British Columbia's
Office of the Human Rights Commissioner

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FOR IMMEDIATE RELEASE

Human Rights Commissioner appears in court to address discrimination based on family status

Vancouver B.C. – This week, B.C.'s Human Rights Commissioner appeared before the B.C. Court of Appeal as an intervenor in *Gibraltar Mines Ltd. v. Harvey*, a case alleging discrimination against the mother of a young child by her employer. The Commissioner focused her intervention on the legal test for family status discrimination.

> ***"Here in B.C., the threshold to prove discrimination on the basis of family status is more restrictive than in other parts of the country. It is a real barrier to achieving equity in our workplaces."*** *– Kasari Govender, B.C.'s Human Rights Commissioner*

"B.C.'s *Human Rights Code* offers protections for employees against discrimination on the basis of family status, which is important to ensure gender equality in the workplace and fairness for parents and caregivers," said B.C.'s Human Rights Commissioner, Kasari Govender. "But, here in B.C. the threshold to prove discrimination on the basis of family status is more restrictive than in other parts of the country. It is a real barrier to achieving equity in our workplaces," she continued.

In a March 2022 decision in this same case, the B.C. Supreme Court issued a decision stating that an earlier decision of the Court of Appeal for British Columbia meant discrimination cases involving family status where caregiving duties are involved are only valid when the employer has changed the terms and conditions of employment, resulting in a serious interference with a substantial parental obligation. In other provinces across Canada, families who face conflicts between their work schedules and parenting obligations do not have to show their employer changed their terms of employment to make a discrimination case. In Alberta, for example, family status discrimination cases don't hinge on whether a company has unilaterally changed the terms of employment.

"March's decision was disappointing from a gender equality perspective. The legal test for determining family status discrimination here in B.C. needs change, and I hope my Office's intervention can be of assistance to the Court on this critical test that sits at the intersection of human rights law and gender equality," concluded Commissioner Govender.

The Commissioner is available for comment as needed.

Resources

- More information about the Commissioner's interventions on this case are available here
- Press release announcing the Commissioner's intervention in *Gibraltar Mines Ltd. v. Harvey*
- Press release reacting to the B.C. Supreme Court decision in *Gibraltar Mines Ltd. v. Harvey*

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Media contact

To request an interview with Commissioner Kasari Govender, please contact Charlotte Kingston, Director, Communications, at media@bchumanrights.ca or 1-250-216-4534.

Media kit

Download our media kit for images of Commissioner Kasari Govender.

About BCOHRC

BC's Office of the Human Rights Commissioner exists 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. Learn more at: bchumanrights.ca

About the Commissioner

B.C.'s Human Rights Commissioner, Kasari Govender, started her five-year term on Sept. 3, 2019. Since then, our Office has been working swiftly to build a strong team, to listen deeply to the concerns of British Columbians, to deliver education materials on our rights and responsibilities, to issue policy guidance to protect marginalized communities and to lay a human rights-based foundation for our work. As an independent officer of the Legislature, the Commissioner is uniquely positioned to ensure human rights in B.C. are protected, respected and advanced on a systemic level throughout our society.

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