recognized the need to work with Indigenous communities to improve school success for Indigenous learners in B.C. Part of this process entails the development of culturally appropriate learning, and increasing knowledge of and respect for Indigenous culture, language and history. Indigenous leaders and role models are a vital part of connecting Indigenous learners to their school and strengthening ties to Indigenous communities.
- **Health:** Indigenous peoples face serious and unique health challenges, as well as systemic racism in the health care system. The Truth and Reconciliation Commission has called upon governments to increase the numbers of Indigenous professionals working in the health care field and to ensure health care is delivered to Indigenous peoples in a culturally competent manner.
- **Safety:** Indigenous people, and in particular Indigenous women, are more likely to be victims of crime. The Truth and Reconciliation Commission recommends culturally appropriate services for Indigenous victims of crime.
- **Child welfare:** Indigenous children are over represented in out-of-home care, and are more likely to enter the child welfare system than non-Indigenous children. The Truth and Reconciliation Commission recommends culturally competent training for social workers and others in the child welfare system.

Special programs in B.C. which aim to address the disadvantage faced by Indigenous communities, including those consistent with the Truth and Reconciliation Commission's recommendations, will be approved by the BCOHRC under s. 42(3) of the B.C. Human Rights Code.

## Additional information for 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 restricts 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(3) of the Human Rights Code where there is evidence that the restriction is necessary to address 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.

## Nature of sponsoring organization

Describe the nature of the organization or the part of the organization that is proposing the special program.

## Proposed special program

Describe the proposed special program in detail. Be sure to include:

- the individuals or groups the program will target
- the proposed eligibility criteria for the program, including how membership in a target group will be assessed (e.g. self-identification)
- the anticipated timeframe for the program including the requested duration of special program approval (typically five years with option to renew)

Please provide a single sentence summarizing the special program. Example summary sentences include:

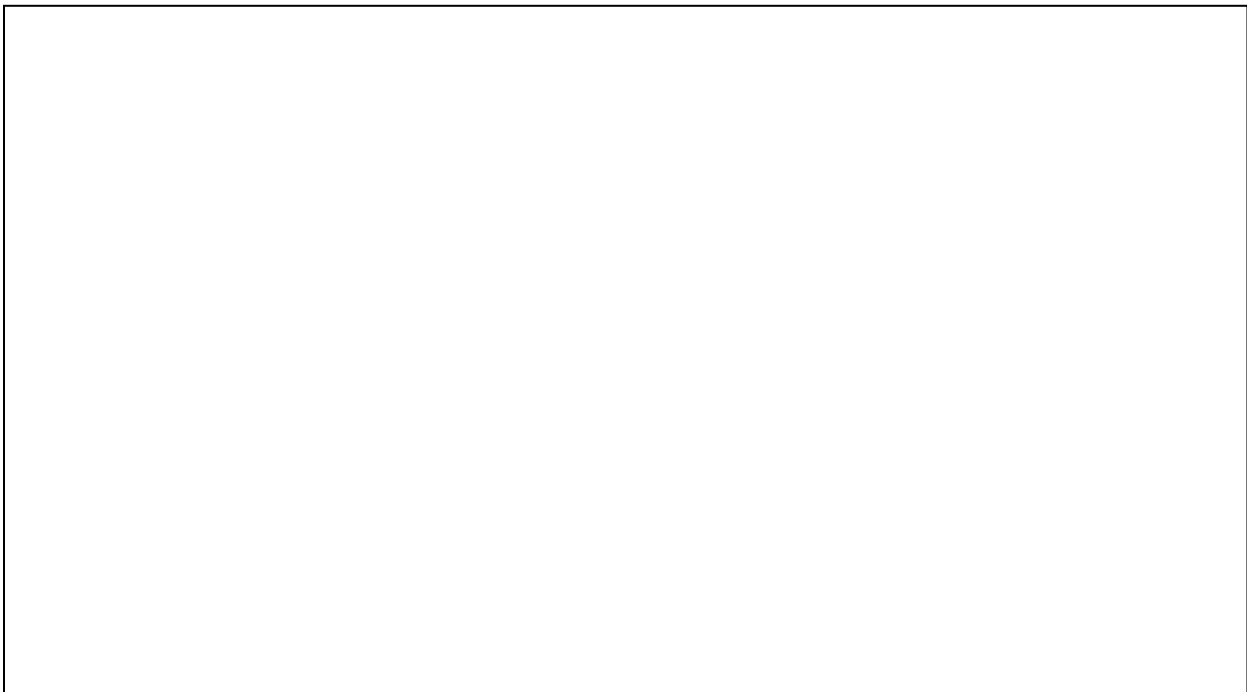
1. Giving preference to applicants who self-identify as Indigenous for a five-year period or until such a time as a certain representation target is met.
2. Exclusive hiring of self-identified women for specific positions working with female survivors of sexual abuse for a five-year period.
3. Restricting program participants to self-identified racialized youth for a five-year period to benefit these youth.

## Purpose of the special program

Describe the disadvantage that the special program is intended to address



Describe how the special program is designed to address this disadvantage



Describe the anticipated benefits of the special program

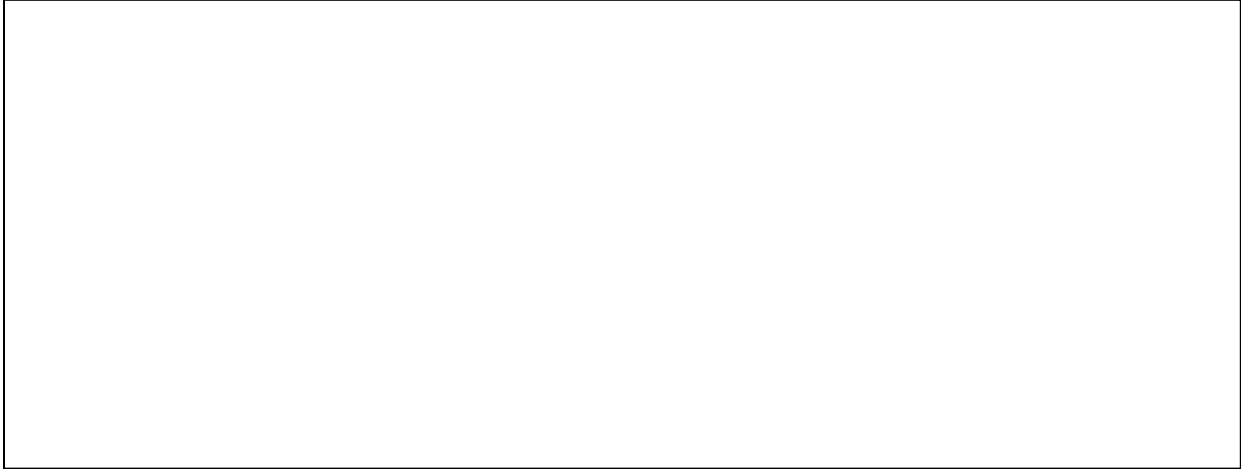
Describe how success is defined

If the special program is for an individual accommodation, attach or include:

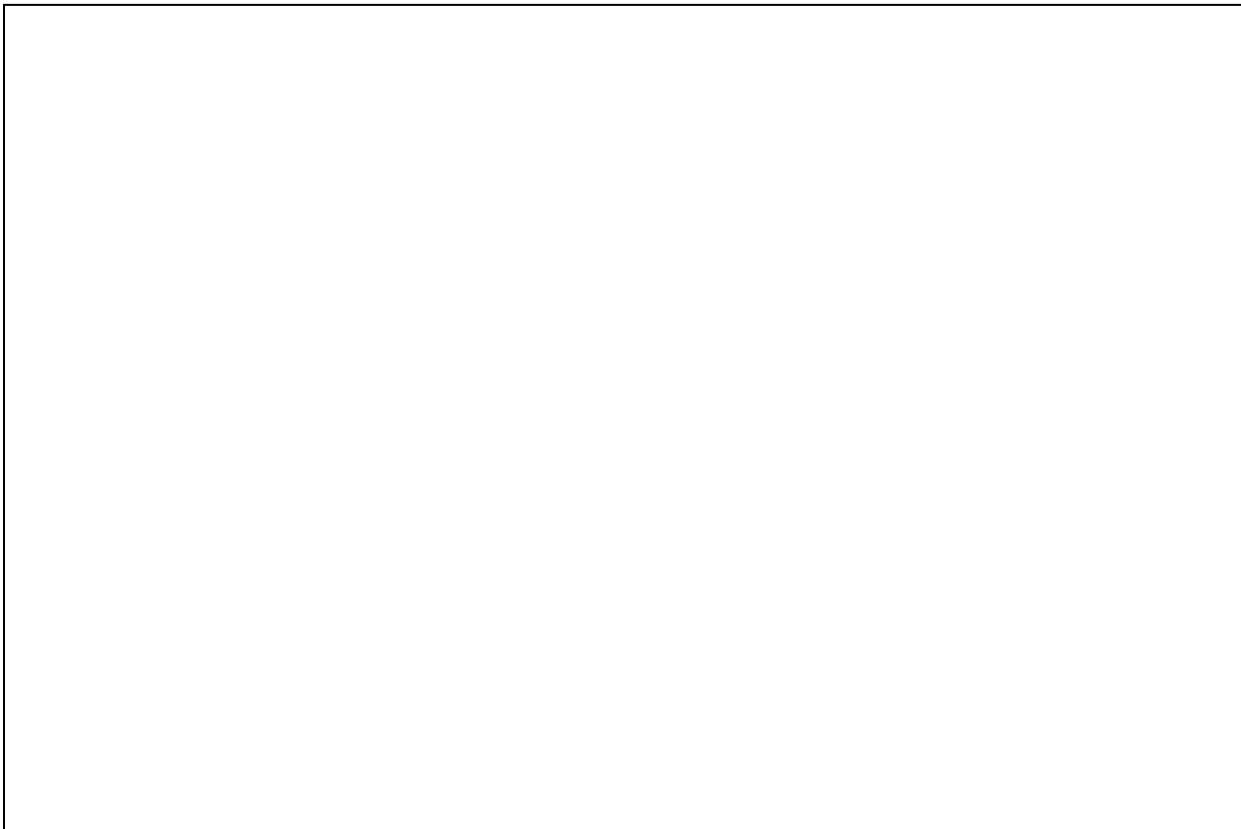
- Evidence about the person’s protected characteristic. For example, if the person has a disability, that disability must be identified and described.
- Evidence about why the accommodation is necessary. This should come from a treating professional, such as a doctor, psychiatrist, or member of a School 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.

## Accountability and monitoring

Describe how the special program will be monitored on an ongoing basis



Describe the specific metrics that will be used to measure program outputs and outcomes. Metrics should relate to the anticipated benefits and definition of success offered on the previous page. Proposed metrics will inform the reporting requirements included as a condition of approval.





## Third party interests

Identify any third parties affected by the special program. For example: unions, employee associations, local Indigenous groups, etc.

For each identified third party, please:

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

Name of affected third party organization:	
Name and role of contact:	
Mailing address:	
City:	
Province:	Postal code:
Tel:	Email:

Name of affected third party organization:	
Name and role of contact:	
Mailing address:	
City:	
Province:	Postal code:
Tel:	Email:

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

## 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. Note it may take up to 90 days to review and approve an application.

For example:

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