

B.C.'s human rights system: Video learner pack

Introduction for educators and facilitators:

This guide has been prepared to help individuals and groups, including organizations and classrooms, to explore content and themes in the animated video on the human rights system from BC's Office of the Human Rights Commissioner. The pack is divided into three sections:

- 1** Section 1: Key points and terms from the video
- 2** Section 2: Applied learning using a scenario
- 3** Section 3: Open-ended questions for critical self-reflection or group discussion

Learning objectives:

After watching the video and doing the learning exercises participants will be better able to:

- **Section 1:** Recognize the roles of each human rights agency and terms commonly associated with them
- **Section 2:** Apply the roles of the three agencies to a real-life scenario
- **Section 3:** Reflect on the strengths and limitations of the province's current human rights system

Answer key

Section 1

- **Question 1: B**
- **Question 2: True.** The Human Rights Commissioner is one of nine independent officers that report to the Legislature in B.C.
- **Question 3: C and D**
- **Question 4: B, D and E**
- **Question 5: True.** The Human Rights Clinic provides free legal services to people making a complaint who need help with the formal human rights complaint process
- **Question 6: B and D**
- **Question 7: B**

Extra information about option C: The Labour Relations Board does not deal with complaints that *the Human Rights Code* has been breached. People called labour arbitrators do this through the grievance process. The Labour Board resolves different kinds of labour disputes

- **Question 8: B, then A, then C**
- **Question 9: A**
- **Question 10:** The Tribunal makes decisions about individual complaints; the Clinic helps people who are making or might want to make a formal complaint; the Office of the Human Rights Commissioner focuses on systemic human rights issues. For more on key roles, refer to the last half of the video

Section two

- **Question 1:**

A — Correct! If you wish to learn more about the B.C.'s *Human Rights Code* watch our “Intro to human rights video” at bchumanrights.ca

B — Incorrect. Andriy is protected by B.C.'s *Human Rights Code* which covers how he should be treated when accessing housing – which includes tenancy – along with how he should be treated as an employee or when accessing services. If you wish to learn more about the B.C.'s *Human Rights Code* watch our “Intro to human rights video” at bchumanrights.ca

C — Incorrect. (Bonus answer). This is not answered in the video but actually anyone who has been discriminated against in B.C. can file a complaint with the Human Rights Tribunal. Immigration status doesn't matter.

- **Question 2:**

A — Correct! Andriy has a disability that requires a washing machine with hot water to help him manage his disability. His landlord refused to get him access to one. Disability is a protected characteristic and housing is an area protected under the Code. Refusing to replace or fix the washer had a negative impact on Andriy that is connected to his disability.

B — Incorrect. Andriy has a disability that requires a washing machine with hot water to help him manage his disability. His landlord refused to get him access to one. Disability is a protected characteristic and housing is an area protected under the Code. Refusing to replace or fix the washer had a negative impact on Andriy that is connected to his disability.

● **Question 3**

A — Correct! If Andriy wants someone neutral to decide whether his landlord has violated the *Human Rights Code* he can make a complaint to the Human Rights Tribunal. The Tribunal is the decision-maker that Andriy could turn to in order to have his complaint heard. He may also want to talk to the BC Human Rights Clinic first in case he needs advice before he submits a complaint to the Tribunal or needs a lawyer to represent him if he submits a formal complaint

B — Correct! Andriy could turn here first as they provide advice and legal help for those that submit complaints to the Human Rights Tribunal. Here, he can also get advice from a lawyer or legal advocate who has experience with human rights law. We specifically highlight the Clinic because of the specialized service they provide around human rights and because their services are free and available to anyone in B.C. who is submitting a complaint in a human rights case.

C — Incorrect. No, they do not provide legal advice nor deal with individual human rights complaints. They deal with systemic human rights issues.

D — Possibly! (Bonus answer) This is not addressed in the video but just like in many circumstances, what Andriy is experiencing may involve more than one type of law. In this case he may also have a reason to make a complaint under the *Residential Tenancy Act*. Andriy may want to get legal advice about whether he can make a complaint to the Residential Tenancy Branch as well as or instead of to the Human Rights Tribunal. The Residential Tenancy Branch is the neutral decision-maker that decides whether the *Residential Tenancy Act* has been breached, just like the Human

Rights Tribunal decides complaints about whether the *Human Rights Code* has been breached. The Residential Tenancy Branch does not decide human rights complaints. Whether it is better for Andriy to complain to the Residential Tenancy Branch or Tribunal depends on many factors and is a personal choice.

- **Question 4**

E — Correct!

Prompt for educators and facilitators: There are defences to human rights complaints. People like Andriy who make a formal complaint do not automatically get a remedy even if they prove their case. People like Andriy's landlord accused of discrimination have a chance to defend themselves. If they prove that accommodating the person making a complaint would be unreasonable (for example, far too costly, difficult or unsafe), then the person making a complaint will not get a remedy.

Section three

- 1. As discussed in the video, B.C.'s human rights system consists of three organizations that work to promote and protect human rights in the province. Can you think of reasons why it is important to have three agencies that are independent from each other working on human rights issues in B.C.?

Possible prompts: Clarity of mandate, trust because the three organizations provide different functions etc.

Are there any challenges to this model?

Possible prompts: Navigation, confusion, etc.

- 2. BC's Office of the Human Rights Commissioner works on systemic human rights issues. In your own words how is systemic discrimination different from discrimination that might happen between two individuals?

Possible prompts: If it's systemic, same thing would likely happen if someone else were in that role and to other people

What do the two types of discrimination have in common, if anything?

Possible prompts: harm, connection to a part of a person's identity

Please visit our website at www.bchumanrights.ca for examples of systemic issues we are working related to discrimination under the *Human Rights Code*, decolonization, poverty, hate and detention. Which of these current systemic issues are important to you? Are there other systemic human rights issues important to you and people you care about?

Possible prompts: access to health care or education, food/water security, the way systems are designed for people without disabilities etc.

- 3. The Human Rights Tribunal decides human rights complaints like how a court decides other kinds of legal problems. Are there any reasons you can think of that someone might decide not to make a complaint to the Tribunal, even though they think they've been discriminated against?

Possible prompts: Too busy trying to get by, no access to computer/phone/printer etc., unfamiliar with the system, language/cultural barriers, perceived risks of making a complaint (losing job, rental, stress/emotional toll of legal battle), etc.

Besides having a lawyer, what other kinds of support might someone need to go through with a human rights complaint?

Possible prompts: emotional support, practical help gathering documents, time off work/school to work through processes etc.

- 4. The Clinic provides legal advice and representation to people who have filed human rights complaints. They do not represent the person, people or organization that is accused of discrimination. Why do you think that is?

Prompt for educators and facilitators: Organizations have more access to resources, could be a conflict if they represent both sides of complaints

Are there other ways you can think of for those accused of discrimination to get legal advice and representation?

Prompt for educators and facilitators: An organization's lawyer, a public sector employer association's legal team, the Law Centre

We welcome your feedback on this learner's pack. You can also share the answers from section 3 with us by emailing them to info@bchumanrights.ca