

Budget submission

2021/22 – 2023/24

**Presented to the Select Standing Committee on
Finance and Government Services**

Legislative Assembly of British Columbia


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



**To the Indigenous peoples of this place we now call British Columbia:
Today we turn our minds to you and to your ancestors. You have kept your unceded homelands strong. We are grateful to live and work here.**

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Overview

Mandate

BC's Office of the Human Rights Commissioner (BCOHRC) is the newest independent office of the Legislature, established through the Human Rights Code Amendment Act, 2018 (Bill 50), which received Royal Assent in November 2018. Responsible for promoting and protecting human rights in B.C., Commissioner Kasari Govender was appointed in May 2019 and began her five-year term in September 2019.

The Office's mandate is to address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures through education, research, advocacy, inquiry and monitoring.

In the course of fulfilling this mandate, the Commissioner can do any of 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 and ensure policies, programs and legislation are consistent with B.C.'s Human Rights Code
- 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

Approach

BCOHRC's work is grounded in a **human rights-based approach**, which seeks to centre the voices of those most marginalized and make inequality visible. Core principles include:

- Indivisibility, inalienability and universality of rights
- Meaningful participation, inclusion and empowerment
- Transparency and accountability
- Rule of law
- Intersectional equality and non-discrimination

Decolonization is also central to BCOHRC’s work. Core principles include:

- Equality and non-discrimination
- Listening, learning and honouring Indigenous worldviews, including the value of reciprocity and working in relationship
- 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

BCOHRC recognizes both collective and individual rights and responsibilities and focuses on building respectful relationships that are reciprocal, reflexive, responsible and relevant.

Additionally, BCOHRC is guided by a series of principles including the concept of **“nothing about us without us,”** to ensure every aspect of our work incorporates the voices, interests and stories of those with lived experience in each of the protected grounds and areas outlined in B.C.’s Human Rights Code and of those who remain marginalized and unprotected.

Finally, BCOHRC promotes a **“no wrong door” approach** to working with the other pillars of B.C.’s human rights system. BCOHRC both fills a gap and complements the other pillars: the [BC Human Rights Clinic](#)— which provides legal advice and represents individual complainants— and the [BC Human Rights Tribunal](#)— which screens, mediates and adjudicates human rights complaints. Working collaboratively with the Clinic and Tribunal ensures that individuals and organizations are able to access the system in an efficient, effective and empowering manner.

Highlights and accomplishments in 2019 and 2020

Surveying the landscape

As a new independent office in start up, BCOHRC invested time in taking stock of the previous work and recommendations on human rights in the province, creating a framework for assessing the current state of human rights in B.C. from which to measure change over time and engaging with British Columbians to understand the key rights issues facing diverse urban, rural and remote and Indigenous communities.

Defining BCOHRC's role and priorities

BCOHRC identified a model for progressive and sustained development, which balances a thoughtful and strategic approach to building the internal architecture of the organization from the ground up with producing meaningful external impact on human rights in B.C. at each stage of development. Strategic planning included defining BCOHRC's vision, mandate, guiding principles, theory of change, strategic priorities and approach to monitoring and evaluation. The Office's planning cycle is anchored by a series of cascading plans and reports including:

- A five-year [Strategic Plan 2020/21–2024/25](#);
- Departmental strategies laying out BCOHRC's approach to education and engagement, research and policy and legal work including interventions, investigations and inquiries
- Annual workplans leveraging an interdisciplinary project management framework
- Three-year rolling service plans

Through this considered strategic planning process, BCOHRC established five strategic priorities and one operational priority, each including goals, objectives and associated activities to undertake from 2020/21 to 2024/25. The five strategic priorities 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 being detained by the state](#)

BCOHRC's operational priority is: creating a strong and sustainable organization.

Building relationships

Internally, BCOHRC began to build a team with leaders in research and policy, education and engagement, human rights law, communications and operations by applying a hiring approach based on justice, equity, diversity and inclusion. The team has grown steadily and will reach a full complement in 2021/22. In order to maximize resourcing efficiency, BCOHRC established a collaborative shared services agreement with the Representative for Children and Youth (RCY) for the provision of human resources, financial and information management/technology (IM/IT) support.

Externally, BCOHRC has contributed to the national conversation on key human rights issues through the [Canadian Association of Statutory Human Rights Agencies](#), which is made up of human rights commissions across the country. At the provincial level, we established relationships with the various actors within B.C.'s human rights system including the Tribunal, Clinic and other legal advocates and student and Indigenous legal clinics to begin collaborating on a “no wrong door” approach that will improve the system’s accessibility and effectiveness.

To begin the journey of building respectful relationships — an early and ongoing priority — BCOHRC has engaged with stakeholder groups, organizations, communities and Indigenous leadership and communities across the province. Engagements — in person and online due to COVID-19 — ranged from meetings between Commissioner Govender and leaders in community, civil society and the public and private sectors to a series of eight regional engagements¹ attended by hundreds of urban, remote and rural participants to a variety of presentations to students in K–12 and post-secondary. Consultation is critical to every piece of BCOHRC’s work. BCOHRC has set up consultation processes on [disaggregated data collection](#), proposed [changes to the Human Rights Code](#), identified [human rights issues arising during the COVID-19 pandemic](#), launched an [anti-racism public awareness campaign](#) and began investigations into systemic racism in policing.

Creating awareness

As a new independent office, proactively creating awareness about BCOHRC’s mandate and role early in its development is essential for generating understanding of human rights among British Columbians. A sample of our activities:

- 39 events featuring Commissioner Govender, reaching over 3,500 people
- 53 stakeholder engagements and eight regional townhalls reaching over 600 individuals representing close to 200 organizations
- Media coverage² in more than 1,700 media stories and fielded more than 200 calls and nearly 600 emails from the public on human rights issues

¹ Regional engagements included: [Interior B.C.](#), [Northwest B.C.](#), [Vancouver Island and the coast](#), the [Fraser Valley](#), [rural and remote B.C. communities](#), [Northeast B.C.](#) and [Metro Vancouver](#).

² Sample media coverage on BCOHRC’s report on disaggregated data collection (press release [here](#)): [CBC News](#), the [National Post](#), [The Tyee](#), [CTV](#), [CFAX-1070](#).

Sample coverage on other issues: [BC Local News: Fear and ignorance have spiked racism in the province: B.C.’s human rights commissioner](#), [CFNR First Nations Radio: BC Human rights commissioner hosting virtual townhall for people in the Northwest](#), [The Lynda Steele Show: A conversation with BC’s Human Rights Commissioner](#)

- Launch of a modern, accessible and multilingual [website](#) and social media campaign, provincial [anti-racism campaign](#) including a suite of online education materials, the first in a series of [videos](#) highlighting human rights advocates in B.C. and a [human rights 101](#) primer video for the general public and for use in classrooms across the province

Making progress

In addition to the education, engagement and communications initiatives highlighted above, the following highlights progress made on advancing the Office’s mandate and strategic priorities through research, policy, advocacy and monitoring:

- Research on improvements to B.C.’s Human Rights Code and recommendations made to government to strengthen protections for Indigenous peoples and people living in poverty through the addition of the protected grounds of Indigeneity and social condition
- [Report to the UN Committee on Economic, Social and Cultural Rights](#) commenting on the list of issues prior to reporting for Canada’s seventh periodic review
- Collaboration with and support for the Tribunal’s implementation of recommendations from the report on effective and accessible access to justice for Indigenous peoples, [Expanding Our Vision: Cultural Equality and Indigenous Peoples’ Human Rights](#)
- Report to the Legislative Assembly on [Disaggregated demographic data collection in British Columbia: The grandmother perspective](#), including recommendations on anti-discrimination data legislation, the development of data standards and immediate targeted opportunities to support community-based data governance.

Ongoing work that is part of BCOHRC’s mandate and daily activities includes:

- **Special programs:** The power to approve [special programs](#) — any program adopted by an employer, landlord or other service provider that aims to improve the conditions for a group that has faced disadvantage — was transferred from the Tribunal to BCOHRC on Apr. 1, 2020. In preparation for this transition, BCOHRC worked closely with the Tribunal to ensure knowledge about the scope, procedure, adjudication process and administration of applications was successfully transferred. Since April 2020, BCOHRC has transitioned 82 approved programs and is in the process of reviewing nine applications and 11 annual, mid-term or final program reports. BCOHRC has also approved three additional programs and receives approximately five additional applications per month.
- **Public requests for information:** Since September 2019, BCOHRC has seen a steady increase in public requests for information from across B.C. (on average, the volume of requests has increased 24 per cent each month). To date, BCOHRC has received over 800 questions from the public on a wide range of topics including service animals, family violence, bullying and harassment, policy violence and discrimination. Using a trauma-informed approach, frontline staff speak with or respond to people directly, offering referrals to services like community support services, complainant legal assistance and crisis lines. Trends are also integrated into systemic work in education, research, policy, advocacy and inquiry.

Responding to COVID-19

Since the beginning of the COVID-19 pandemic, Commissioner Govender and BCOHRC's Education and Engagement team have met extensively with community organizations responding to the significant increase in incidents of hate and racism. Commissioner Govender's work to highlight racism, poverty and other human rights-related issues that have been exacerbated by the pandemic has resulted in more than 600 news stories. In addition, in the last quarter of the year, we saw public requests for information on topics such as mask guidance and disability rights resulted increase by 18% over and above previous levels.

BCOHRC issued extensive [policy guidance](#) to employers, landlords, service providers and individuals about how to ensure that human rights are protected and balanced against urgent public health priorities. This guidance was made available in seven languages including American Sign Language (ASL) and has been complemented with a [video](#) featuring Commissioner Govender and regularly updated plain-language answers to [frequently asked questions](#). BCOHRC issued [specific guidance about mask-wearing policies](#), calling on those responsible for such policies to accommodate people who cannot wear a mask based on the grounds protected by B.C.'s Human Rights Code. This was complemented with a mask guidance [poster](#) to help service providers clarify mask-wearing exemptions under the law.

BCOHRC also issued recommendation letters to various government ministries addressing the human rights impacts of COVID-19 on gender-based violence, the inclusion of human rights in B.C.'s economic recovery plan, the impacts of poverty during the pandemic and reducing transmission of COVID-19 in provincial detention facilities.

Budget request

Enabling sustainability and progressive impact of a new independent office of the Legislature

As a new organization, BCOHRC is implementing a progressive and sustainable model of development over the course of the Commissioner's five-year term that balances building the organization internally with generating external impact.

- 2019/20 was focused on **surveying** the landscape, reviewing research and recommendations, consulting community, recruiting key team members and beginning the strategic planning process.
- 2020/21 is focused on **building** the operational and programmatic foundations of the organization by scaling up recruitment of the team, opening an office space in Vancouver, mapping stakeholders, engaging with community, building relationship with Indigenous leadership, scoping the tools available to the Commissioner through her mandate, and designing and piloting programs and projects.
- 2021/22 will focus on **growing** the organization in size, structure and reach including achieving the Office's full staff complement; formalizing policies, practices, management systems and an evaluation framework; scaling programs and projects; issuing reports and policy guidance and conducting BCOHRC's first public inquiry.
- 2022/23 will focus on **refining** established policies, practices and activities, improving projects based on lessons learned, innovating in program areas, streamlining processes for efficiency and sharing best practices with stakeholders and peers.
- 2023/24 will focus on **sustaining** wise practices and increasing impact by building on early successes and strengthening key programs and projects.
- 2024/25 will focus on **renewing** BCOHRC's planning process for the next five-year cycle with an organizational review that will aggregate previous project and program evaluations and begin the visioning and transitioning process.

Budgeting approach

BCOHRC maintains the highest standard in its investment of public resources. In principle and in practice this means adhering to provincial laws and policies related to spending, focusing efforts on maximizing impact through evidence-based projects on the most salient rights issues identified by rights holders and duty bearers, operating in a transparent and accountable manner through regular reporting to the Treasury Board and Office of the Comptroller General and expertly balancing short and long-term priorities in order to build a sustainable organization capable of generating lasting positive impact for British Columbians.

Budgeting considerations

Scope

BCOHRC is unique as the only independent office of the Legislature responsible for protecting all rights holders — all people in the province, with a particular focus on the most marginalized — and promoting awareness and respect for rights among all duty bearers — including employers, landlords and service providers representing every sector and industry. The budget request is reflective of this significant scope of responsibilities.

Scale

In September 2020, the Commissioner's powers to conduct inquiries came into force, increasing the Commissioner's responsibilities and scale of work in 2021/22 and beyond. In addition to upcoming province-wide public inquiries on significant human rights issues, 2021/22 will see the continuation of BCOHRC's ongoing work in education, research, advocacy and monitoring. BCOHRC's work will also grow to include interventions and possible test cases, deeper engagement with key stakeholders and Indigenous leadership and communities, significant work on building out educational resources and the launch of a long-term, large-scale participatory baseline assessment of the state of human rights in B.C. that will be benchmarked every two years in the form of a report on progress and gaps, enabling governments, communities and duty bearers (employers, landlords, service providers) across the province to work collectively to improve human rights.

Corporate shared services

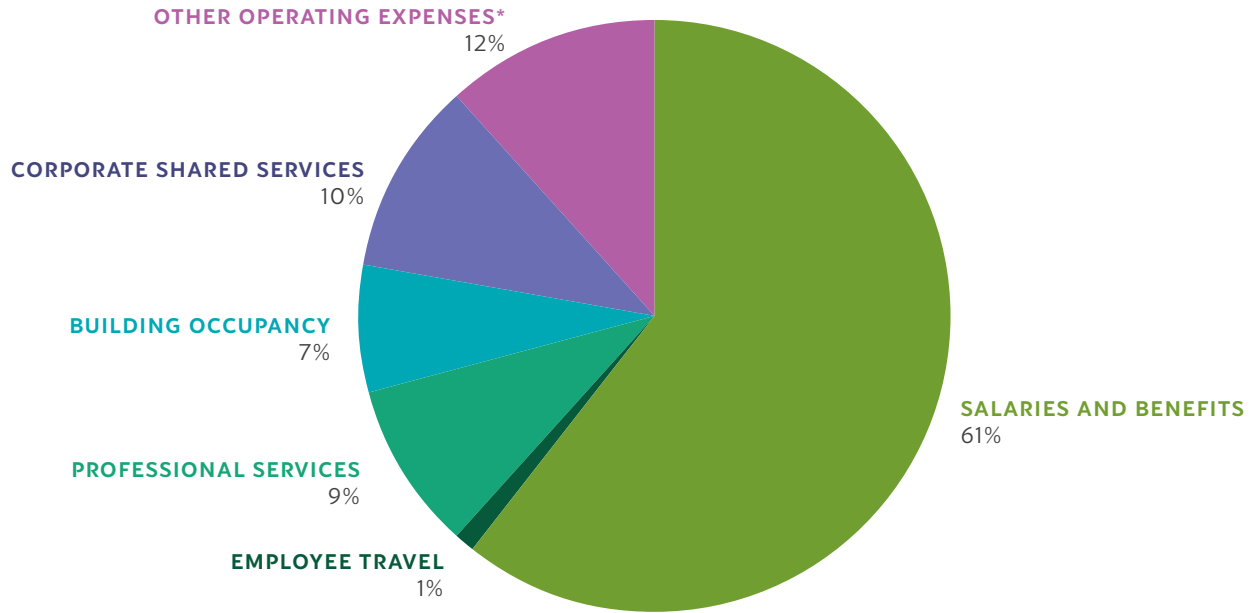
Following an initial pilot of two shared services agreements, in 2020/21 BCOHRC entered into continuing agreements with the Representative for Children and Youth (RCY) and the Auditor General. RCY provides human resource, IM/IT and financial services modelled off the Ombudsperson's shared services agreement. The Auditor General provides a small office space in Victoria, at no additional cost, to complement BCOHRC's main office in Vancouver. In a spirit of reciprocity, BCOHRC's Vancouver office has been designed with collaboration in mind, including multi-use spaces such as meeting rooms and hot desks that are available to other independent offices at no cost. These innovative collaboration agreements represent overall cost savings for all independent offices.

Request for fiscal year 2021/22

In October 2019 BCOHRC presented its first three-year operational budget to the Committee for consideration. The Committee recommended a start-up budget for fiscal year 2020/21 of \$5.5 million in operating and \$1.2 million in capital for the establishment of the Office, recognizing BCOHRC would require a fully operational budget in future years.

After significant review this fiscal year, we are pleased to report our budget request for fiscal year 2021/22 remains consistent with the Office's budget request presented in October 2019 (\$6.815 million operating; \$35,000 in capital) and aligns with the trajectory of building a new organization, recognizing the Commissioner's mandate ("[Mandate](#)" on page 5) and the resources necessary to enact additional legislative powers of legal inquiry, which came into force in September 2020.

Proposed operating budget by expenditure type, fiscal year 2021/22



*Other Operating Expenses includes Information Systems, Office and Business Expenses, Informational Advertising & Publications, Utilities, Amortization, Grants, Other and Recoveries.



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