



# Accommodations in the workplace

This infosheet is part of a broader toolkit created by BC's Office of the Human Rights Commissioner (BCOHRC) to help employers learn how to improve employment equity within their businesses and organizations. It looks at equity in accommodations and how it contributes to building fair and inclusive workplaces. It includes:

- What workplace accommodations are
- Legal responsibilities and rights around accommodations
- Specific examples of accommodations
- Misconceptions related to providing accommodations
- Considerations for establishing accommodation practices



In 2022, BCOHRC conducted research on employment equity in B.C. through:

- Hosting focus groups on employment equity with employers from diverse sectors<sup>1</sup>
- Conducting a poll of a representative sample of over 1,000 employed adults in the province

Findings from this research help to inform our employment equity toolkit.

## What are workplace accommodations?

Workplaces often have seemingly neutral policies that apply to all workers. In reality, these rules can unfairly limit some employees while benefitting others. Though the policies may be applied uniformly, they might not necessarily be applied equitably.

For example, people with disabilities, caregiving responsibilities or certain religious practices may be prevented from getting a job, advancing in their careers or working to the best of their ability due to discriminatory or exclusionary workplace policies and practices.

This unfair treatment may be intentionally prejudiced, or the employer may not intend to discriminate or exclude. To have fair and inclusive workplaces, employers sometimes need to look at having policies that apply to their workers differently.

Employers who modify work conditions to match peoples' needs or experiences associated with one or more of their protected characteristics can support people to:

- Enter the workforce
- Advance at work
- Stay at work
- Have a better work experience

These changes are called accommodations and they make workplaces more equitable.<sup>2</sup>

### Protected characteristics under B.C.'s *Human Rights Code*

B.C.'s *Human Rights Code* protects people from adverse impacts (which we call harm) in employment when there is a connection between the adverse impact and a part of their identity set out in the *Code*. Sometimes these are called "protected characteristics" or "grounds of discrimination."

For example, an Indigenous woman should not be discriminated against in employment because she is an Indigenous woman.

- ▶ See the *Code* for more information on protected characteristics in the area of employment.

In this infosheet and the accompanying supplement, [Accommodations for specific groups of workers](#), you'll find workplace accommodations outlined as:

Basic obligations  
required by law

Best practices that go  
further to advance equity  
overall

The first instance looks at individual accommodations required by human rights law.

The second instance looks at proactive, organization-wide changes that can be made to lessen the need for employees to request accommodations in the first place.

## Legal responsibilities and rights around accommodations

### For employers

As an employer, you are responsible for accommodating workers and people applying for jobs by addressing any barriers<sup>3</sup> in the workplace that they face based on any part of their identity that is protected by the *Code*. It may be helpful to view your legal responsibilities on the basis of the following questions.

#### Has a worker asked for an accommodation?

You have a duty to provide reasonable accommodations.

#### Has a worker identified a barrier, such as a disability?

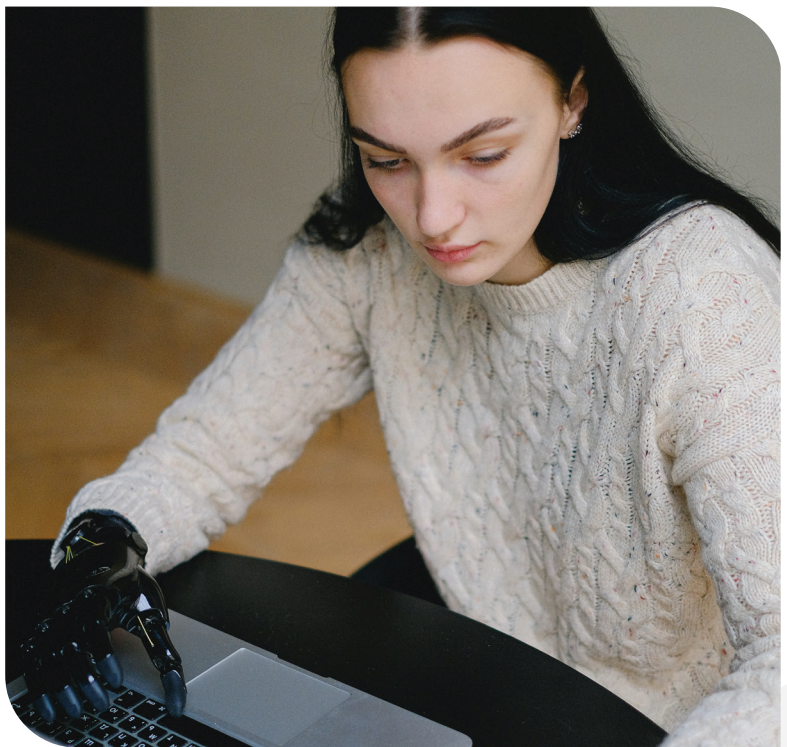
It may be a helpful proactive step to ask if the employee would benefit from an accommodation.

#### Do you have reason to believe a worker needs an accommodation?

You have a duty to inquire if an accommodation would help even without being asked.

#### Are you concerned you may not be able to accommodate the worker?

You are responsible to obtain the facts relevant to the scenario and explore possible accommodations.





### **Communicate respectfully with workers**

- If an employee approaches you about a problem they are having at work, listen to them and, if applicable, discuss the accommodation process with them
- Be careful not to make assumptions (about their needs or your capacity to accommodate)
- If you are inquiring a worker about whether they need an accommodation, share the facts about what you are observing in the workplace and ask if an accommodation would assist them

### **Work to put an accommodation in place**

- Learn about the worker's accommodation needs
- Explore the options to put an accommodation in place
- Keep the worker's personal information confidential
- Work together to put in place a reasonable accommodation
- Keep in mind that each situation is different and needs an individual plan

### **Repeat the work each time an accommodation is required**

- Different workers may need different accommodations even if they have the same disability
- Workers may need different accommodations when there are changes at work such as new assignments, new technology or tools, or changes to the job location
- A worker's accommodation needs may change over time as their health, family or personal circumstances change
- Your approach to planning an accommodation should adapt to the unique circumstances of the worker and workplace

## **Accommodation to the point of undue hardship**

The employer is only required to accommodate up to the point of undue hardship. Undue hardship<sup>4</sup> is fact-specific and depends on all the relevant circumstances. An accommodation may be considered an undue hardship if, for example:

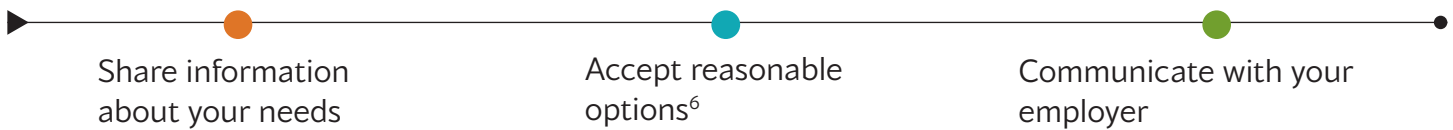
- It would create significant health and safety risks for the worker or others
- The financial cost of the accommodation is unaffordable
- There are no opportunities to accommodate a worker

You can't know if accommodating a worker might reach the point of undue hardship without first investigating all of the options thoroughly.

## For workers

If you are a worker, you have the right to ask for a reasonable accommodation.<sup>5</sup> You must then cooperate with your employer—and union if you are unionized—to find a reasonable accommodation.

This includes:



1. You only need to share as much information as necessary for your employer to understand the limitations and restrictions you are experiencing in relation to your job duties.
2. The accommodation your employer offers might not be perfect, but if it is reasonable you are not entitled to your preferred solution.
3. Your accommodation needs may change over time with developments to your personal circumstances or work situation such as a change in technology, job responsibilities or job location. Let your employer know if the accommodation isn't working.

**I** If the employee and employer disagree about the information needed during the accommodation process, the employee should seek independent legal advice.

## What workplace accommodations can look like

Accommodations will be unique to the given individual and their circumstances but may include changes like the ones listed below. Some policies and practices<sup>7</sup> can and should be introduced proactively to advance employment equity and improve the workplace as a whole.

### Modifying architecture or the workplace environment to increase workplace access

- Modifying furniture
- Adding ramps, cubicle doors, shields, automatic doors and temperature control
- Providing transportation support and accessible parking
- Providing a private space for prayer or nursing
- Providing an all-gender washroom option

### Modifying job responsibilities

- Reassigning jobs
- Modifying job duties
- Adjusting work pace or work order
- Job sharing
- Part-time options

## Modifying workplace policies

- Allowing employees to work from home or a remote location (partially or fully)
- Flexible leave
- Flexible human resource policies
- Extended health benefits
- Providing disability payments or leave top ups (such as for parental or compassionate care leave)

## Providing supportive personnel

- Arranging for co-workers to assist as needed
- Using paid personal assistants, readers, interpreters or support animals

## Flexible scheduling

- Adjusting arrival and departure times
- Modifying break schedules
- Having compressed work weeks
- Providing additional training time or training refreshers

## Providing assistive technologies

- Hardware such as keyboards, computer mice and monitors
- Lifting/reaching/carrying aids
- Instructional techniques such as verbal or written instructions, checklists and recorded directives
- Environmental sound machines
- Software such as cognitive-assisted applications
- Other technologies such as electronic organizers and smartphones

## Statutory holiday exchange

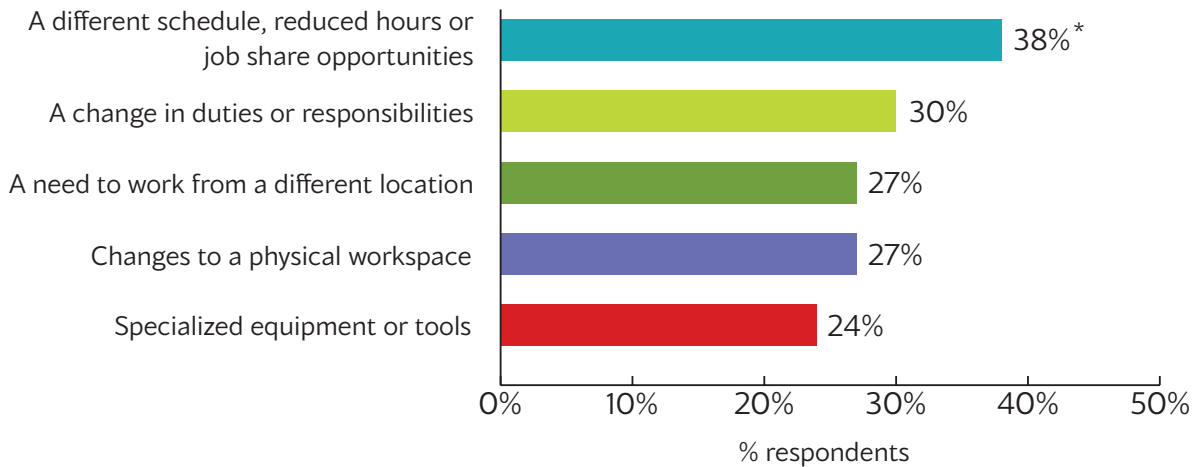
- Allowing employees to trade statutory holidays to support them in observing their own religious or cultural days





## Most required accommodations in B.C., 2022

Of those who reported needing an accommodation in BCOHRC's poll, this graph represents the most requested accommodation types. Respondents could select more than one option.



\*Non-binary people were roughly 10% more likely than respondents identifying as men or women to require this accommodation.

## Common obstacles and misconceptions related to accommodations

There are some common barriers to successfully applying accommodations at work. For example:

- Employees can be hesitant to ask for accommodations because they are afraid their coworkers or supervisors will view them differently or undervalue their abilities or performance
- Employers don't always provide workers with all the information employees need about their right to an accommodation or the process for requesting one
- Employers tend to overestimate the cost and underestimate the benefits of accommodations

The rest of this section outlines these in more detail.

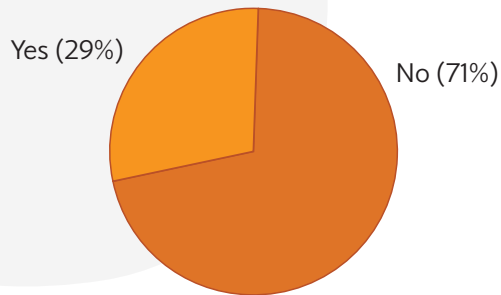
### A lack of information about accommodations

Many workers aren't fully informed about various aspects of accommodations. This can include not knowing about accommodations and their types as options and not knowing how to ask.

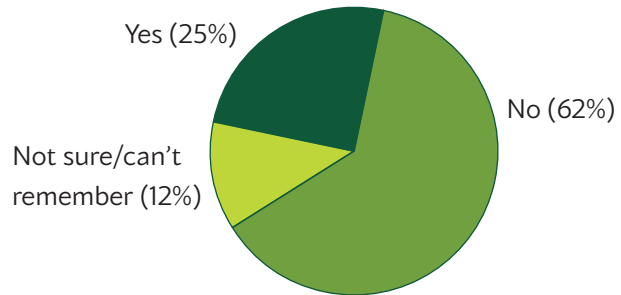


## Employers and workers asking about accommodation needs in B.C., 2022

Has your employer ever asked if you need any accommodations to do your work?

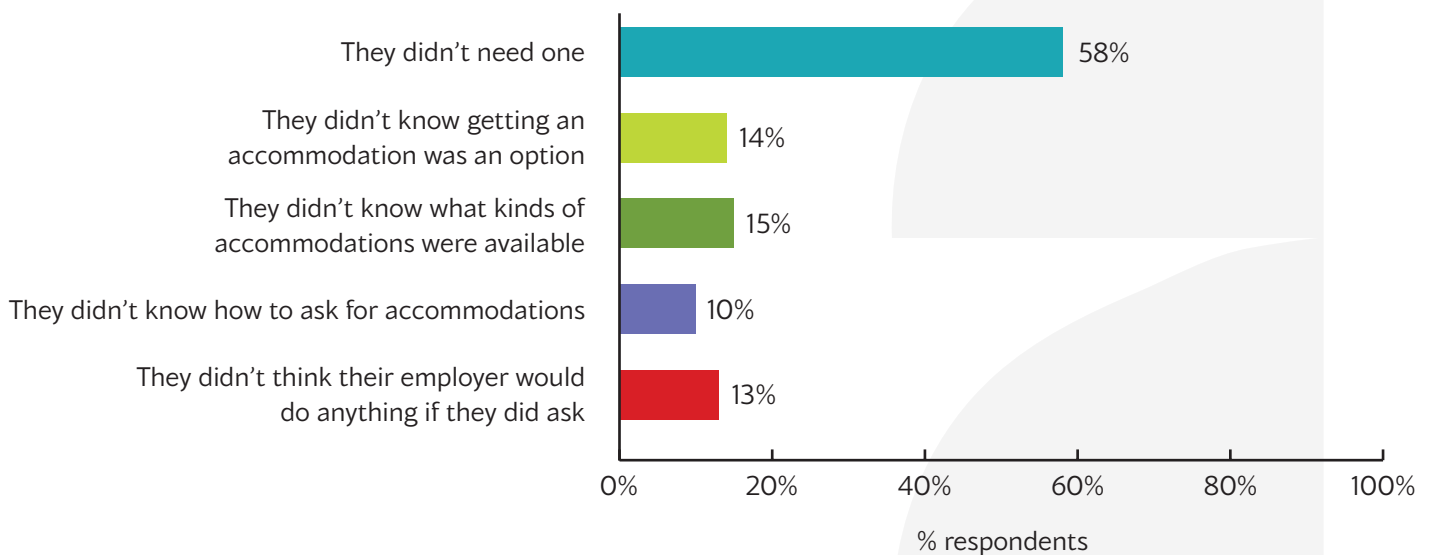


Have you ever asked your current employer for workplace accommodations?



## Why B.C. workers don't request accommodations, 2022

Data shows responses to the question, "Why have you never asked your current employer for an accommodation?" Respondents could select more than one option.



Younger respondents (18–34) were less likely to know what kinds of accommodations were available and more likely to think their employer wouldn't do anything if asked. Respondents over 55 also indicated a higher likelihood of thinking their employer wouldn't do anything if asked.



## The disclosure dilemma

Many people worry about telling their employer that they need an accommodation. This can be because asking for an accommodation may require disclosing sensitive personal information.

- Sometimes this information is related to health conditions, religious practices or family circumstances that are highly stigmatized and people may be concerned they will face stereotypes, implicit bias or prejudice after sharing it
- People with disabilities often struggle with if and when to disclose their disability and any needs they have; they worry that if they disclose their disability early, it will hurt their chances of being hired, but if they wait their employer may feel they were dishonest<sup>8</sup>

For workers to feel comfortable asking employers for an accommodation, it is crucial that employers proactively demonstrate that they can be trusted with that personal information. This can include following processes and procedures that do not reinforce stigmas and by instituting accommodations that meet worker needs.



### The benefit of standardized approaches

We heard across sectors that a standardized approach to accommodations takes away pressure on workers to disclose and advocate for themselves.

“There’s a great number of people that do not have access to accommodations that otherwise might be available, because they’re afraid to ask, or they don’t know it’s there.”

“I am a person with a disability and sometimes those supports are not major changes to the role but requires disclosure for me to ask for those accommodations.”

In some sectors, accommodations are seen even by leadership as “special treatment” or “entitlement.” One focus group participant suggested it would be helpful to have tools for supervisors to respond to employees who express discontent when their coworkers receive an accommodation.

“They don’t know how to respond to other people who are getting upset that they are not getting that special treatment, their special washroom or their time for prayer, or whatever it may be. Having a tool kit for the superintendents and the foreman to respond to those individuals and explain to them why those people are getting the accommodations that they are, and why that individual isn’t getting the same, whatever it may be. I think if they can stop those thoughts at that time then it doesn’t lead to that discrimination against that individual and that chatter among the other people.”

## Flexibility stigma

Many people, particularly women with caregiving responsibilities, are hesitant to use family-friendly policies because of “flexibility stigma”—the fear of negative repercussions for using these policies.

Various research and studies conducted in Canada and more broadly found that:

- Parents experienced that requesting time off work jeopardized their job security and branded them as not committed to their jobs
- Fathers working in highly supervised and low wage jobs experienced disciplinary actions in response to being late or missing work because of family responsibilities<sup>9</sup>
- Women who use accommodations for caregiving responsibilities were sometimes viewed as less invested in their jobs<sup>10</sup>
- Employed Canadian caregivers have felt like they couldn’t use flex work arrangements without it negatively impacting their careers<sup>11</sup>

It can be difficult for people to take advantage of different flexible work arrangements, particularly if they are one of few workers using them. As a result, rather than requesting an accommodation, some caregivers choose or feel forced to:

- Hide their caregiving obligations
- Reduce their hours to part-time work
- Leave more demanding or prestigious positions
- Leave the workforce altogether<sup>12</sup>

It can be helpful to institute these types of common accommodations as policies that apply to all staff, rather than as individual arrangements that single out workers. Making flexible arrangements available to everyone can help fight stigma around using them.



### Women are more likely to request caregiving accommodations

BCOHRC’s 2022 research found that, because of gender norms, women are much more likely to request accommodations for caregiving responsibilities than men. Women who take these accommodations may also be penalized in terms of inclusion and development and promotion. One focus group participant described her experience with a flexible scheduling accommodation:

“It was awesome to have the opportunity to have employers who were willing to accommodate. I was not the only parent, but it often felt that I was. Not being able to work the same shifts, work the same overtime, and then the men that I work with not taking advantage of those accommodations, sort of forced me off of regular schedules and forced me out of a team that I was already struggling to belong in. It also resulted in being on a different schedule and having no one else ask for those accommodations or have them be normalized was very much like, left me at the bottom of the experience level when we were talking about doling out jobs.”

## Misconceptions related to providing accommodations

Many employers are concerned about the potential cost of providing accommodations. This is particularly relevant for small to medium sized companies and organizations that often have fewer resources.<sup>13</sup>

While some accommodations can be expensive or contentious, **many accommodations cost little to nothing**. When there is a cost involved—whether for technology, other tools or flexible scheduling—it’s usually very low and only incurred once.<sup>14</sup>

Research on accommodation costing has found that:<sup>15</sup>

- More than half of job accommodations cost nothing, and 80% of job accommodations cost less than \$500
- More than half of employers (54%) report no indirect costs for job accommodations such as lost time due to extra training, decreased productivity and supervisor time
- Only 34% of employers identified indirect costs in providing job accommodations, which varied based on the type of accommodation
- Modifying architecture or workplace environment and providing supportive personnel were the most likely types of accommodations to cost more than \$500

## Accommodations can benefit organizations<sup>16</sup>

**They help organizations retain experienced and skilled workers**

**They reduce absenteeism which can be expensive for employers**

**They help workers be more present and productive**

## Inclusion practices can improve financial performance

Workplaces that become more inclusive over time are more likely to outperform their peer group in financial performance.

For example, research on companies with well-designed disability inclusion practices showed 28% higher revenue, double their net income and 30% higher economic profit margins over a four-year period. These gains can be linked to having a healthier workplace culture, greater staff retention, a larger talent pool to hire from, the attraction of new customers, and greater client loyalty.<sup>17</sup>

## Considerations for establishing accommodation practices

The practices below may help employers create a more equitable and inclusive workplace, but they are a starting point, not a systemic solution to inequalities. Advancing equity is a process that requires time, effort and resources as employers and workers reflect together on policies, practices and cultures.

### Have an accommodations policy and establish a system

Having a policy and system for workers to submit requests and document accommodation plans can help ensure all staff know their options and create a culture of inclusion.<sup>18</sup>

- The policy should explicitly state the organization's commitment to meeting workers' needs
- Ideally, the policy will be developed and reviewed in collaboration with your workers
- Workers should receive training in the accommodation process, including how to submit an accommodation request and what documentation may be required, if any
- Information about the policy and system should be incorporated into the hiring process, with an invitation to candidates to request accommodations as needed to remove barriers in the hiring process



### Train supervisors in how to have conversations about accommodations

Ideally, supervisors will have access to other resources within the organization (like human resources, legal, union, disability case management) they can turn to for specialized guidance or coordination of a required accommodation. However, it's still important for them to know how to:

- Have a safe conversation about the accommodation process
- Explain the organization's policies and procedures
- Support staff in using the system

Supervisors should have the necessary training to:

- Check in with employees about their accommodation needs and remind them of their options as situations change—for example, after an injury, illness, leave or life event
- Support workers in accessing any public and private benefits and programs so that staff know they are encouraged to use them
- Always remember that accommodation requires an individualized approach and assessment
- Be prepared to be flexible and adapt
- Understand the boundaries of what they can legally ask or know and what they are not<sup>19</sup>



## Prioritize confidentiality

The accommodation process should be:

Protective of the  
employee's privacy

Conducted with  
respect, care and dignity

Any information required for an accommodation request should focus only on the limitations and restrictions the employee is experiencing in relation to their specific job duties.

- Having detailed procedures and checklists built into the organization's accommodations policy can help determine when more personal information is needed, but in all cases accommodation is an individualized assessment process that checklists and procedures cannot replace.

### Requesting medical information

Medical information is highly sensitive and may not be necessary to ensure a reasonable accommodation. You should only ask for supporting information from health care professionals when it is strictly necessary.<sup>20</sup>

## Create a workplace culture where accommodations and flexibility are normal

Where possible, reduce the need for individual accommodations by changing policies for everyone. This will normalize a new practice and may reduce the number of individualized accommodations that are necessary.

- For example, rather than requiring staff to request an accommodation for religious observance, institute a policy that allows people to trade statutory holidays for other religious holidays.
- Additionally, male senior staff can model inclusive practices by taking full parental leave.

Accommodating people's needs should be the norm and their right, not viewed as "special treatment."

## Create an accommodation plan and evaluate it

The plan should document the intervention and detail how it supports the employee and the resources needed including the cost, people involved, and the parties responsible for financial costs or other resources.

- Think creatively about how to balance the employee's needs and their work responsibilities
- Focus on supporting the employee to thrive at work

- While it is ultimately the employer's responsibility to identify and offer employees reasonable accommodation solutions, being clear about the process and giving the employee a voice throughout can help create an effective plan that works for both parties.

## Monitoring the plan

Once the accommodation plan is in place, it needs to be monitored to ensure it's effective.

- Periodically check in to assess whether the intervention is meeting the needs of the employee
- Confirm that no concerns have arisen on the employer's side
- If the situation changes or an urgent concern arises, the accommodation plan should be revised

## Accommodations as a step towards employment equity

The goal of employment equity work is to create a barrier-free workplace so that although accommodations are welcomed, less are needed to begin with. Even still, most of us will need—or would benefit from—a workplace accommodation at some point in our careers.

By anticipating and accepting this reality, employers can be better set up to effectively help people to enter the workforce, continue working, have a better experience at work and work to the best of their ability.

### Further resources

- ▶ Learn more about accommodations for specific groups of workers in our supplemental infosheet: [Accommodations for specific groups of workers](#).
- ▶ For additional information and examples of legal obligations and rights when it comes to accommodations, see the BC Human Rights Tribunal's [Human Rights and Duties in Employment](#).

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Please note that this infosheet provides general information. It is not legal advice. We hope you find it useful but encourage you to seek legal advice about how to implement our guidance in your workplace, including how collective agreement terms or other legal obligations must inform your efforts.

There is no one size fits all approach to employment equity. As an employer, your organization's size, maturity, composition, challenges and needs will inform the strategies that will help advance equity in your workplace.

# Notes

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<sup>1</sup> BCOHRC's focus groups consisted of employers from five sectors—construction, retail and wholesale, education, health and social services, and scientific, professional and technical services. Participants were senior leadership as well as human resources and employment equity focused staff. For each focus group, we invited a mix of large and small organizations as well as employers from different parts of the province. We also tried to invite both leaders in employment equity as well as those at earlier stages of the employment equity journey.

<sup>2</sup> Marie-France Bastien and Marc Corbière, "[Return-to-Work Following Depression: What Work Accommodations Do Employers and Human Resources Directors Put in Place?](#)" *Journal of Occupational Rehabilitation* 29, no. 2 (June 2019): 423–32; Linda A. White, "Child Care, Women's Labour Market Participation and Labour Market Policy Effectiveness in Canada," *Canadian Public Policy* 27, no. 4 (December 2001): 385–405.

<sup>3</sup> A barrier is anything that prevents a person from fully taking part in all aspects of society. There are many types of barriers—some examples are physical structures, poverty or lack of access to a computer.

<sup>4</sup> Undue hardship is the point at which it is too unsafe, difficult or expensive to remove barriers so people can participate in work or other areas of daily life. The point of undue hardship depends on the circumstances of each situation.

<sup>5</sup> A reasonable accommodation means taking all steps to remove barriers so everyone can participate in an area of daily life protected by B.C.'s *Human Rights Code*. An accommodation is unreasonable if it would create undue hardship for someone with responsibilities under the *Code*. A reasonable accommodation in the workplace might not be perfect but accommodate the needs of a worker appropriately.

<sup>6</sup> Reasonable indicates a legal standard meaning just, rational and appropriate.

<sup>7</sup> Jasin Wong, Natasha Kallish, Deborah Crown, Pamela Capraro, Robert Trierweiler, Q. Eileen Wafford, Laurine Tiema-Benson, et al., "[Job Accommodations, Return to Work and Job Retention of People with Physical Disabilities: A Systematic Review](#)," *Journal of Occupational Rehabilitation* 31, no. 3 (September 1, 2021): 474–490.

<sup>8</sup> Mason Ameri and Terri R. Kurtzberg, "[The Disclosure Dilemma: Requesting Accommodations for Chronic Pain in Job Interviews](#)," *Journal of Cancer Survivorship* 16, no. 1 (February 1, 2022): 152–64.

<sup>9</sup> Aimzhan Iztayeva, "[Custodial Single Fathers before and during the COVID-19 Crisis: Work, Care, and Well-Being](#)," *Social Sciences* 10, no. 3 (2021): 94.

<sup>10</sup> Caitlyn Collins, "[Who to Blame and How to Solve It: Mothers' Perceptions of Work–Family Conflict Across Western Policy Regimes](#)," *Journal of Marriage and Family* 82, no. 3 (June 2020): 849–74.

<sup>11</sup> Jacquie Eales, Norah Keating, Shanika Donalds, and Janet Fast, *Assessing the Needs of Employed Caregivers and Employers*, Research on Aging, Policies and Practice, Department of Human Ecology, University of Alberta, 2015.

<sup>12</sup> Peter Ramsey, Joost Blom, Arthur Close, Robert Howell, Judith Mosoff, and Geoff Plant, "Law Reform to Support Family Caregivers to Balance Paid Work and Unpaid Caregiving," *The Canadian Centre for Elder Law*, no. 4 (2010): 124.

<sup>13</sup> Wong et al., "[Job Accommodations, Return to Work and Job Retention of People with Physical Disabilities](#)."

<sup>14</sup> Paul Baker, Maureen A. Linden, Salimah S. LaForce, Jennifer Rutledge, and Kenneth P. Goughnour, "[Barriers to Employment Participation of Individuals With Disabilities: Addressing the Impact of Employer \(Mis\)Perception and Policy](#)," *The American Behavioral Scientist* 62, no. 5 (May 2018): 657–75; Janet Fast, "[Caregiving for Older Adults with Disabilities: Present Costs, Future Challenges](#)," *Institute for Research on Public Policy*, 2015.

<sup>15</sup> Theresa Sepulveda, "[Barriers to Hiring and Accommodating People With Disabilities in Small and Medium Sized Businesses: A Scoping Review](#)," *Journal of Applied Rehabilitation Counseling* 52, no. 2 (Summer 2021): 104–14.

<sup>16</sup> Ted Kennedy, Chad Jerdee and Laurie Henneborn, "[4 Ways to Improve Your Company's Disability-Inclusion Practices](#)," *Harvard Business Review*, June 4, 2019; Wong et al., "[Job Accommodations, Return to Work and Job Retention of People with Physical Disabilities](#)."

<sup>17</sup> Chad Jerdee, "[What companies gain by including persons with disabilities](#)," *World Economic Forum*, April 2019.

<sup>18</sup> Mara Kieser, Donna Feudo, Julie Legg, Raquel Rodriguez, Allison Schriever, Louise Parent-Stevens, Sheila M. Allen, et al., "Accommodating Pharmacy Students With Physical Disabilities During the Experiential Learning Curricula," *American Journal of Pharmaceutical Education* 86, no. 1 (2022): 9–14; Ramsey et al. "Law Reform to Support Family Caregivers to Balance Paid Work and Unpaid Caregiving," 124; Eales et al., *Assessing the Needs of Employed Caregivers and Employers*, 2015; Caitlyn Collins, "[Who to Blame and How to Solve It: Mothers' Perceptions of Work–Family Conflict Across Western Policy Regimes](#)," *Journal of Marriage and Family* 82, no. 3 (June 2020): 849–74.

<sup>19</sup> Iztayeva, "[Custodial Single Fathers before and during the COVID-19 Crisis](#)," 94; Canadian Human Rights Commission, *A Guide to Balancing Work and Caregiving Obligations: Collaborative Approaches for a Supportive and Well-Performing Workplace*, CHRC, 2014; British Columbia Public Service, *Managers' Guide to Reasonable Accommodation in the BC Public Service*, BC Public Service, April, 2019.

<sup>20</sup> City of Toronto, "[Understanding Functional Limitations](#)," *City of Toronto*, n.d., accessed December 2022.



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