

BC Reintroduces Human Rights Commission After 15 Years

The new NDP government in British Columbia has announced its intention to re-establish the province's Human Rights Commission. The Commission was shuttered in 2002 in favour of a complaint-driven tribunal, leaving British Columbia as the only province without a Commission. Over the coming months, there will be a consultation process with stakeholders, human rights experts and members of the public and legislation for the Commission is expected to be finalized in 2018.

Human Rights Tribunals and Commissions operate across Canada in conjunction with one another but with different aims. Tribunals exist to hear complaints and resolve disputes related to infringements on these rights in each jurisdiction. The process relies on people who have been wronged lodging a formal complaint. Tribunals are reactionary in nature and the hearing process can often be drawn out and expensive. Employees can approach the Tribunal directly and they will also hear disputes outside of the employment sphere. Tribunals can levy penalties for human rights violations and may award significant damages to the complainant.

Conversely, the aim of the Commission will be to educate with the goal of preventing discrimination in the first place. By taking initiative with regards to research, education and policy creation, the Human Rights Commissions seek to eliminate inequalities and discrimination based on factors such as race, nationality, religion, sex, or disability. Each province has an established set of protected grounds and employers cannot make decisions based solely on these factors. This means an employer cannot decide to not hire someone based on their physical disability, nor can they decide to fire someone because of their ethnicity. By reintroducing the Commission in British Columbia, the province is aligning itself with the rest of the country by seeking to proactively address inequalities.

If you have any questions or require guidance with regards to human rights and the role they play in the employment relationship, please reach out to schedule a call with one of our Advisors.