



British Columbia's
Office of the Human Rights
Commissioner

Sparking change



Annual Report 2022/23 and Service Plan 2023/24-2025/26

Sparking change

Annual Report 2022/23 and Service Plan 2023/24-2025/26

September 2023

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British Columbia's
**Office of the Human Rights
Commissioner**

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If you are unsure about terminology used in this report, we invite you to visit our Human Rights Glossary at: bchumanrights.ca/glossary



Message from the Commissioner



What sparks change?

It's a question we ask ourselves a lot at BC's Office of the Human Rights Commissioner (BCOHRC). There are some answers built into the *Human Rights Code* in the form of our mandate and legislative powers. Just to name a few: the power of a public inquiry to delve deeply into a subject and develop recommendations based on a broad basis of evidence, the power to conduct community-based research and engagement to ensure that people feel heard and empowered and the power to change minds and hearts through education—from province-wide campaigns to media outreach. In 2022-23, we used all these tools and more to spark change.

This year, we released the findings and recommendations of our first public inquiry. The inquiry looked at the rise of hate during the COVID-19 pandemic—against people on the basis of things like race, gender, disability, poverty or religion—and examined how well our institutions and policies have addressed it. The answer is: not very well. So, I have made 12 recommendations aimed at addressing hate right now and when it arises in future states of crisis. While we don't know if we will face another pandemic in our lifetimes, we do see climate-based emergencies unfolding around us in real time. We can no longer be surprised that societal crises like these will inevitably lead to a rise of hate and violence, unless we are better prepared to address it. We are not powerless in the face of hate. It is our duty to act now to prepare for the future. As we continue conversations around the province about the Inquiry's findings and recommendations, we hope to spark action that leads to long-term change.

We also ran our second province-wide public education and awareness campaign this year. The campaign focused on uncovering the unwritten rules of ableism. It aimed to surface how our assumptions and biases can act as obstacles for people with disabilities to realize their rights to full participation in society, from accessing health care to receiving an effective education to being valued in their workplaces. The campaign reached more than 4,000,000 viewers across B.C. and more than 19,000 people engaged with the content online and in person, sparking discussions in their regions through events and community conversations that continue today.



On the research side, we launched the Baseline project, a multi-year initiative designed to monitor and evaluate the state of human rights in the province of British Columbia. Alongside community members and organizations, this project will identify salient human rights priorities and solutions to improve human rights issues across British Columbia. The project includes community-embedded research in Chetwynd, Cranbrook, Chilliwack and Terrace, a provincial survey that involved more than 650 service providers and public institutions and in-depth interviews with more than 300 people so far. The project will allow us to look closely at local and community-specific human rights and to zoom out to examine human rights across the province more broadly. **By establishing a human rights baseline, we aim to influence policy, raise public awareness, and deepen relationships and capacity across B.C.** The project continues throughout this year, with the findings starting to be released in late 2023 and into 2024.

Much of our work is aimed at supporting or advocating for evidence-based policy making, in which research and data about systemic discrimination sparks the change that needs to happen in the world. With this information, I believe that biased assumptions can be replaced by decisions rooted in the facts. But I also want to recognize that behind the data are real people. This year our Office heard from people who have been spat on because they are blamed for COVID-19, or arrested because their skin colour matched the description of a perpetrator, even though nothing else did. We heard from people who feel less safe walking through their communities because of their gender, race or religion, and from people who are less able to access the services they need and deserve because of the unwritten rules of ableism. **I want to recognize that the spark of change is really about human experience. Data is just one way to understand that experience, and deep listening and community partnership is another.**

At BCOHRC, listening is the basis of all of our work. And as a result, my hope is that you, as a member of our community, can see yourselves reflected in our work of the last year. I hope you can see that you have been heard and that you are the spark that creates social change.

Sincerely,

Kasari Govender
B.C.'s Human Rights Commissioner

2022/23 year at a glance



By the numbers

4,000,000 people across B.C. saw our Rewrite the Rules campaign



2,681

media stories
about our work



113,604

visits to our website



13,000+

social media followers



15,000+ downloads of BCOHRC resources
including our hate speech Q&A

329



advocacy meetings conducted on human rights
issues, including **209** with government bodies,
such as provincial ministries, local governments
and police agencies and **88** with non-profit
groups and community partners

3,079

people heard the Commissioner speak at
25 keynotes, conferences, panels, etc.

23%



of all requests to our Office
were about human rights
implications of COVID-19
health measures

48



Special Programs applications
managed, allowing duty
bearers to prioritize historically
marginalized groups

BC's Office of the Human Rights Commissioner

Our vision

A province free from inequality, discrimination and injustice where we uphold human rights for all and fulfil our responsibilities to one another.

Our mandate

To address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures. We do this work through education, research, advocacy, inquiry and monitoring.

Our role

B.C.'s *Human Rights Code* states that the Commissioner is responsible for promoting and protecting human rights in B.C. In the course of fulfilling this mandate, the Commissioner can do the following:

- Identify and promote the elimination of discriminatory practices, policies and programs
- Develop, deliver and support research and education about human rights
- Create policies, guidelines and recommendations to prevent discrimination
- Promote compliance with international human rights obligations
- Approve Special Programs to improve conditions of disadvantaged individuals or groups
- Intervene in human rights proceedings before the BC Human Rights Tribunal or other courts and tribunals
- Assist complainants in human rights proceedings, as appropriate, to create systemic change
- Conduct human rights inquiries and issue reports and recommendations
- Make special reports to the Legislative Assembly about human rights in B.C.
- Inquire into matters referred to B.C.'s Human Rights Commissioner by the Legislative Assembly

B.C.'s human rights system

B.C.'s *Human Rights Code* prohibits discrimination based on personal characteristics (such as race, sex, religion, gender identity and disability; these are also known as “protected grounds”¹) in these areas of daily life: housing, employment, services, publications and membership in unions and associations.

Our Office has broad powers to address systemic discrimination in all areas covered by the Code and to take action to prevent human rights violations more generally in the province. BCOHRC is also charged with promoting compliance with international human rights obligations.

Our Office is one part of a three-part system of human rights protection and oversight in our province.



Our approach

Guiding principles

We are guided by the following principles, both inside and outside the organization:

- We operate on the basis of **nothing about us without us**, and we centre the perspectives and rights of those most marginalized and those whose rights are at stake.
- We take a **decolonizing** approach to all our work and recognize that human rights can be held by individuals or groups.
- We understand that all of us have **intersectional** identities and experience discrimination and privilege in diverse ways.
- We believe that the protection and promotion of human rights is essential to a functioning **democracy** and are committed to a vision of democracy in which the rights of the majority do not trample upon the rights of those in the minority.
- When engaging with community, we **move at the speed of trust**.
- The urgency of **climate change**—and the important relationship between the natural environment and human rights—guides us in the work we do.
- Entrenched problems require **bold actions**. Acting boldly means taking risks, and sometimes we will make mistakes.
- We are **strategic and proactive** in creating change, and balance immediacy with sustainability.
- **Accessibility** of information, space and services is essential to the realization of human rights. Our work will be designed for a range of abilities, cultures, languages, education levels, learning styles and viewpoints.
- In all our relationships, we strive to be **trauma-informed** and **culturally safe**.

¹ Please [see our website](#) for a full list of Code-protected grounds.

Human rights-based approach

We ground our work in a human rights-based approach, which includes the following principles:

Indivisibility, inalienability and universality of rights

Intersectional equality and non-discrimination

Meaningful participation, inclusion and empowerment

Transparency and accountability

Rule of law

Decolonizing approach

Decolonization is the dismantling of the process by which one nation asserts and establishes its domination and control over other nations' land, people and culture. Decolonization is central to human rights work. The approach requires we recognize both collective and individual rights and responsibilities. It applies the four Rs for building respectful relationships: reciprocity, reflexivity, responsibility and relevance.² Principles include:

- Equality and non-discrimination
- Listening, learning and honouring Indigenous world views, including the value of reciprocity and working in relationship
- Self-reflecting as a mechanism to expose systems of bias
- Recognizing and addressing intergenerational trauma as a direct result of colonization
- Recognizing and supporting self-determination
- Dismantling or transforming laws and institutions designed to oppress Indigenous Peoples and Indigenous ways of knowing and being
- Restoring a respectful relationship to land

“Decolonization is about reclaiming what was taken from us. It is about being able to be who we are. It is about respecting the values of our ancestors; fulfilling our responsibilities to each other and walking with the land we come from.”

—Sharon Thira, Executive Director of Education and Engagement, BCOHRC

² These criteria are adaptations of the four key principles (known as the 4Rs) for participating in Indigenous research—respect, reciprocity, relevance and responsibility—as initially described in 1991 by Kirkness, V.J. & Barnhardt, R. (1991). First Nations and Higher Education: The Four Rs—Respect, Relevance, Reciprocity, Responsibility. *Journal of American Indian Education*, 30(3): pp. 1-15.

2022/23 strategic priority highlights

Reimagining human rights in B.C., our five-year strategic plan for 2020/21 to 2024/25, is the roadmap for the Office's efforts to support and advance human rights across B.C.

Our six strategic priority areas are:



Discrimination under B.C.'s Human Rights Code



Decolonization



Hate and the rise of white supremacy



Poverty as a cause and effect of inequality and injustice



Human rights **protections for those detained** by the state



Creating a **strong and sustainable organization**

In 2022/23, changing pandemic conditions started to reopen the world for many, while leaving many other vulnerable members of our community behind. Against this backdrop, BCOHRC looked closely at the impact of hate in our communities, advocated on behalf of medically vulnerable people and those impacted by poverty, worked to build awareness of and dismantle ableism, intervened before the courts to advance equity and non-discrimination and created a number of key educational initiatives and resources focusing on employment equity and understanding the B.C. human rights system.

Against this backdrop, we present some of the key issues we have taken action on and the impacts of that work in 2022/23.

Discrimination under B.C.'s *Human Rights Code*

A key reason that BCOHRC exists is to ensure that the rights guaranteed by B.C.'s *Human Rights Code* are protected and respected. We all have the right to be free from discrimination in employment and housing, when accessing services and in union membership. Under the Code, we are protected from discrimination on the basis of a number of grounds, such as gender, race, Indigeneity and disability.

2022/23 highlights

- Launched the [Rewrite the Rules](#) campaign challenging ableism in our communities, which reached more than four million people across B.C. through digital advertising in 12 languages, billboard ads in transit hubs, libraries, airports and bus shelters, and community sponsored events in Victoria, Terrace and Kelowna (see page 17).
- Conducted community-embedded research in Chetwynd, Cranbrook, Terrace and Chilliwack as part of our [Baseline project](#), including 37 interviews, 18 focus groups led by BCOHRC and 16 focus groups led by community connector organizations. Through this work we have reached more than 300 people so far (see page 45).
- Released the latest in our “[I love my human rights](#)” video series, featuring the story of Lorie Sherritt, a self-advocate for people with disabilities, and her journey to become President of BC People First, including their work to see the Woodlands institution torn down and a restitution delivered to survivors (see page 47).
- Launched the second video in our “[Introducing human rights](#)” series in collaboration with the BC Human Rights Tribunal and the BC Human Rights Clinic, explaining the three different parts of B.C.'s human rights system (see page 47).
- Managed 48 Special Programs applications and renewals, which allow duty bearers to prioritize historically marginalized groups in employment, tenancy and other protected areas in the Code. By March 31, 2023 there were 128 active Special Programs held by 95 organizations.
- Delivered a series of workshops on rights and responsibilities under the B.C. *Human Rights Code* to more than 500 people in places all across B.C.



By the numbers

- Polling by our Office shows that experiences of discrimination have gone up:³
 - In the last year, more than one in eight people in B.C. have personally experienced discrimination based on:
 - age: 21%, (+6 since 2022)
 - body size: 16% (+2 since 2022)
 - race: 16% (+3 since 2022)
 - sex: 15% (+4 since 2022)
 - religion: 13% (+3 since 2022), or
 - source of income: 13% (+3 since 2022)
 - More than one in four people in B.C. know someone who experienced discrimination in the last year.
 - More than a third of people in B.C. think it would be impactful to add three types of discrimination to B.C.'s *Human Rights Code*: discrimination against someone because of poverty or the appearance of poverty (45%), discrimination against someone experiencing homelessness (41%) and discrimination against someone because of immigration status (36%).

³ Based on an online study conducted by Research Co. from April 1 to April 3, 2023, among 807 adults in British Columbia. The data has been statistically weighted according to Canadian census figures for age, gender and region in British Columbia. The margin of error—which measures sample variability—is +/- 3.5 percentage points, 19 times out of 20.



Lauren Stinson
Advocate with Disability Alliance BC



FEATURE

Let's Rewrite the Rules

"Accessibility is about more than just getting through the door."

—Lauren Stinson, Advocate with Disability Alliance BC

BCOHRC's [#RewriteTheRules](#) campaign was aimed at raising awareness about ableism and the ways people in British Columbia can address it. Ableism is a set of unwritten rules in our society that favours the needs and experiences of non-disabled people in big and small ways every day. They show up in every aspect of our lives, from health care and education to the workplace and the built environment—and they have critical impacts on the lives of people with disabilities.

We developed this campaign working closely with members of the disability community from organizations across the province, including the BC Aboriginal Network on Disability, Disability Alliance BC, Terrace and District Community Services Society and Kelowna's Third Space Charity. These community organizations sponsored events in Victoria, Terrace and Kelowna centred around the campaign to break down ableist barriers in their regions.

The ads were posted on bus shelters, transit hubs, libraries and airports in communities across B.C., reaching more than four million people. We also did extensive social media placement, including ads in 12 different languages. Over 19,000 people followed the campaign ads back to our website to engage with the resources and discussion about ending ableism in our province. News of the report's launch was covered by more than 37 media outlets across the province, from the CTV morning news to regional papers in communities across B.C.

"'Unwritten rules' series seems like a crash course in all the negatives that must finally be flipped... Although the numbers on the five or six unwritten rules graphics might be randomly assigned and somewhat sarcastic, I can easily imagine folks with disabilities would actually be able to list as many as 897 of these..."

—Twitter comment by Christopher Hunt



Decolonization

Historical and ongoing colonialism, including the dispossession of lands, has a devastating impact on Indigenous Peoples and communities. Our Office is committed to supporting self-determination of Nations by listening deeply to Indigenous Peoples. We will work to change and improve structures that impede the full, equal and just participation of Indigenous Peoples in all aspects of economic, social, cultural and political life.

2022/23 highlights

- In December 2022, the Commissioner applied to intervene in two joined cases before the B.C. Supreme Court, *Gitxaala Nation v. Chief Gold Commissioner of B.C. et al.* and *Ehattesaht v. His Majesty the King in right of B.C. et al.* In January 2023 she was granted leave to intervene. These two cases involve the Province's duty to consult First Nations before granting mineral tenures on their traditional territories. This is the first case where a First Nation is asking the Court to consider the legal effect of the *Declaration on the Rights of Indigenous People Act* and how it interacts with s. 35 of the *Constitution Act*. The case was heard in April and May 2023 (see page 21).
- BCOHRC's *Grandmother Perspective* report, which applies a community-based data governance approach to the collection and ownership of disaggregated data, continues to have an important impact, serving as an important framework in the implementation of the *Anti-Racism Data Act*.
- The Commissioner continued her commitment to deep listening and engagement with Indigenous communities and leaders across the province, sitting down with representatives from Ulkatcho First Nation, Upper Nicola Band, Inuit Tapiriit Kanatam, High Bar First Nation, Little Shuswap Lake First Nation and Tsawwassen First Nation. The Commissioner has now met with 35 First Nations and Indigenous organizations during the first three years of her term.
- The Commissioner met with more than 100 Indigenous parents as part of the First Nations Parents Club Conference, an event dedicated to supporting First Nations parents, as the Keynote Speaker for the organization's 20th anniversary conference on anti-Indigenous racism in schools.
- The Commissioner spoke at the United Nations Expert Mechanism on the Rights of Indigenous Peoples about establishing effective mechanisms at the national and regional levels for the implementation of the UN Declaration on the Rights of Indigenous Peoples.



By the numbers

- In Canada, police-reported hate crimes targeting Indigenous Peoples increased by 169% in 2020 (78 incidents) and remained high in 2021 (77 incidents).⁴
- In B.C., police-reported hate incidents targeting Indigenous Peoples were 367% higher in 2021 than they were in 2019.⁵
- 72% of Indigenous respondents to BCOHRC's public survey reported that they experienced a hate incident before the pandemic, as opposed to 62% of overall respondents.⁶

Impact: Disaggregated data

The Mothering Co/Lab is applying the BC Human Rights Commissioners' framework from our report [Disaggregated Demographic Data Collection in British Columbia: The Grandmother Perspective](#) to the contexts of perinatal substance use monitoring, surveillance and reporting. Under the guidance of Lead Grandmothers Gwen Phillips (who coined the concept of the Grandmother Perspective in the framework) and Hereditary Chief Sophie Pierre of Ktunaxa Nation, the research team will explore how to apply the Grandmother Perspective to collecting data on substance use during pregnancy for the explicit goal of promoting justice for mothers, their families and communities. The Co/Lab is the first systemic application of the Grandmother Perspective and the first population health observatory of its kind to bring together community-led processes alongside monitoring and surveillance for action and equity-oriented data.

⁴ Greg Moreau, "Police-Reported Crime Statistics in Canada, 2021," Canadian Centre for Justice and Community Safety Statistics, August 3, 2022, p.14-15. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm>.

⁵ Data provided to the Commissioner's office from all municipal police departments and RCMP detachments in B.C. through requests for information.

⁶ Indigenous respondents to BCOHRC's public survey (BCOHRC Hate Inquiry, British Columbia).





FEATURE

Breathing life into our UNDRIP commitments here in B.C.

A key focus of our decolonization work is monitoring the implementation of the Declaration Act—that is, the legislation that brought the UN Declaration on the Rights of Indigenous Peoples into B.C. law.

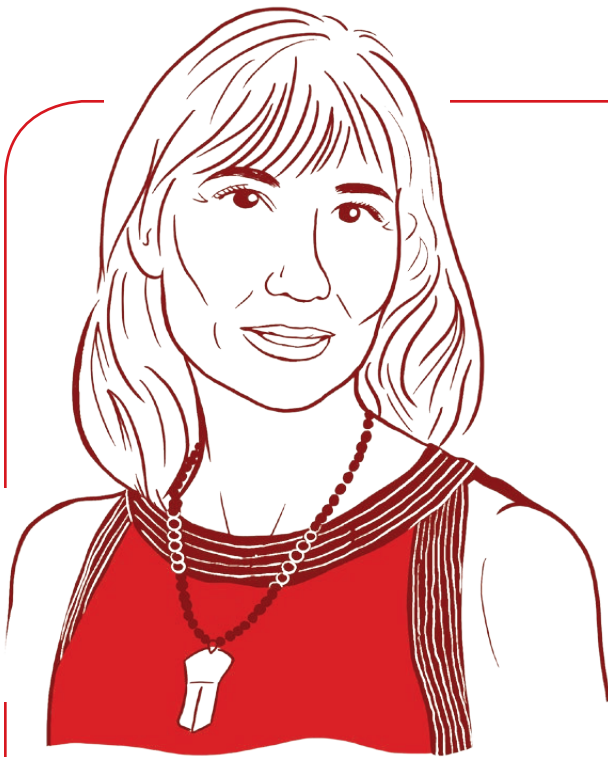
The first litigation testing the application of the Declaration Act was heard in the BC Supreme Court in April of 2023 in the joined cases of *Gitxaala Nation v. Chief Gold Commissioner of B.C. et al.* and *Ehattesah First Nation v. His Majesty the King in right of B.C. et al.*

In both cases, the Nations sought a judicial review of the *Mineral Tenure Act* and the process used by the provincial government to grant mineral claims on the territories of First Nations. Both First Nations argued that the Declaration Act provides a legal right for First Nations to be consulted before claims are granted.

BCOHRC sought to intervene in the case and our request to intervene was granted by the BC Supreme Court. Our role as an intervener is not to represent one side or the other of a legal dispute; rather, it is to assist the court in its application of the law, and to provide a public interest perspective that goes beyond the role of the parties themselves. In this role, we argued that the Declaration Act is human rights law that is specific to Indigenous Peoples. And, like any other piece of human rights legislation here in B.C., it must take primacy over other kinds of statutes like the *Mineral Tenure Act* and be interpreted broadly and purposively.

This case is a test of what the Declaration Act means and how it applies to B.C. laws. We say the court must adopt the interpretation of the Act that best upholds the human rights at issue: Indigenous Peoples' collective human rights. That is, we say, that the Declaration on the Rights of Indigenous Peoples is not merely aspirational international law, but has been implemented here in B.C.'s domestic law and must be given broad and purposive meaning.

We are honoured to be represented before the Court in this case by Haida lawyer Terri-Lynn Williams-Davidson.



COMMUNITY PARTNER
CONTRIBUTION

Terri-Lynn Williams-Davidson



Intergenerational hopes of justice

By Terri-Lynn Williams-Davidson

“Generations of Indigenous leaders have sought to have their human rights respected, enduring introduced diseases and decimation, relocation from ancestral villages to amalgamated villages, the dispossession of, and violence to, Indigenous governance, lands, waters, laws, children and women. These systemic human rights abuses have created a foundation for further multi-generational and intergenerational trauma and marginalization. Yet, throughout this shared history, Indigenous leaders strived for, and urged each successive generation to continue to strive for, justice for Indigenous Peoples.

Light has recently been shone on the dark side of Canada’s history with Indigenous Peoples, illuminating the truths of the residential school experience, but also suggesting a path towards the long overdue need for reconciling Canada’s troubled history with Indigenous Peoples. When the B.C. legislature passed the *Declaration on the Rights of Indigenous Peoples Act* (the Declaration Act) in 2019, Indigenous Peoples, and the spirits of our ancestors, collectively breathed a sigh of hope.

B.C. gained the distinction of being the first jurisdiction in Canada to implement in provincial law the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2019, heralding the Declaration Act as a step toward reconciliation. Yet two years later, the Gitxaala Nation challenged B.C.’s mineral tenure regime as inconsistent with UNDRIP. A year later the Ehattesaht Nation filed a similar judicial review. Both cases were joined together and heard in April-May 2023 and are significant as the first legal tests of B.C.’s Declaration Act.



I have litigated Aboriginal and Indigenous Rights since 1995 and had hoped that the Declaration Act would change the provincial government's opposition to Indigenous Peoples' legal challenges that are based in court victories, negotiated agreements, and legislation such as the Declaration Act. Yet almost 30 years later, the Province does not consult with Indigenous Peoples if legislation does not require consultation and accommodation—this was the case in 1995 in respect of forestry legislation and remains the case today in respect of mining legislation.

This is exactly the kind of intransigence that requires an independent officer of the Legislature to ensure B.C. meets its obligations under the *Human Rights Code* and international human rights. The Human Rights Commissioner intervened in the Gitxaala and Ehattesaht's litigation and argued that the Declaration Act is not only an interpretive aid, but that it *implemented* UNDRIP. Further, that the Declaration Act, as with other human rights legislation, has primacy over regular legislation, including the *Mineral Tenure Act*. The Commissioner's intervention sought to assist the Court with understanding that the transformative change and reconciliation that was promised when the Declaration Act was passed is possible if the Act applies to B.C.'s laws to ensure that the collective human rights of Indigenous Peoples are protected—thereby meeting the intergenerational hopes of Indigenous Peoples for justice."

"...the transformative change and reconciliation that was promised when the Declaration Act was passed is possible if the Act applies to B.C.'s laws to ensure that the collective human rights of Indigenous Peoples are protected—thereby meeting the intergenerational hopes of Indigenous Peoples for justice."

Hate and the rise of white supremacy

Combating hate in all its forms—from hateful speech to hateful violence—requires addressing fear and ignorance through a variety of mechanisms for social change. We are committed to engaging in activities that build empathy, curiosity and connection across differences, while using the Commissioner’s powers to issue orders, make recommendations, advocate for changes to law, policy and practice, and advance public inquiries to meaningfully redress incidents of racism and hate.

2022/23 highlights

- Released the findings and recommendations of the Inquiry into hate in the pandemic—as far as we know, the only independent inquiry of its kind in the world—examining the sources, experiences, consequences and solutions to the rise of hate in our communities during the COVID-19 pandemic, including:
 - **46 virtual hearings** where we heard from **100** people, including **52** organizations
 - A public survey where we heard from more than **2,600 respondents**
 - Information requests to **46 public bodies and seven social media companies**
 - Two sets of information requests to **all municipal police departments in B.C. and the B.C. RCMP**
- The Commissioner presented to the Senate Standing Committee on Human Rights about the prevalence of Islamophobia in Canada.
- The Commissioner delivered keynote addresses to the Network to End Gender-Based Violence and as part of the University of British Columbia’s Anti-Racism Speaker Series.
- BCOHRC concluded a yearlong partnership with the BC Association of Broadcasters to launch a province-wide anti-hate campaign for tv, radio and print called Never Accept Hate (#NAH). The campaign ran all across British Columbia and leveraged private sector partnerships to achieve more than \$2.5 million in advertising visibility. This campaign had broad reach, resulting in 1 in 5 British Columbians saying that they saw or heard the campaign. It also generated important impact, with 70% of those who recalled the campaign feeling that the ads impacted their attitudes or made them think about anti-hate. 44% of those who recall the ads reported that the campaign prompted them to discuss anti-hate issues with others.⁷

⁷ Research commissioned from the Mustel Group to measure awareness of the Never Accept Hate campaign, reactions to the campaign, and impact of it on behaviour or attitudes. Interviewing was completed February 21 to March 5, 2023. A total of 500 interviews were completed (margin of error of +/-4.4% at the 95% level of confidence).



By the numbers

- Hate incidents have increased dramatically during the pandemic. Overall, hate incidents reported to police in B.C. were 118% higher in 2021 than in 2019. Hate related to race or ethnicity was 102% higher in 2021 than in 2019. Hate related to gender or sexual orientation was 47% higher in 2021 than in 2019.⁸
- As reported by the Canadian Femicide Observatory for Justice and Accountability, 92 women and girls in Canada were killed in the first six months of 2021, which is 14 more killings than over the same period in 2020 and 32 more than in 2019.⁹
- Criminal justice responses to hate remain inadequate. From 2015 to 2021 there were 20,000 estimated hate incidents in B.C., 4182 were reported to police. Only 249 incidents (6%) of these incidents were investigated under the specific hate-related sections of the *Criminal Code*, and of those, only six were charged; resulting in only three convictions.¹⁰

“We applaud the BCOHRC for their leadership and those who courageously participated in this inquiry. During the pandemic, our communities were not only impacted by racism, but also a devastating increase in the rates and severity of gender-based violence. We must understand the compounding effects of the harm people face when targetted due to their intersecting identities. EVA BC hopes that the findings will direct us all in working together to address hate in our communities.”

—Ninu Kang, Executive Director of Ending Violence Association of BC

⁸ From Hate to hope: Report of the Inquiry into hate in the COVID-19 pandemic, 28. Vancouver, B.C., 2023. bchumanrights.ca/inquiry-into-hate

⁹ IBID, 80.

¹⁰ IBID, 238-240.





Final recommendations of the Inquiry into hate in the pandemic

“Through our participation in the inquiry, we learned that there is immense power in sharing about experiences that are designed to shame, degrade and belittle you.”

—Ellen, project 1907

While hate has deep roots in our society, it has risen sharply during the pandemic. From August 2021 to March 2023, BCOHRC’s Inquiry into hate in the pandemic traversed a mountain of evidence. Through this evidence, the Commissioner made the following key findings:

- **Hate incidents have increased dramatically during the pandemic.** During the pandemic, many people experienced hate in public and private places that are part of their everyday life. Hate incidents ranged from hateful comments and slurs, graffiti, property damage, physical harassment and aggression, threats of violence and people being spat on or having garbage thrown at them to violent assaults.
- Hate is disproportionately experienced by **marginalized communities**. The Commissioner heard about hate experienced in every corner of B.C. on the basis of race, gender, sexual orientation, religion and Indigeneity and especially by people with intersecting identities. The increase in anti-Asian hate was particularly acute, as was hate and violence perpetrated on the basis of gender.
- **Gender-based violence** has increased dramatically during the pandemic. These increases should have been anticipated and mitigated given that previous societal crises have led to similar increases. The Commissioner takes notice of the growing evidence of the link between gender-based violence, misogyny and mass killings. While hate on the basis of gender frequently manifests in gender-based violence, that violence is rarely considered to be hate either under the law or more generally within society.

- **Online hate** increased dramatically during the pandemic. The Commissioner found that several factors contributed to the increase in online hate during the pandemic, including increased time spent online, the rampant spread of misinformation, disinformation and conspiracy theories, social media platform design and insufficient enforcement of corporate hate speech policies.
- Hate is not new. **Hate has deep roots in B.C.**, is rooted in power and control, and reflects broader long-standing patterns of discrimination and oppression.
- **A lack of data on hate incidents that occur in different sectors and settings across the province impedes action.** The Commissioner found that most public bodies do not collect data on hate incidents, there are data quality issues or limitations with police, prosecution and court data, and social media companies are either unable or unwilling to provide data on hate on their platforms in B.C.
- **Legal responses to hate have been largely ineffective in addressing the problem** because of problems in reporting, a lack of safety in police responses, a conservative approach to recommending or pursuing charges, the inaccessibility of the civil justice system, a lack of knowledge of civil resolution mechanisms and severe delays at the BC Human Rights Tribunal.
- **Government responses to hate have been largely ineffective** in addressing the problem because of a lack of relevant policies in public institutions, an absence of data, the underfunding of community organizations and the failure to apply a human rights-based approach to emergency management.
- **Community responses to hate can be effective with adequate funding and centralized coordination.** In particular, community organizations are shown to be effective in supporting those who have experienced hate, as well as in providing exit avenues for those who have perpetrated hate.



Commissioner makes 12 recommendations to address hate in future crises

Based on these findings, the Commissioner made 12 recommendations aimed at understanding hate and acknowledging its harms, building safety and belonging and fostering accountability and repair.

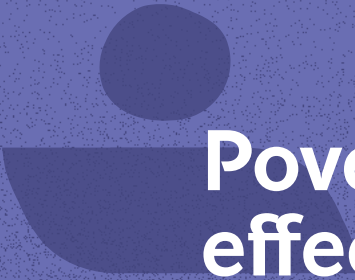
These include:

- Incorporating a human rights-based approach into existing emergency response procedures, including by providing widely available and low barrier access to mental health supports during times of crisis
- Creating a community-led, province-wide, centralized reporting mechanism for hate incidents, designed to provide support to victims-survivors and collect reliable data to inform public policy responses to hate
- Requiring mandatory training for police on hate crimes response
- Significantly expanding anti-hate curriculum throughout the K–12 education system so that all students develop the knowledge, skills and attitudes necessary to identify and combat hate and extremism
- Reforming social media approaches to hate to increase accountability and transparency of platforms

We urge everyone across British Columbia to read this report, to learn about the harm hate is causing in our communities and to support one another as we experience hate and take a stand against it. We cannot be surprised by the rise of hate in this pandemic or in future states of crisis, but hate in these circumstances is not inevitable. We must confront what we have experienced during the pandemic and take action now to prevent it from happening again. We must be decisive in our compassion and creative in devising non-violent responses to hate. It is our duty to act now to be prepared for the next crisis.

“The pandemic brought the widespread hate and racism that has been prevalent across this province to a head, captured more vividly with the support of technology and social media, especially for those who identify as Indigenous, Black or People of Colour. The myth that Canada is a safe place for all has been busted. I hope the impact of this report is that we may learn that racism and hate are not problems that only impact racialized people. These are systems and ways of behaving that affect all of society and it will take all of us to be accountable, if we want to work towards eradicating racism and hate.”

—Jamison Schulz-Franco, Resilience BC Anti-Racism Network



Poverty as a cause and effect of inequality and injustice

Women, gender-diverse people, Indigenous Peoples, people with disabilities, seniors and people of colour are more likely to live in poverty.¹¹ While domestic protections lag behind, the high rates of poverty in the province violate B.C.'s obligations to respect people's right to an adequate standard of living as enshrined in international law. We are committed to working toward effective and meaningful domestic protections for economic rights, engaging with poverty as a human rights issue and dismantling discrimination against people living in poverty.

2022/23 highlights

- Launched our "[Employment equity toolkit](#)" featuring six brand-new resources to support employers and organizations wanting to take action to remove and prevent barriers for workers who belong to groups that have often been treated unfairly, for example, because of their race, age, gender or disability (see page 32).
- Successfully intervened in *Gibraltar Mines Ltd. v. Harvey at the BC Supreme Court*, resulting in a ruling that affirms broader protections for parents and caregivers in the workplace. Employment is the most litigated area of discrimination at the BC Human Rights Tribunal. Without these kinds of workplace protections against discrimination, women and children in B.C. will continue to face disproportionate rates of poverty.
- Worked alongside the Pay Equity Coalition to advocate for the government of B.C. to improve their pay transparency legislation and adopt pay equity legislation that will better address discrimination in wages in B.C.
- Spoke out and advocated directly with municipalities and the province of B.C. to fight to ensure that the [rights of unhoused people are respected](#) when encampments arise. The eviction of people and dismantling of their homes without adequate consultation and collaboration with those being evicted and without providing suitable alternatives is contrary to human rights law.
- Advocated for improvements to the province's Homelessness Strategy, including affirming the right to housing, preventing the loss of affordable housing, and broadening the current rental supplement.

¹¹ City of Vancouver, Social Policy and Projects Research and Data Team. [Populations Disproportionately Impacted by COVID-19](#). January 2021. p. iii



By the numbers

- B.C. has one of the highest gender pay gaps in Canada at 17% in 2022. Women and gender-diverse people in B.C. earn less than cisgender men for comparable work and the gap worsens for those with disabilities and for those who are Indigenous or racialized.¹²
- Violence, poverty and homelessness are deeply intertwined for women in B.C. Experiencing violence is considered a leading cause of homelessness among women.¹³ Data from the 2018 Survey of Safety in Public and Private Spaces indicates that nearly one in three women leaving a shelter returns to the home occupied by the abuser.
- The average child poverty rate on 59 B.C. reserves was 29.2%, more than twice the overall child poverty rate for the province. Isolating the data to rural reserves puts that number even higher at 33.9%¹⁴

“Promoting equity in your workplace isn’t just the right thing to do, it’s also good for business. If you’re interested in creating a more equitable workplace but don’t have the expertise or know-how to start, BCOHRC’s Employment Equity Toolkit offers the perfect jumping-off point.”

—Small Business BC

¹² Statistics Canada, “Archived – Average and median gender wage ratio, annual, inactive,” *Statistics Canada*, January 6, 2023, <https://www150.statcan.gc.ca/t1/tbl/en/tv.action?pid=1410034002>.

¹³ Maki, 2021; Sullivan et al 2019; Yakubovich and Maki 2021 as cited in Ibrahim 2022.

¹⁴ CBC News, Child poverty rates in B.C. dropped due to COVID-19 supports, annual report shows, February 14, 2023. <https://www.cbc.ca/news/canada/british-columbia/poverty-report-card-2020-1.6747668#:~:text=The%202020%20child%20poverty%20rate,to%20produce%20its%20annual%20report.>



FEATURE

Economic justice through employment equity

More than three decades after the term “employment equity” was coined, the effects of systemic discrimination continue to be seen across the labour market. Gaps in representation and pay for marginalized groups remain stubbornly high. Year after year, employment is the most litigated area of discrimination at the BC Human Rights Tribunal.

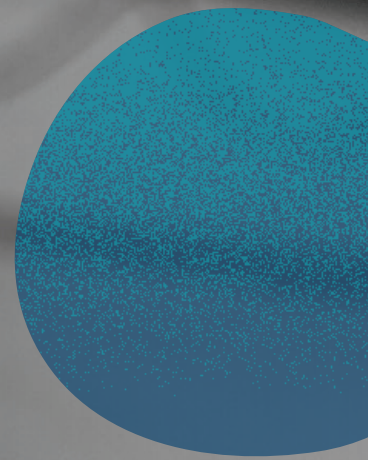
Many employers want to be part of the solution. They know that promoting equity makes good business sense and that it’s the right thing to do, but they may not have the time or expertise to know where to start. Our office continues to hear strong interest and desire from organizations across sectors asking for help to make their workplaces more equitable and inclusive.

That’s why our Office developed the employment equity toolkit to support employers wanting to learn how to improve equity within their businesses and organizations. You can use the recommendations in the toolkit to develop an integrated employment equity plan for your business or organization.

For those new to employment equity, the toolkit begins with introductory materials covering core concepts and summarizing some of what we know and don’t know about employment equity in B.C., along with its business benefits.

The rest of the toolkit covers five topic areas within employment equity: accommodations, compensation, data collection, complaint resolution and hiring and promotion. Each topic is covered in a main infosheet containing recommendations for employers. These are sometimes supplemented with additional guidance and tools that go deeper into one or more aspects of the topic.

We’d like to thank all of our partners who provided input on the development of these resources. In its first month of release, the kit was viewed more than 1,000 times and infosheets were downloaded over 600 times.







Human rights protections for those detained by the state

BCOHRC believes that we all have the right to be free from arbitrary detention, abuse of power and other unfair treatment if we are detained by the police, in correctional centres, under community supervision or in mental health systems. We seek to ensure public bodies are held accountable for treating people in their custody in accordance with human rights protections.

2022/23 highlights

- In July 2022, the Province of B.C. became the first jurisdiction to decide to end its agreement with the Canada Border Services Agency (CBSA) that allowed for the holding of migrants in provincial jails. The decision came after a months-long campaign involving our Office and human rights organizations from across the country. While CBSA may still hold migrants in their own detention centres, the removal of provincial jails as an option is a significant first step toward affirming the human rights of detainees. The changes were scheduled to come into effect in July 2023 but in mid-2023 the government announced a three-month delay.
- The Commissioner agreed to audit the implementation of a settlement agreement between the Vancouver Police Board and a Heiltsuk grandfather and granddaughter who were wrongly handcuffed and accused of fraud. The settlement agreement includes important actions that can help to address systemic racism in policing in the future, and the Commissioner's role as auditor is to ensure compliance and accountability.
- Advocated for the end of School Liaison Officer (SLO) programs across B.C. until such time as research, which centres the voices of marginalized students, can demonstrate a need for the program that cannot be met through other means. The Commissioner [issued a letter](#) and engaged in dialogue with members of the BC School Trustees Association.
- Raised awareness about systemic racism in policing and the findings and recommendations of BCOHRC's [Equity is Safer](#) report by speaking with Vancouver city councillors, school board trustees and the park board commissioners, and speaking at the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) Conference and the University of British Columbia's Anti-Racism Speaker Series.
- The Commissioner spoke at the UN Consultation on Policing Data for North America and the Caribbean.



By the numbers

- Almost 9,000 people across Canada, including 138 children, were forced into immigration detention in the year prior to the pandemic.¹⁵ According to CBSA data, 94% of immigration detainees are held for administrative reasons and pose no risk to the public.¹⁶
- 2022 saw the highest number of Vancouver Police shootings in 15 years, while police shootings more than doubled province-wide in 2022 compared to the year before. British Columbia has a higher rate of officer-involved shootings than the rest of the country.¹⁷
- Consultation by the Vancouver School Board into student and family perceptions of the School Liaison Program showed that 60% of respondents overall said officers in schools contributed to a sense of safety and security. However, when broken down by racial background, the majority of Black and Indigenous people surveyed felt negatively about the program and called for it to be changed or cancelled altogether.¹⁸

¹⁵ Amnesty International and Human Rights Watch, “I Didn’t Feel Like a Human in There: Immigration Detention in Canada and Its Impact on Mental Health,” 2021, <https://www.amnesty.org/en/documents/amr20/4195/2021/en/>

¹⁶ BCOHRC, Submission regarding immigration detention in provincial correctional centres. March 2022. https://bchumanrights.ca/wp-content/uploads/BCOHRC_Mar2022_Immigration-detention-submission.pdf

¹⁷ Vancouver Sun, Shootings by police hit 15-year high in Vancouver. September 25, 2022. <https://vancouversun.com/news/local-news/police-shootings-in-vancouver-at-15-year-high>

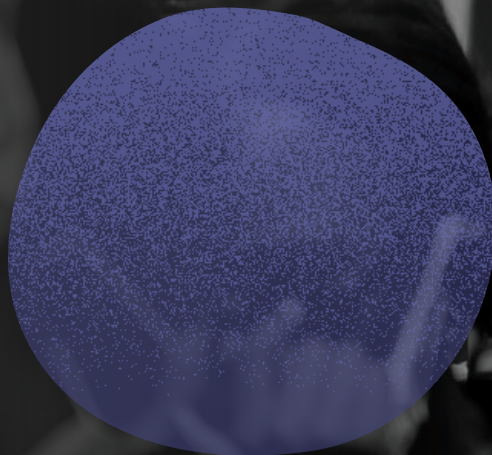
¹⁸ Vancouver School Board, “School Liaison Officer: Student and Stakeholder Engagement Program,” March 2021. https://media.vsb.bc.ca/docs/18f0df3f-ed51-4836-b6e5-ac2e252654db_VSB-SLO-EngagementReport-Mar2021.pdf



FEATURE

Pursuing equity in policing

From mental health to the opioid crisis, from homelessness to poverty, the police have become the answer to a wide range of community safety issues. As a result, the range of policing activities has increased, all too often at the expense of Indigenous, Black and racialized communities, people with low incomes and those experiencing substance use and mental health issues. In 2020, in response to global protests against racism in policing—some of the largest civil rights protests in history—the government of B.C. formed the Special Committee on Reforming the Police Act, and invited submissions from the Commissioner.



CANADA IS
NOT IMMUNE
TO
RACISM



Our 2021 submission, [Equity Is Safer: Human Rights Considerations for Policing Reform](#), based on what we understand to be the most extensive research ever conducted on policing data in Canada, showed the highly disproportionate impact of certain policing practices on Indigenous, Black and other racialized people. For example, in Vancouver, Indigenous men are 17.3 times more likely to be arrested than their presence in the population would predict. In Nelson, Black people are 4.7 times more likely to appear in mental health incidents involving the police than their presence in the population would predict.

Our submission made 29 recommendations focused on police accountability, street checks, disaggregated data and de-tasking the police in areas like responding to incidents involving mental health and substance use emergencies. In 2022/23, we continued to push to see all of these recommendations implemented.

With several school boards across the province looking more closely at the issue of School Liaison Officers (SLOs), a program that places armed police officers in schools, Commissioner Govender [wrote to the BC School Trustees Association in November of 2022](#) to remind them of the recommendation that all school districts end the use of SLOs until the impact of these programs can be established empirically, putting the voices of racialized and other impacted students and families at the centre of the research.

While there is a lack of research that explicitly looks at experiences with SLOs among racialized youth in Canada, community advocates across Canada have long argued that racially biased policing exists in our schools just as it does in our communities. As a result, Indigenous, Black and other students of colour experience oversurveillance and criminalization. These allegations have led to reexamination and to the dissolution of SLO programs in several jurisdictions, including the Toronto District School Board (TDSB), the Peel District School Board (PDSB), the Winnipeg School Division, the Ottawa-Carleton District School Board 19 and, more recently, the Vancouver (although that decision was later reversed following a change in leadership) and New Westminster school boards.

“As I’m sure you are aware,” wrote Commissioner Govender, “Indigenous, Black and other marginalized students—as well as their parents and communities—have raised significant concerns about the harm caused by having police in schools.”

To better understand both the positive and negative impacts of SLOs, our Office provided grant funding to support research on the state of school liaison officer programs in Canada, conducted by Dr. Kanika Samuels-Wortley, assistant professor with the Institute of Criminology and Criminal Justice at Carleton University. Her extensive review of the Canadian literature revealed no peer-reviewed studies that explore the impacts of SLO programs on marginalized students, showing that there is an immediate need for research conducted in British Columbia that centres the experience of marginalized students and employs high-quality evaluation strategies.

Commissioner Govender has called on the Minister of Education and the Minister of Public Safety and Solicitor General to commission this research without delay and recommended that the provincial government guarantee funding for civilian alternatives to SLOs—civilian coaches, youth counsellors, substance use educators, restorative justice initiatives—so that no school district feels it is forced to rely on uniformed officers to provide services that should be delivered through the education system.

While the debate on the merits of SLO programs continue across our province, BCOHRC will continue to work to ensure the voices and needs of Indigenous, Black and other marginalized students are heard and centred in this conversation. All of our children deserve to be safe in their schools, and equity is essential to community safety.





Creating a strong and sustainable organization

BCOHRC has a sixth operational strategic priority: to create a strong and sustainable organization capable of generating progressive impact on human rights in B.C. This includes building and sustaining a dynamic, healthy, diverse and inclusive team, establishing operational systems and processes in alignment with our goals and guiding principles.

2022/23 highlights

- Launched the “No Wrong Door” unified web portal project along with the BC Human Rights Tribunal and BC Human Rights Clinic, which will support people across B.C. to navigate the B.C. human rights system and find their way to the right organization. The portal is expected to be released to the public in fall 2023.
- Made big moves to support staff to thrive at work. According to our 2023 Workplace Environment Survey, more than 75% of staff agree that they are thriving at work. This is an increase of 23% over our 2021 results.
- Developed the “future of work” working group to examine workplace best practices to support flexibility and inclusivity. For example, establishing the long-term possibility of remote and hybrid work.
- Provided staff-wide workplace training on trauma-informed research and engagement practices to support the work of our staff in community.

Our 2022/23 impact

To measure the impact of our work and its consequences for human rights across B.C., BCOHRC has developed an evaluation and impact framework centred on five concepts:

- building respectful and accountable relationships
- creating accessible and relevant public education materials
- providing recommendations to decision-makers on ways to improve systemic human rights issues
- developing legal arguments to influence case law
- building human rights-based policies, practices and culture

Building respectful and accountable relationships

The quality of our relationships will tell the story of our impact. With each passing year, our Office renews our commitment to building and deepening relationships across the province through engagement, events and direct information and referrals for inquiries from the public.

Public requests for information and referrals

Over our first three years as an organization, BCOHRC has received tens of thousands of calls and emails requesting information and referral to human rights bodies across the province. The volume of inquiries and the breadth of issues raised continues to show the urgent need for human rights education and a place where people can turn to for information when they feel their rights have been violated.

In the 2022/23 period, BCOHRC received more than 2,200 incoming calls and emails from members of the public with questions, comments and issues. This is a significant decrease from 2021/22 as a result of a new “No Wrong Door” phone triage system operated by BCOHRC, the BC Human Rights Clinic and the BC Human Rights Tribunal. This system helps people land in the correct office right away through a series of telephone prompts. This system represents an ongoing effort by the three pillars of B.C.’s human rights system to ensure that anyone looking for information about their rights, how to make a complaint or receive support with their complaint, will find the right office to assist them. This work continues in 2023/24 with the development of a unified web portal which will also help members of the public find the right place within the human rights system to meet their needs.

The majority of inquiries this year were related to questions about COVID-19 masking and vaccination mandates, followed by concerns about discrimination under the Code relating to disability.

Our community engagement work

BCOHRC's engagement approach is grounded in the four Rs for building respectful relationships: reciprocity, reflexivity, responsibility and relevance. Building off this approach, BCOHRC has hosted 19 events for over 500 people in 2022/23.

In 2022/23, this work included:

- 19 workshops on the *Human Rights Code* in regions across B.C. from the North Okanagan to Chetwynd and Vancouver Island
- Seven engagements—including focus groups, consultations and presentations—with the taxi and hospitality industries on the use of guide dogs in taxis and restaurants
- 27 community presentations about the work of our Office and the support we can provide to community on human rights issues with organizations like the Family Support Institute, the BC Poverty Reduction Coalition, Equitas and WATARI
- 35 meetings to connect with organizations like the BC Crisis Line Network and the Columbia Basin Alliance for Literacy

In 2022/23, the Commissioner reached more than 3,000 people through external speaking engagements. A few of her presentations included speaking with the Network to End Violence in Relationships, the Senate Select Standing Committee on Human Rights and the BC Federation of Labour as part of the Human Rights Night panel.

“I strongly recommend that BC human rights [Code workshop] be available as a workshop for all employers and employees and schools to get information out. Some may not even acknowledge or think they are doing anything wrong but by bringing up the info and repercussions people maybe more careful of their actions. Thank you.”

—Participant in the Tri-Cities Local Immigration Partnership



Engagement Advisor Meghan Toal at a Penticton event about experiences of hate during the pandemic

Our Indigenous engagement work

Relationships of trust and reciprocity are built over the long term. The Commissioner began meeting with Indigenous leadership at the outset of her term, while the Office developed a three-year trajectory for building relationships with Indigenous communities across B.C. to ensure our work reflects decolonizing principles and supports the rights of Indigenous Peoples across the province.

In 2022/23, BCOHRC met with six Indigenous communities and representative organizations. Since the beginning of her mandate, the Commissioner has now met with more than 35 Nations and leadership organizations. This year, the Commissioner had the honour of speaking with the Ulkatcho First Nation, Upper Nicola Band, High Bar First Nation, Little Shuswap First Nation, Tsawwassen First Nation and the Inuit Tapiriit Kanatam. The Commissioner also delivered speeches and presentations at the First Nations Education Steering Committee and the United Nations Expert Mechanism on the Rights of Indigenous Peoples. The Memorandums of Understanding developed with the First Nations Leadership Council and the First Nations Education Steering Committee continue to guide our relationships and help us to work in partnership in a good way.



“I wanted to thank all of you for organizing this. We’re doing work that really helps create dignity in the communities that we live in in different ways. I’ve actually come to realize that I’m in the sector that I’m in because I love having hope in people and I like seeing and doing work that feels good, that feels like we’re making a little difference. And so, thank you all for being part of that. Today was a pleasure!”

**—A community engagement coordinator
with newcomer agency**

CASE STUDY

Baseline project

What is the state of human rights in the province of B.C.? Alongside community members and organizations, BCOHRC's ambitious "[Baseline project](#)" aims to offer an answer to this question. This multi-year project will identify salient human rights priorities and solutions to influence policy, raise public awareness and improve human rights issues across the province. While the project has certainly yielded important insights, with more to come, the real story so far is one of deepening human right networks and relationships across the province to enhance capacity and build strength.

Through a project designed with the support of our eight-member circle of advisors, the Baseline project has so far conducted 37 interviews, run 18 focus groups and sponsored grants for 16 more "community connector" organizations to connect across the province. The project started by aiming to work in deep connection with the communities of Cranbrook, Chetwynd, Chilliwack and Terrace. Through this work, community networks have been established, broadened and deepened. We have also provided six grants to community organizations working in prison justice, overdose prevention and climate leadership. Across the project's activities, we have connected with more than 300 people in the last year.

In 2023/24, the Baseline project will publish its first series of community briefs, short reports sharing the findings of the research in these communities and leading up to the publication of the key issues report in 2024.

"We felt very included and seen in this process and felt our input was very valuable and that was such a refreshing change from the norm. We appreciate being asked to participate in this project. 10/10!"

—Community connector

"If it wasn't for this work, I wouldn't have known about BCOHRC and know more about human rights and be able to pass that information along."

—Anonymous

"Previously had relationships with other Community Connectors, but this process has strengthened these relationships. We are all on the same team. We've been a part of something together."

—Community connector

Creating accessible and relevant public education materials

As an organization with a broad mandate to educate and engage with people and organizations province wide, BCOHRC uses a wide variety of educational content to reach our audiences with the right information in order to influence attitudinal and behavioural change. In 2022/23, we launched 10 new educational products on diverse subjects. Here's a deeper look at just a few of these educational products.





Understanding B.C.'s Human Rights System

As a follow-up to our widely viewed “Introduction to human rights” video, in 2022/23 we launched our [“Human rights in B.C.”](#) video, along with a [learner’s guide](#) and [conversation guide](#). The video helps to disambiguate the specific roles of the BC Human Rights Tribunal, BC Human Rights Clinic and BC’s Office of the Human Rights Commissioner within B.C.’s system. Through clear examples and story-telling, the video is a quick way for anyone in B.C. to better understand the system and find the help and support they need. Together, the two videos in our “introduction to human rights in B.C.” series have now been viewed nearly 40,000 times.

“I love my human rights” video series

The [“I love my human rights”](#) video series features the voices of everyday people in British Columbia, each with an extraordinary human rights story to tell. At the heart of the series is the knowledge that individual stories help to connect us. They can build empathy and compassion across difference, and they can help us to see a person or issue from a new perspective. In 2022/23, BCOHRC had the honour of profiling self-advocate Lorie Sherritt in a newly launched video about her leadership with disability rights organization “BC People First,” their work to see the centre block of the Woodlands institution torn down and to ensure survivors received restitution. Her video is accompanied by a conversation guide for [grades 7-9](#) and a general [conversation guide](#) to support groups to explore themes shared in Lorie’s story.





Public legal education initiative – Rights and responsibilities for workers and employers

What are your rights under B.C.'s *Human Rights Code* as a worker and what are your responsibilities as an employer? BCOHRC's public legal education initiative aims to simplify these complex legal topics and make them accessible. The easy-to-read content breaks down complex concepts like "undue hardship" and "duty to accommodate," using case studies to help people understand. With frequently asked questions and links to relevant resources and supports, the new educational content is one of the key resources people in B.C. have been asking our Office for. These materials will continue to grow in the coming years with accessible content related to discrimination in housing and service provision.

Learn more about [employer responsibilities](#) here and [worker rights](#) here.

Guide dog infographics and stickers

Through relationship building across B.C.'s many disability rights and advocacy organizations and communities, our Office has repeatedly heard of the difficulties guide dog users often encounter in trying to ensure that their service animals are allowed to accompany them where needed. Guide dog users reported experiencing discrimination in accessing services like taxis, rideshares, hotels, restaurants and others. Guide dog users reported regular experiences of being refused services, lack of enforcement of violations, and being asked to produce evidence of certification for the animal even when that is not required by law.

In seeking to understand the source of the barriers guide dog users are experiencing, BCOHRC conducted focus groups with taxi and hospitality service groups. What we heard is that many employees in these sectors receive little or no training on this topic, and while they are very interested in doing right by people who use service dogs, they often felt worried about making the wrong move or saying the wrong thing.

What we heard from focus group participants from these sectors has shaped the resources that we are currently producing to help employees in these sectors realize their responsibilities. Taxi drivers and service industry professionals asked for visuals that are easy to understand, access and remember, which can provide information at a glance. In response to these needs, BCOHRC is designing accessible educational materials including infographics and stickers that can be posted in taxis and server stations.



“Thank you once again for the wonderful and informative presentation. Both the students and I greatly enjoyed it. As for the presentation style, it was great. The pace and flow were accessible. Also, I loved that you took the time to explain new terms and answer questions, and that you monitored the chat as well and answered the questions the students posted there.”

—Andrea Frentiu, S.U.C.C.E.S.S

Providing recommendations to the B.C. government and other duty bearers on ways to prevent, reduce, mitigate or ameliorate systemic human rights issues

As an independent officer of the Legislature, B.C.'s Human Rights Commissioner provides guidance and recommendations to elected officials and government leaders as well as employers, landlords and service providers in other sectors on ways to ensure these systems cease to disadvantage and discriminate against marginalized communities.

The Office is also focused on preventing human rights violations before they occur. Through our work on educating and engaging with duty bearers and holding those in power to account, we aim to increase the number of duty bearers that use our recommendations and materials in their teaching, training, policies and practices.

In 2022/23, the Commissioner and our policy team engaged in 329 external meetings, including 209 meetings with government bodies like municipalities and policing agencies, and 88 meetings with non-profit groups and community partners. The top reasons these meetings were conducted were discrimination under the Code relating to employment, policing and detention, poverty and social condition, racism and gender-based violence. The Commissioner also consulted on the *Health Professions Act* amendments, the *Pay Transparency Act* and the *Anti-Racism Act*. Our Office reviewed and provided feedback on the anti-racism action plan from the Ministry of Education and the ongoing work on the Gender-Based Violence Action Plan. Recommendations made by the Commissioner to the legislative committee reviewing the *Representative of Children and Youth Act* were subsequently adopted.

As we continue to grow as an organization, we are pleased to see the important impacts our work has already generated. Along with a pivotal decision to end immigration detention in B.C. jails, we are also celebrating the establishment of greater supports for those detained under the *Mental Health Act*. After ongoing advocacy from our Office and that of the Ombudsperson, this year the province announced the establishment of an independent rights-advice service to support people involuntarily admitted under the *Mental Health Act*. We were also pleased to see the continued realization of the Commissioner's recommendations in the Grandmother Perspective report through the development of the government's approach to demographic data collection.

CASE STUDY

Recommendations on the Homelessness Strategy

In 2022/23, the Commissioner provided policy recommendations to government nearly a dozen times to help improve human rights alignment of legislation, policies and regulations. For example, in April 2022, the Commissioner issued a letter to the Attorney General on the government's draft homelessness strategy. Her key recommendations were:

- **Address discrimination on the basis of social condition**

As we have done before, this letter calls for the addition of social condition as a protected ground to B.C.'s *Human Rights Code*. Noting that Quebec, New Brunswick, Manitoba and the Northwest Territories have already made this addition, the letter makes clear that it will be impossible to ever fully eradicate stigma against people experiencing homelessness so long as they are not legally protected against discrimination.

- **Affirm the right to adequate housing**

While homelessness counts are identified by government as an indicator of progress, the Commissioner called on the government to set clear targets for eradicating homelessness, including public annual reporting on progress.

- **Improve policy outcomes through the collection of disaggregated data**

The Commissioner noted how encouraged she was to see improved data collection that could help the Ministry of the Attorney General understand the intersecting and multiple forms of homelessness and poverty in our province. As with all disaggregated data collection, it must be collected, stored, accessed and used in careful and conscientious ways. This letter calls on the Ministry of the Attorney General to ensure that data is collected in line with the principles of our Office's Grandmother Perspective report, which requires that data be collected and used to serve equity goals.

- **Prevent the loss of affordable housing**

Despite prevention being noted as a pillar of the Homelessness Strategy, there is limited focus on how affordable rentals will be protected and expanded to prevent housing precarity. One issue that was raised by the Commissioner is the lack of vacancy control in a time when there is such low availability of housing. Because of this, the Commissioner recommends a temporary province-wide policy of vacancy control until longer-term solutions are in place to address the fundamental lack of access to affordable and adequate housing.

- **Broaden the rental supplement**

Recognizing the expansion of the provincial rental supplement in 2022, the Commissioner calls on the province to look to Manitoba's Rent Assist Program, which has been shown to significantly reduce the depth of poverty for all family types, with the greatest benefit going to families with children.

Developing legal arguments to influence case law

B.C.'s Human Rights Commissioner aims to improve human rights laws and systems in B.C. through the exercise of her powers to hold public legal inquiries and to intervene in court cases that may have a systemic impact on human rights in B.C. This means that the Commissioner can participate in cases to assist the court or the tribunal to understand issues related to systemic discrimination and legal principles that otherwise might not be raised by the complainant or the responding parties. In 2022/23, BCOHRC intervened in three court cases: [*Gibraltar Mines v. Harvey, Neufeld v. British Columbia Teachers' Federation \(BCTF\) on behalf of Chilliwack Teachers' Association*](#) and [*Gitxaala Nation and Ehattesaht First Nation challenge B.C. mineral tenure regime*](#).

The hearing for *BCTF on behalf of the Chilliwack Teachers' Association v. Neufeld* was heard in June 2023. The Commissioner was granted intervenor status on January 6, 2023 in two related cases, *Gitxaala Nation v. Chief Gold Commissioner of B.C. et. al.* and *Ehattesaht v. His Majesty the King in right of B.C. et al.* These two cases challenge the lack of consultation with First Nations when mineral claims are made on their traditional territories. The Commissioner is intervening on the basis that the UN Declaration on the Rights of Indigenous Peoples is legally enforceable legislation and should be interpreted as a quasi-constitutional document. The Commissioner's oral argument was heard on April 11, 2023. You can learn more about our work on this intervention on page 21.



Counsel for B.C.'s Human Rights Commissioner Heather Hoiness and Lindsay Waddell

CASE STUDY

Decision in Gibraltar mines case affirms broader human rights protections for parents and caregivers in the workplace

The B.C. Court of Appeal issued a decision in April 2023 in *Gibraltar Mines Ltd. v. Harvey*, a case alleging discrimination against the mother of a young child by her employer. B.C.'s Human Rights Commissioner intervened in the case to address the legal test for family status discrimination in B.C. The decision clarifies the circumstances in which parents and caregivers can seek accommodation in their workplaces.

"Family status" is a protected ground in B.C.'s *Human Rights Code*, prohibiting discrimination based on a person's family situation, such as if a person is a caregiver for children or elderly parents. To determine whether family status discrimination has taken place, decision makers in B.C. have traditionally used a two-part test. This test asked whether the employer unilaterally changed a worker's terms of employment and whether there was a serious interference with a substantial parental or other family duty as a result. The main issue before the Court of Appeal in *Gibraltar* was whether the law did, in fact, require a unilateral change to terms of employment as part of the legal test to establish discrimination.

This ruling means that employees can qualify for a workplace accommodation when any condition of their employment has an adverse effect on an important parental duty. Complainants are not required to show that their employer has changed their terms of employment. This is particularly important for parents of young children whose parental obligations may change during their employment and conflict with their workplace responsibilities.





Building human rights-based policies, practices and culture

Across all of our operations, we strive to embody human rights values and our organizational guiding principles in our policies (what we say), practices (what we do) and culture (who we are). We do this to model workplace best practices for other employers in both the public and private sector and to recruit and retain the diverse and talented staff needed to execute our mandate.

2022/23 marks BCOHRC's fourth year of operations. As we settle into our full staff complement, six staff moved on from the organization and six new staff were hired. BCOHRC continues to have staff in regions across the province, including Vancouver Island, the Okanagan and Northern B.C.

BCOHRC continued its work in creating a strong and sustainable organization through policy and procedure development. In 2022/23, we completed work on a policy and practices framework which acts as an umbrella to all BCOHRC internal policies. This framework looks at the key considerations for ensuring that our policies are grounded in a human rights-based and decolonizing approach. Three new policies were created this year, including changes to our flexible work options and the finalization of our professional development policy.

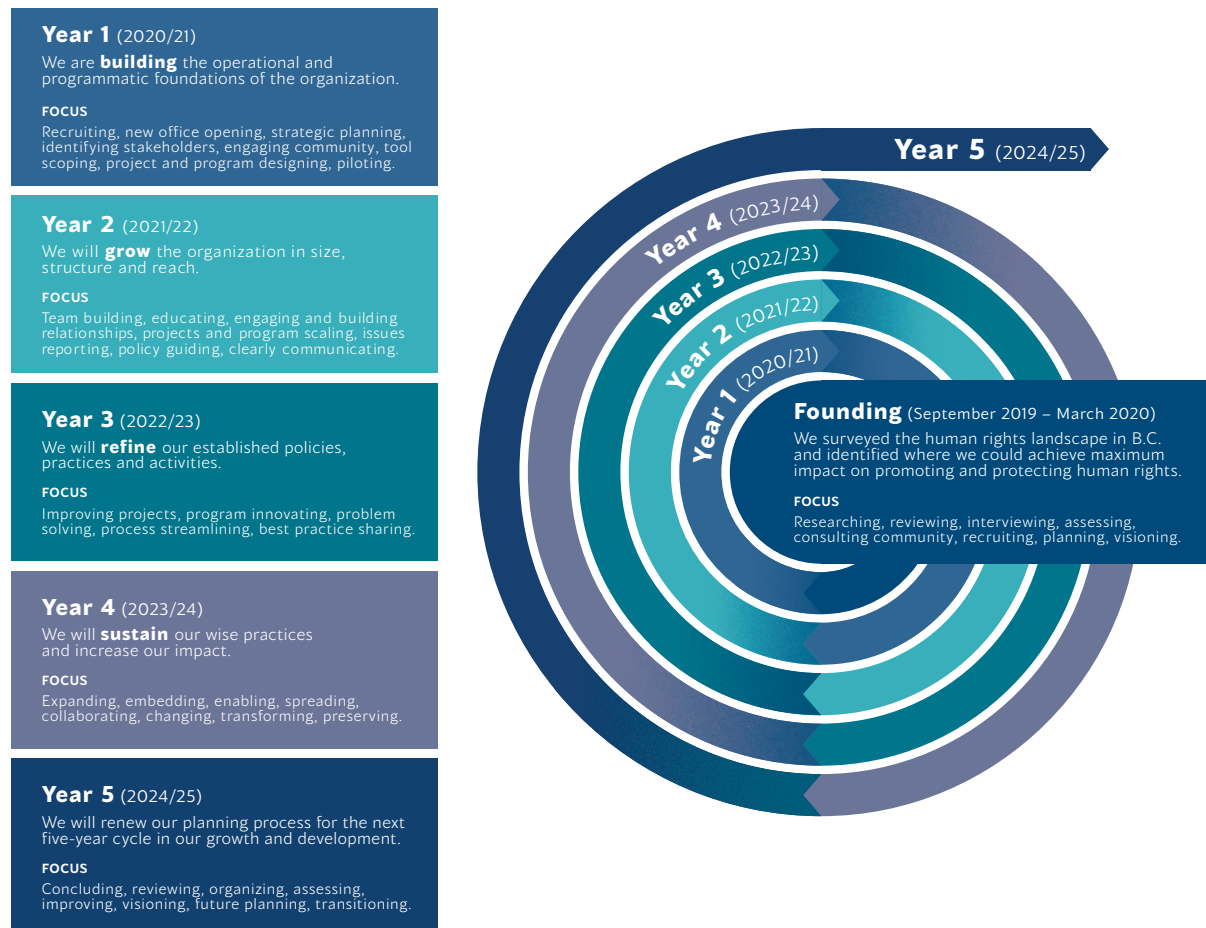
New working groups were also created to ensure we meet our responsibilities under the *Accessible British Columbia Act*, and that we are taking action on the staff needs and priorities identified through our Workplace Environment Survey.



Service Plan 2023/24 – 2025/26

Sustaining and renewing our operations and programs

In 2023/24, we are focusing on sustaining our established policies, practices, programs and activities. In 2024/25, we will evaluate the impact of our first five-year strategic plan and focus on renewing our planning process for the next five-year cycle in our development. 2025/26 will mark the start of a new five-year strategic plan.



Our five-year [Strategic Plan 2020/21 – 2024/25](#) is the foundation for all our work and outlines our vision, mandate, theory of change, guiding principles, strategic priorities and approach to understanding our impact on promoting and protecting human rights in the province. Our evaluation framework addresses the complexity of assessing social change by recognizing that the process of evaluation is as important as the outcome.







Ultimately, our work is to improve the realization of human rights on this land now known as British Columbia. Whether we are putting into place the building blocks of a sustainable organization, supporting our team of human rights professionals to do their best work, educating the public, engaging in conversations about human dignity with diverse people across British Columbia, seeking to better understand the most pressing human rights issues of our day or advocating for changes to law and policy, our quest for meaningful equality lies at the heart of our work and of the tasks detailed in this service plan.







BCOHRC has accessible mechanisms for holding respectful relationships and accountability to all stakeholders.

KEY PERFORMANCE INDICATORS:

- Type of mechanisms in place
- Extent to which relationship and accountability mechanisms are accessible to stakeholders
- Extent to which stakeholders describe BCOHRC relationships as respectful

 Discrimination
  Hate
  Detention
 Decolonization
  Poverty
  Organization







2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Implement next phase of BCOHRC's system for managing public requests for information and referrals and identify trends in systemic rights issues	Ongoing and continuous improvement	●	●	●			●
Develop a unified web portal for easier access to the human rights system in B.C. in collaboration with the BC Human Rights Tribunal and BC Human Rights Clinic	Continuous improvement of the portal and ongoing collaboration with human rights system actors on "No Wrong Door" initiatives	●	●	●			●
Ongoing information sharing between BC Human Rights Tribunal and BCOHRC, including participation in the Human Rights Tribunals' "Expanding Our Vision" committee to support greater access of Indigenous Peoples to the human rights system	Ongoing information sharing	●	●	●			●







2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Continue Commissioner relationship-building with Indigenous leadership, communities and organizations	Ongoing		●				
Continue implementation of work plans and collaborative work stemming from signed Memorandums of Understanding with the First Nations Leadership Council and First Nations Education Steering Committee	Continue to implement activities outlined in work plans		●				
Develop a photo library that is more representative of Indigenous communities across B.C. by partnering directly with Indigenous photographers	n/a		●				
Continue to refine BCOHRC's website to ensure accessibility and transparency of information	Ongoing continuous improvement						●
Submit Annual Report to the Legislative Assembly and report biannually to the Select Standing Committee on Finance and Government Services	Ongoing						●
Continue public speaking engagements for Commissioner to speak directly to the public, professional communities, and subject matter experts about human rights and the work of BCOHRC	Ongoing	●	●	●	●	●	
Ongoing regional engagement to establish connections with communities across B.C., build awareness of BCOHRC's mandate, and understand human rights issues faced at the regional and community levels	Ongoing regional engagement	●	●	●	●	●	
Ongoing implementation of effective and robust media engagement strategy	Ongoing	●	●	●	●	●	
Conduct an annual poll to assess the understanding and awareness of people in B.C. on their human rights and the work of BCOHRC	Annual poll administration	●					●

BCOHRC has a suite of publicly accessible educational and guidance resources and forums.

KEY PERFORMANCE INDICATORS:

- #/type of resources available
- #/type of resources accessed
- Extent to which resources are accessible
- #/type of forums held (by theme)
- # forum attendees; disaggregated by audience type
- Extent to which forums are accessible







2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Continue to deliver public education materials and workshops on the <i>Human Rights Code</i> (tailored to rights holders and duty bearers in various sectors), including the piloting and launching of Indigenous-specific content to be delivered to Indigenous audiences	Ongoing	●	●				
Deliver a provincial public awareness campaign focused on engaging four communities across B.C. through the use of art and culture to educate on the key findings from BCOHRC's first public inquiry into hate	Annual public awareness campaign topics to be determined following the previous year's campaign			●			
Launch one new "I love my human rights" video profiling human rights champions	Continuation of "I love my human rights" storytelling series (one to three videos per year)	●		●			
Publish a factsheet on workplace culture to complete the first phase of the Employment Equity Toolkit	Ongoing factsheets and policy guidance on other key human rights issues	●					
Pilot and deliver educational materials, a video and a workshop on the meaning and impact of systemic discrimination (rolled over from 2022/23)	Ongoing delivery of workshop and distribution of education materials	●	●				







2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Continue the development of educational materials about the rights of people who use guide dogs, aimed at service providers to help them understand their obligations under human rights law (rolled over from 2022/23)	Ongoing distribution of materials on guide dog user's rights	●					
Publish a searchable database of recommendations from public and non-profit bodies related to a wide range of human rights issues in B.C. in recent years in order to improve access to recommendations for further public advocacy and research purposes (rolled over from 2022/23)	Ongoing population of the recommendations database	●					
Publish four briefs highlighting the key human rights issues facing diverse communities across B.C. following in-depth community engagement and research in four pilot communities	Consider commencing engagement and research with four additional communities	●	●	●	●	●	
Conduct an accessibility audit of communications materials, including websites (rolled over from 2022/23)	Implement recommendations from the accessibility audit as part of ongoing accessibility journey	●					
Evaluate the effectiveness of current language translation practices on BCOHRC communications materials	Development and implementation of continuous improvement plans	●					

BCOHRC provides recommendations to the B.C. government and other duty bearers on ways to prevent, reduce, mitigate or improve systemic human rights issues.

KEY PERFORMANCE INDICATOR:

- #/ type/ date of recommendations provided by BCOHRC







2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Monitor and advocate for the implementation of recommendations in BCOHRC's public inquiry into hate during the pandemic	Ongoing monitoring and advocacy on inquiry recommendations				●		
Research and conduct feasibility studies on human rights issues for potential public inquiries or investigations and release of findings and recommendations	Release of findings and recommendations and monitoring of implementation of recommendations	To be determined					
Align policy priorities with results emerging from BCOHRC's provincial human rights baseline	Publication of a report on the key human rights issues facing British Columbia	●	●	●	●	●	●
Continue to administer Special Programs applications and renewals and implement continuous process improvements and new policy directives	Ongoing review of the Special Programs process for systematic improvements (rolled over from 2022/23)	●					●
Monitor recommendations made to the Attorney General to amend the <i>Human Rights Code</i> to include social condition as a protected ground, and continue advocacy for change	To be determined	●			●		
Monitor the B.C. government's action plan on the implementation of the <i>Declaration on the Rights of Indigenous Peoples Act</i> , including consultation with Indigenous leaders to amplify their concerns/support	Ongoing		●				



















2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Ongoing monitoring of/advocacy for implementation of recommendations to the Special Committee on Reforming the Police Act (SCORPA) including in alignment with the <i>Declaration on the Rights of Indigenous Peoples Act</i>	Ongoing monitoring of/advocacy for implementation of recommendations		●			●	
Interim audit report of settlement agreement related to the case of <i>Johnson v. Vancouver Police Board</i>	Final audit report of settlement agreement related to the case of <i>Johnson v. Vancouver Police Board</i>		●			●	
Analyze and monitor current government initiatives and legislation related to human rights, including initiatives concerning anti-racism, anti-hate, mental health detention and treatment, gender-based violence, pay transparency and pay equity and homelessness	Ongoing monitoring and recommendations to be determined	●	●	●	●	●	

BCOHRC develops legal arguments to influence case law.

KEY PERFORMANCE INDICATOR:

- #/ type/ date of arguments made to tribunals and courts































2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Intervene in <i>Neufeld v. British Columbia Teachers' Federation (BCTF) on behalf of Chilliwack Teachers' Association</i> at the BC Supreme Court (leave to intervene granted in October 2021)	To be determined	●		●			
Intervene in <i>Gitxaala Nation v. Chief Gold Commissioner of B.C. et. al.</i> and <i>Ehattesaht v. His Majesty the King in right of B.C. et al.</i> at the BC Supreme Court (leave to intervene granted Dec 2022)	To be determined		●				

2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Submit applications for leave to intervene in additional cases, as capacity permits	To be determined						
Ongoing monitoring of Human Rights Tribunal and other tribunal and court cases for potential interventions	Ongoing						

BCOHRC has a culture and a suite of policies and practices that align with the guiding principles, including human rights-based and decolonizing approaches.

KEY PERFORMANCE INDICATORS:

- Extent to which the BCOHRC culture, policies and practices embody BCOHRC guiding principles, including a human rights-based approach and decolonizing lens
- Duration of tenure at BCOHRC (retention); reported reasons for joining/staying/leaving
- Use of leave days
- #/ % of staff who take up professional development opportunities
- #/ % of staff who report professional development opportunities are equitable/are useful

2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Implement BCOHRC's 2023/24 annual work plan and plan for 2024/25 work	Ongoing						
Ongoing implementation of BCOHRC's evaluation plan	Ongoing						
Continue to build BCOHRC's organizational policy base	Ongoing						
Formalize standard operating procedures, guidance materials and training for staff on BCOHRC's core operations	Continuous improvement						

2023/24 current and planned activities	2024/25 – 2025/26 future activities	STRATEGIC PRIORITY AREA					
							
Review and refine human resources, information technology and finance services as part of the ongoing review of corporate shared services with the Representative for Children and Youth	Implement improvement processes as determined						●
Launch and pilot ethical and sustainable procurement practices and procedures	Continuous improvement						●
Continue to assess, monitor and improve on equity, diversity and inclusion through recruitment practices, ongoing improvements of BCOHRC's employee handbook and implementation of recommendations flowing from the 2022/23 workplace environment survey	Ongoing						●
Implementation of a decentralized, hybrid and flexible work model and associated policies	Review of first year's pilot and refinement to policies and processes as needed						●
Ongoing development and implementation of internal education offerings to ensure staff are supported in ongoing human rights learning	Ongoing						●
Implementation of BCOHRC's internal communications plan and development of an intranet to ensure effective knowledge sharing and communication among staff (rolled over from 2022/23)	Review of first year's pilot and refinement as needed						●

Budget and expenditures

Funding for the Office of the Human Rights Commissioner comes from a voted appropriation of the Legislative Assembly of B.C. We hold ourselves to the highest standard in directing our investment of public resources. In principle and practice, this means:

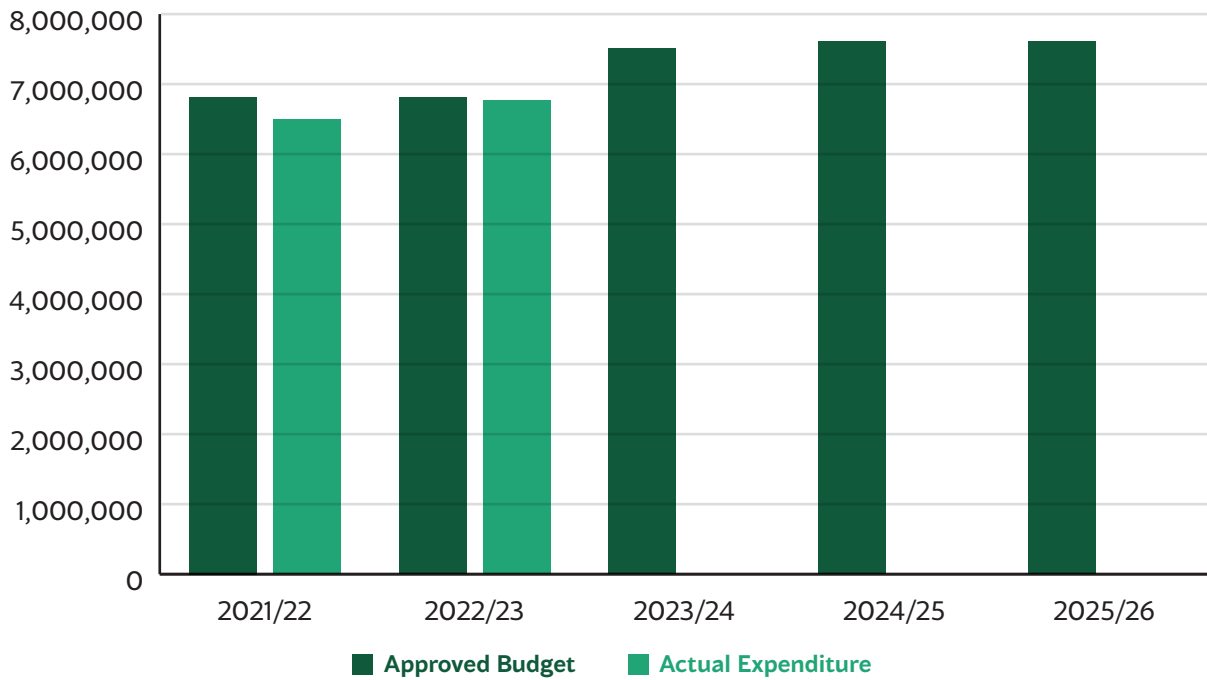
- We adhere to provincial legislation and policies related to spending.
- We focus on maximizing the impact our budget has on promoting systemic equality by directing our resources to evidence-based projects that are reflective of what rights holders and duty bearers have identified as their most significant rights issues.
- We focus our resources where we can enhance the rights of the most marginalized, and we are committed to continual evaluation and improvement.
- We are transparent and accountable through regular reporting to the Treasury Board and the Office of the Comptroller General. We also provide regular program reports to the all-party Select Standing Committee on Finance and Government Services of the Legislative Assembly.

Our finances

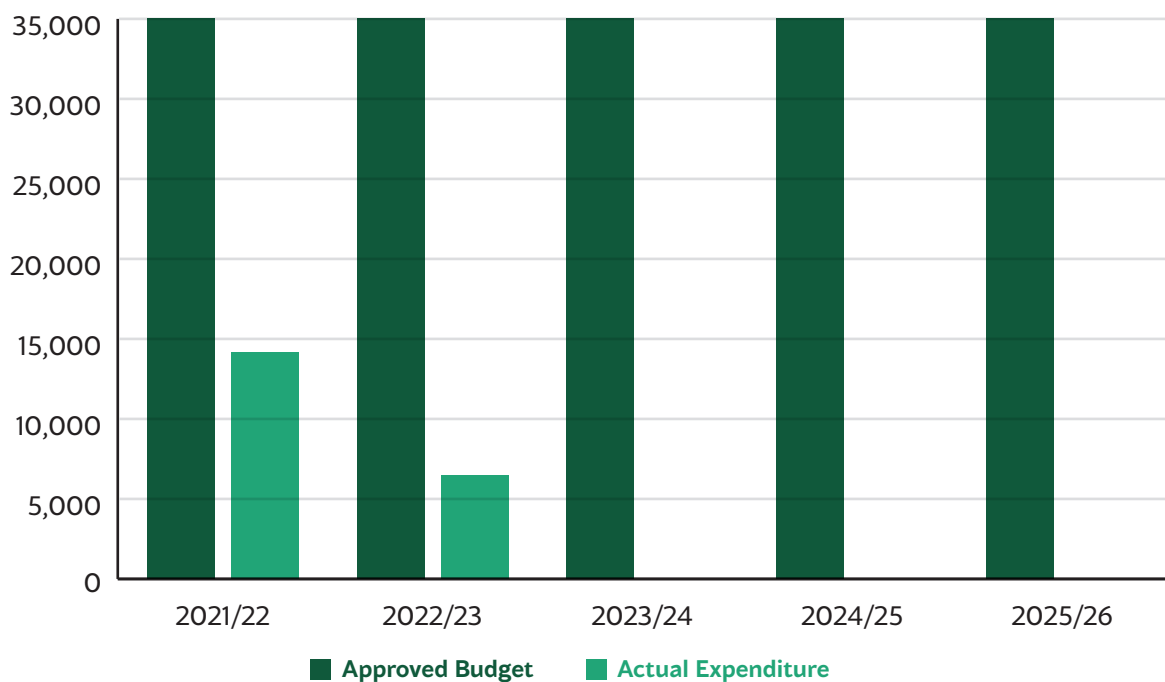
The Legislative Assembly of B.C. approved an operating budget for BCOHRC of \$7.505 million in 2023/24, \$7.608 million in 2024/25 and \$7.608 million in 2024/25 and a capital budget of \$35,000 for each of the three years. The 2022/23 operating budget for BC's Office of the Human Rights Commissioner was \$6.809 million and the capital budget was \$35,000. Actual operating expenditures were \$6.770 million, returning approximately \$0.039 million to general revenue.

Our budget

Approved Operating Budget to Actual Expenditure by Fiscal Year



Approved Capital Budget to Actual Expenditure by Fiscal Year







British Columbia's
**Office of the Human Rights
Commissioner**

Public Interest Disclosure Agreement

Public Interest Disclosure Act: Annual report about disclosures for BC's Office of the Human Rights Commissioner

The *Public Interest Disclosure Act* (PIDA), B.C.'s new whistleblower protection law, came into force on Dec. 1, 2019.

One of the requirements is that, "each year, a chief executive, or a delegate of the chief executive, must prepare a report on all disclosures of wrongdoing that have been made in that year in respect of the ministry, government body or office for which the chief executive is responsible, including disclosures made to the Ombudsperson, if a designated officer of the relevant ministry, government body or office has been notified about the disclosures or investigations."

In accordance with the following sections of PIDA, for the reporting period of Dec. 1, 2022 to March 31, 2023, the following information is reported:

Section 38 (2)

Disclosures of wrongdoing in respect of BC's Office of the Human Rights Commissioner 0

Section 38 (2)

- | | |
|--|---|
| (a) the number of disclosures received, including referrals of disclosures, | 0 |
| and the number acted on | 0 |
| and not acted on | 0 |
| (b) the number of investigations commenced as a result of a disclosure | 0 |
| (c) in the case of an investigation that results in a finding of wrongdoing | 0 |
| (i) a description of the wrongdoing | |
| (ii) any recommendations, including those made by the Ombudsperson, and | |
| (iii) any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken; | |
| (d) any other information prescribed by regulation. | 0 |

Kasari Govender
B.C.'s Human Rights Commissioner




British Columbia's
**Office of the Human Rights
Commissioner**

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