

Diversity – and HR Best Practices

There are a number of good business reasons to have a diverse workforce. As we discussed in our presentation, the departure of the baby boomers; more culturally diverse populations and those who are under-employed will be called upon to keep businesses growing and thriving.

There are, of course, a significant number of languages and cultures that are being introduced into our workplaces and it will require some education and work on everyone's part to be successful in creating diversity in the workplace.

As we also discussed, all the best practices, rules, policies and legislation will not be enough to ensure success. We must truly adapt to diversity in the workplace, we must be tolerant of one another's way of being in the world, and we must focus on the task at hand – and that is for our employees to earn a living in order that they may put food on their tables, clothes on their backs and shelter over the heads; in turn employers must be able to manage their businesses.

Together – we can.

Enclosed in this handout are some tips and suggestions based on best practices, that will help you, as employers (or those who are responsible to hire and train employees) on ways to create a healthy workplace with a diversified group of people.

Recruitment, Selection and Hiring

A culturally-competent recruiting process starts with an HR practitioner or hiring manager's realization that he or she may have personal biases that unfairly impact the hiring process. Be sure that the focus is on the qualifications needed to fill the position and not on the way someone writes a resume or speaks during an interview. If a job truly requires (Bona Fide Occupational Requirement) writing or interviewing skills; then it should be considered, otherwise you must be fair and equitable. Think carefully about your own biases and systemic discrimination. We might think a policy exists for good reason but think it through.

Foreign credentials not known to those making the hiring decisions may be undervalued or ignored during the selection process. Be sure that the credentials being called for are really essential. To be fair, there will be times that certain credentials are needed in order to fulfill the primary duties of the job. If that is the case, check out the credentials in terms of how they compare to those achieved in Canadian institutions. Existing diversity in the workplace may help you in the hiring of skilled immigrants, especially if they have similar certifications.

Be careful as well that you don't make statements such as: "must have Canadian experience" when in fact they can gain experience in Canada through you. We were all inexperienced at one time and we learned. If the candidate has the qualifications and his or her experience was gained elsewhere, they can help us with that experience and we should consider it. Skilled immigrants fill a gap in the shrinking workforce. It is estimated that by the end of the next decade, immigrants will account for 100% of net labour force growth.

(<http://www12.statcan.ca/English/census/06/analysis/immcit/index.cfm>)

Skilled immigrants are highly educated. Of "recent immigrants (between 2001 – 1006) 51% have a degree, twice that of the Canadian born labour-force". Moreover, skilled immigrants are typically bilingual, sometimes multilingual, and can act as 'cultural bridges' for global communication. Skilled immigrants also foster a workplace culture grounded in diverse thinking at a time when the true potential of business rests more than ever on innovation. (BC HRMA Cultural Competence)

Steps in hiring and retaining skilled immigrants

Step 1:

Advertise the Job:

You need to know where the people you want to attract are. Find out what they read and where they would typically go to search for employment. Use a variety of media including ethnic publications, connecting with agencies that serve the various immigrant groups and of course, ask for referral within your own company. You can also use a variety of languages on your website (if you advertise there) or in your advertisements.

Tips:

1. Advertise with ethnic media to be sure you are reaching your target audience.
2. Post the job with your local agencies that provide employment counselling to immigrants. Many newcomers will seek out these sort of agencies for help; form good relationships with them and they will keep you informed if someone meeting your needs comes to their attention.
3. Put some ethnic language into the job ad – make a clear statement about being a diverse workforce and an equal opportunity employer.
4. Use the cultural diversity of your existing workforce to help you with this. This is probably one of the best ways to get word of mouth referrals and become an employer of choice.
5. Make your website (if you have a web presence) diversity friendly. Use different images and words that attract a number of different people to your business.
6. Advertise what the job requirements are in simple, plain language – ditch the technical jargon and acronyms.

(For assistance with translations or determining English comprehension, you can check out these resources): <http://www.cttic.org/member.asp>
<http://www.stibc.org/page/directory.aspx>
<http://babelfish.yahoo.com>

Step 2:Screening the Applications:

There are times when we must look past the long-held beliefs about the way a resume or cover letter ‘should look’. Think about the fact that not everyone who submits a resume will have English as a first language, nor will they engage a professional to write their resume for them. Get past the 30 second glance and really look at the qualifications the individual has. We may miss a perfect fit because we hold onto perceptions that are no longer relevant or fair.

Decide very clearly what essential and non-essential duties are for the job that requires filling. That is what you should be screening for.

Tips

1. When reviewing resumes and cover letters, remember that various cultures communicate differently. Culturally-competent hiring focuses on the skills, knowledge, and experience and does not prejudge on the basis of differing communication styles.
2. Utilize the cultural diversity of your existing workforce in the selection process. For example, in some cultures where an individual ‘ranked’ in his or her educational institute is of great importance and can open doors to jobs in their countries. Ask others on your team what those credentials are and if they relate to the specific job requirements and meet the qualifications you are seeking.
3. Check out any credentials you are not sure of. Some resources for doing this are as follows: <http://www.cicic.ca/415/credential-assessment-services.canada>
<http://www.bcit.ca/ices>
4. Separate the essential from the non-essential. This is where systemic barriers can come in. Be sure that you are not disadvantaging someone who really has the essential skills and thinking that because he or she doesn’t have the ‘nice to have’s’ that they are not worth speaking to.

Step 3:Interviewing and Testing

When you bring someone in for an interview, be sure to use plain language and be sure that the interview questions are the same for every candidate (structured interviews). We often make our decisions too quickly and as much as we like to think our ‘gut instincts’ are right – sometimes they are based on our own perceptions – and perception is not always the best indicator since everyone has his or her own view of the world around them. We rely too heavily on body language as an indicator; different cultures have different body language.

Tips

1. Use language that is immigrant-friendly and allow for differences in communication style. Remember that English is not a first language for many people – it sometimes even isn’t their second language. Miscommunications are to be expected if we are not simple; concise and willing to repeat questions at times or ask for clarification from the individual being interviewed.

Of special note: Telephone screening may not always be the best and most effective practice.

2. Be aware that personal space requirements are different among cultures. We all have different levels of comfort when it comes to personal space. For some immigrants, personal space may be closer than what we are used to – or more distant. What seems rude or forward to you, or reticent and retiring, may have completely different means to those you are interviewing based on what their cultural norms are.
3. If credentials are unknown, focus on asking scenario-based questions. These types of questions can more fairly assess how the candidate would actually perform on the job. Behavioural-based questions should also be considered as that will give you an indication of past-practices. The key in any of the interviews is the consistency of questions for all candidates.
4. Focus on asking for examples and specifics. If language is a barrier in accurately assessing skills, you will need to think about spending a bit more time with the candidate to fully explain what you are looking for in determining his or her level of skill or ability to do the job.
5. Do not ask what kind of Canadian experience the candidate has. Experience that is relevant is all we need to have to ensure a candidate meets our requirements. No matter where the individual's experience was gained, he or she will have to be orientated and trained at your workplace regardless. Be mindful that you may be eliminating someone who would be perfect for you just because of this statement. Remember systemic discrimination – could this be the case with a question like this?
6. Give some helpful tips on resume writing on your website. When we say we are supportive of diversity, then we should demonstrate that by being a helpful and accommodating employer. Your website can offer support services to candidates on your employment page (or job openings). Put up a link that gives applicants an opportunity to receive some free resources that can assist them in writing a resume, doing a cover letter or preparing for an interview. Such a resource would be: <http://vancouver.ca/humanresources/jobs/howtoapply.htm>

Step 4:

Reference Checking

Reference checking may need translating. If there are no local work references, consider using a character reference instead – or possibly a school reference if they have recently left school. The Internet has certainly made it easier to check out university or higher educational qualifications and there are a number of agencies in Canada that can provide assistance on how to check.

Tips

1. Get it translated. If the reference supplied is in another language, suggest to the applicant that it be translated and refer to translation resources such as:
<http://www.cttic.org/member.asp>
<http://www.stibc.org/page/directory.aspx>
<http://babelfish.yahoo.com>
2. If no local references are available, then consider character references. If an immigrant is a member of a professional association, for example; as for a reference from the association. If an immigrant volunteers somewhere, seek a reference from someone who supervised him or her in that capacity.
3. When unsure of educational qualification, as for a credential evaluation from one of the provincially mandated services in Canada. In B.C., you could contact the ICES (International Credential Evaluation Services). Another option would be to look up the relevant educational body in the country of origin and determine whether the university or college is recognized by this group. In addition, you may want to ask for a reference from a previous employer to determine the relevance of the qualification.
4. If International references can speak English and can be reached by phone; then make the call. You could send questions ahead of time and pre-arrange a time that you will be calling. It will assist the receiver of the call in knowing in advance what you will be looking for and they can better prepare for the call. Be sure to get the correct pronunciation of names and use phonetic spelling to support the hiring manager's communication.

Step 5:

Offering the Job – or – Giving Feedback

Use plain language in your offer. You should also be sure that you provide an offer letter and go over the details of the offer with the candidate. You should also give feedback to anyone that interviewed and was unsuccessful. There are a large number of organizations who are unwilling to provide feedback but if you truly want to be a workplace that welcomes diversity; then it is something you should be willing to do. Give the candidate feedback in terms of what education might be out there for him or her to improve his or her current skills or give them information on resources that may help them with their interview skills so they can be successful next time.

Tips

1. Use plain language in your letter of offer and be sure the person knows he or she doesn't have to sign right at the moment of offer. In fact, for the offer to be considered fair and legal, the candidate should be given time to go over the offer and should even be offered an opportunity to have legal counsel review it. Go through each part of the offer letter with the person and make sure he or she understands it and has a chance to ask questions. A good example of why this is important is one in which a skilled immigrant was offered a job and told he would be working the 'graveyard' shift. To him, that meant he was going to be working in a graveyard and he turned down the job. If you need more assistance in how to write the offer in clear, understandable language, contact the Plain Language Association at: <http://www.plainlanguagenetwork.org>
2. Communicate clearly with any candidates who were not successful. Give them suggestions as to how they might improve in another interview situation.
3. If a candidate was strong in other ways, it might be worth telling him or her where they could obtain further studies or other certifications that might increase their chances of success in the field of work for which they applied and were interviewed for.

Step 4:

Success in the Workplace

The best way for you to ensure success is to provide orientations and onboarding to your new employees.

Attracting and retaining a diverse workforce is a huge investment. Don't throw it away by not giving your new employees every opportunity to be successful. That means that you will have to make sure there is sufficient instruction on what the expectations of the work are and that you guide them through processes that are part of your workplace.

Tips

1. Provide a thorough and well-documented orientation. Include both professional and cultural considerations. This means that you must share the mission, vision and values as well as the structure of the teams and staff members. Who would a new employee go to with questions? Are there specific individuals that he or she should be introduced to for questions? For example, payroll questions or benefit questions versus day to day operational tasks. Be sure that you go over the policies of the workplace and be certain they are understood. Address human rights, workplace accommodation, anti-harassment or safety procedures or any other policies that are crucial for the employee to know in order to be successful.
2. Provide a buddy to help the new employee. This buddy could be a peer that the employee could go to for day to day questions and someone they go for coffee with when they first come on board. The buddy could also be someone who is of the same ethnic background or culture so the employee feels comfortable and part of the team.
3. Include cultural integration questions as part of the performance reviews. For example, as the employee what he or she likes about working in your company. What surprised him or her and even what he or she has found difficult to understand?
4. Provide regular workplace development sessions that include team-building opportunities, diversity workshops (to foster better understanding and appreciation of different cultures working together) and other workshops that support the company's mission statement and diverse culture.
5. When considering promotions, be clear about the process. This is where understanding some of your company policies are beneficial. Let employees know the process if they should ever decide they want to progress within the company.
6. Provide support to your existing employees as well. Everyone must work together to ensure success of the business and integration of a diverse workforce.

HR Best Practices Sample Diversity Policy

Policy statement

[Employer Name] is committed to providing quality services by establishing a qualified workforce that reflects the diverse population it serves. It is our policy to foster an environment that respects people's dignity, ideas and beliefs, thereby ensuring equity and diversity in employment and ensuring customers and others have access to facilities, products, services, and grants as defined by human rights legislation.

Purpose

The main objectives of this policy are:

- To eliminate barriers in the workplace, commonly known as systemic discrimination and to develop a work environment that promotes equity and diversity
- To contribute to the achievement of [Employer Name] business goals and client service delivery
- To establish a framework that requires all departments within [Employer's Name] to embrace the spirit of equity and diversity in the development of their policies and programs that impact the delivery of our services, the use of our facilities, and grants to external agencies and other outwardly focussed activities

Application

This policy applies to all [Employer's Name] employees, including full-time, part-time, and temporary employees, summer students and co-op placements, persons acting on behalf of [Employer's Name] (e.g. consultants, contractors), as well as individuals who apply for employment with [Employer's Name]. Employees are required to comply with

the [Canadian] [B.C.] Human Rights Act and the [federal Employment Equity Act] (If applicable).

Policy description

[Employer's Name] demonstrates its commitment to equity and diversity by providing a supportive work environment and corporate culture that welcomes members of designated groups. This policy prohibits discrimination in the workplace, in the provision of goods, services, and facilities to the public and the administration of contracts as defined by human rights legislation.

B.C. Human Rights Code prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, age, sex, record of offences, marital status, family status, disability, political belief, and sexual orientation. [Under the Canadian Human Rights Act, it is against the law to discriminate on the basis of race, sex, colour, age, national or ethnic origin, religion, marital status, family status, disability, sexual orientation and a pardoned criminal conviction.] (If applicable)

[Employer's Name] does not condone any form of discrimination. It endorses and embraces the [Canadian Human Rights Act] and the B.C. Human Rights Code, which prohibit discriminatory practices.

A corporate equity and diversity plan will be based on [Employer's Name] workforce data, ongoing reviews of the employment policies and practices, data on the external workforce and other relevant information, such as graduation statistics from educational institutions.

Our corporate plan will outline identified barriers, detail how to eliminate them, provide a timetable for activities and determine who will implement them, monitor and evaluate the progress of the various activities. Each department will cooperate in the development of the corporate plan and the implementation of activities that apply to their department. Progress on equity and diversity will be reported annually to

Management. [A Joint Union–Management Committee will be established.] (If applicable)

Complainants have the right to seek assistance from the appropriate Human Rights Commission, whether or not they file a discrimination complaint with [Employer’s Name].

Complainants must identify themselves. Anonymous complaints will not be investigated.

All information relating to a complaint will be kept strictly confidential and is subject to the conditions of the Personal and Private Information Act, the Personal Information Protection and Electronic Documents Act, (If applicable) and to litigation requirements. During the investigation, all parties involved are required to keep the investigation confidential. Details of the recommended actions are made known only to the management staff involved.

Definitions

For purposes of this policy, the following definitions apply.

Discrimination – the denial of equal treatment in employment, in the provision of goods, services and facilities to our clients and the public and in the administration of contracts based on the prohibited grounds as defined by human rights legislation.

Systemic Discrimination – the use of what appears to be a neutral requirement but which has a negative impact on a group protected under human rights legislation. Systemic discrimination occurs when policies and practices exclude, limit or restrict members of designated groups from employment or opportunities within employment. (e.g., opportunities to apply for other jobs, participate in training, attend conferences, obtain promotions, and receive special assignments).

Harassment – any behaviour or practice that is deemed inappropriate by its adverse effects on an individual's employment, job performance and/or personal dignity. The four types of harassment are:

- Discriminatory
- Personal
- Poisoned work environment
- Abuse of authority

Designated groups – for the purposes of its overall equity and diversity initiatives, [Employer's Name] has identified women, Aboriginal persons, persons with disabilities, and members of visible minority groups and gay, lesbian, bi-sexual and transgendered (GLTB) individuals. The selection of these four groups does not preclude the possibility of addressing systemic discrimination for other identifiable groups.

Aboriginal persons – are North American Indians or members of a First Nation, Métis or Inuit. Members of a First Nation include status, treaty or registered Indians. North American Indians include non-status and non-registered Indians.

Persons with disabilities – are persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

- Consider themselves disadvantaged in employment by reason of that impairment, or who
- Believe that an employer or potential employer likely would consider them disadvantaged in employment by reason of that impairment.

These would include persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace. For the purpose of all policies, persons with disabilities shall meet all of the following criteria:

- The condition is permanent, ongoing or of some persistence
- The condition is not commonplace or widely shared

- The condition is a substantial or material limit on the individual in carrying out some of life's important functions

Visible minorities – are persons other than Aboriginal persons who are non-Caucasian in race or non-white in colour.

Bona fide occupational requirements are those requirements that:

- The employer has adopted for a purpose or goal that is rationally connected to the functions of the position
- The employer has adopted in good faith in the belief that they are necessary to fulfill the purpose or goal
- Are reasonably necessary to accomplish the purpose or goal in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.

Accommodation – the facilitation and integration of individuals into the workplace by recognizing and accommodating special needs through the identification and removal, if necessary, of non-essential job elements, workplace adjustments, technical devices, flexible scheduling, adaptive devices for equipment, etc. unless undue hardship by the City would be incurred in such accommodation. '

HR Best Practices

Information on Equal Opportunities Policies

Employers are advised to devise and implement an equal opportunities policy, which takes account of the legislation and associated codes of practice.

Such policies will increase awareness of the need for equality in the workplace and make it clear to all employees what behaviour is expected and the forms of conduct that are acceptable. The policy should also state the benefits of promoting equality and diversity in the workplace.

However, since workplace discrimination is based on employees' own prejudices it isn't enough for employers simply to introduce diversity-friendly policies; they must also ensure that their staff is aware of the organisation's policy.

To communicate the policy effectively, an employer communicate and practice the following (this should be in the policy language as well):

- Liaise with all staff on a regular basis so that they are aware of the company's policies and procedures;
- Train managers and staff;
- Monitor the effectiveness of the policies;
- Deal with complaints effectively and ensure all employees know the complaint processes;
- Seek the commitment of senior managers

To create a positive diversity culture within the workplace, employers are advised to hold employee workshops or training to discuss how than can make the workplace more diversity-friendly, while ensuring staff buy-in to the company's discrimination policy.

However, it is also important not to implement the policy so rigidly and inflexibly that individual needs are overlooked.

Employers need to be willing to consider, for example, being flexible regarding holiday dates to allow employees who uphold certain religious festivals to have time off on the relevant dates if at all possible.

While employers may not be able to change individual prejudices, by implementing and communicating flexible equal opportunity policies and procedures, they will not only prohibit costly tribunal cases but will also develop a reputation as a fair, progressive employer.

HR Best Practices Tips for Bias-Free Hiring

As a final statement on promoting diversity in the workplace and understanding potential biases, here is additional information that should assist you in recognizing if any of these exist in your workplace.

There are obligations under human rights for all employees; however, women, persons with disabilities, visible minorities (particularly in rural areas) as well as Aboriginal persons are still experiencing disadvantages when it comes to hiring even if they have comparable levels of education and work experience. To make sure that your workplace is inclusive and allows for diversity in the workplace to become a reality; watch for the following types of biases in your hiring processes.

1. Systemic Bias: These are policies or practices that are part of the structures in an organization, which create or perpetuate disadvantage for people from diverse communities, backgrounds or identities.
Examples include:
 - Advertising jobs through word of mouth only
 - Physical barriers that prevent people with mobility issues from accessing the workplace or failing to accommodate
 - Dress codes that do not accommodate religious dress requirements

2. Cultural Bias: These are patterns of behaviour or attitudes that are part of the culture of the organization, which influence human resource decisions and create or perpetuate disadvantages for certain groups of people. Example include:
 - An unwelcoming work environment that excludes or undermines people from certain groups
 - Assumptions that permeate the organization about what certain groups of people can and cannot do, and which occupations they are suited for
 - Labeling a group of people from a certain culture; such as: All Chinese people – All Italian people – All German people, etc.
3. Attitudinal Bias: These are conscious or unconscious biases that are reflected in the attitudes and behaviours of individuals involved in hiring. Examples include:
 - A recruitment officer who removes resumes of applicants who she suspects to be gay or lesbian
 - A manager who removes applications from people with ‘foreign sounding’ names because he thinks they won’t speak English
 - Not hiring candidates with disabilities because of discomfort interacting with them

It is important that we recognize these biases and become more self-aware if we are going to change our own workplace culture.

It is easy to say we welcome diversity – but do we demonstrate and believe in the value it creates for business? Re-visit your policies and hiring procedures. Be sure to check your cultural temperature every now and then and work at being an employer of choice. You will definitely gain a business advantage if you do.

I would like to thank Kamloops Immigrant Services for the privilege of presenting Best Practices in Human Resources for Creating Healthy & Diverse Workplaces as well as a special and personal thanks to both Allysa Gredling & Paul Lagace

<https://www.skillsinternational.ca/>

<http://www.iecbc.ca/>

<http://www.hrcouncil.ca/home.cfm>

<http://www.youtube.com/watch?v=pOVe-HNOMXM#!>

<https://www.careeredge.ca/en/home#!>

<http://www.nber.org/papers/w15036#!>

<http://www.youtube.com/watch?v=pUXYLYN8LhY>

[https://charityvillage.com/Content.aspx?topic=Promoting diversity in the office Tips for bias free hiring](https://charityvillage.com/Content.aspx?topic=Promoting%20diversity%20in%20the%20office%20Tips%20for%20bias%20free%20hiring)

<http://www.hireimmigrants.ca/>

http://www.youtube.com/watch?feature=player_embedded&v=l03dRJKwkI4

<http://www.skillswithoutborders.com/>

Human Rights in British Columbia

HARASSMENT

British Columbia's *Human Rights Code* protects people from being treated differently and poorly because of their gender.

We all have a duty to respect each other's human rights. The B.C. *Human Rights Code* (the Code) is an important law that protects people from discrimination, including harassment. The Code allows a person or group to file a complaint with the BC Human Rights Tribunal if they believe they have been discriminated against or harassed, and protects them from retaliation if they make a complaint.

WHAT IS HARASSMENT?

Harassment is a form of discrimination. Harassment occurs when a person or group is subjected (often repeatedly) to unwelcome comments or behaviour that is insulting or demeaning, or is otherwise offensive. Common examples of harassment include name-calling, telling offensive jokes, and making offensive gestures.

Harassment is harmful because it attacks the dignity and self-respect of the victim. In the workplace, it may negatively affect both the victim's ability to perform their duties and the work environment as a whole.

In B.C., it is against the law to harass a person because of their race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation, disability, or age. Employers, landlords, and other service providers have a responsibility to provide a harassment-free environment for their employees, tenants, and customers.

Examples of harassment include:

- unwelcome sexual suggestions or requests;
- unwelcome touching or physical contact;
- staring at or making unwelcome comments about someone's body;

In B.C., it is illegal to discriminate against or harass a person because of their:

- race;
- colour;
- ancestry;
- place of origin;
- religion;
- marital status;
- family status;
- physical or mental disability;
- sex (includes pregnancy, breastfeeding, and sexual harassment);
- sexual orientation;
- age (19 and over);
- criminal conviction (in employment only);
- political belief (in employment only);
- lawful source of income (in tenancy only).

Where?

The *Human Rights Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in **public situations**, which include schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial and local government offices, and transit services. It also protects people against discrimination in printed publications and in areas such as employment, tenancy, and the purchase of property.

- jokes based on gender, sexual orientation, or racial stereotypes;
- comments that make fun of or belittle or insult people because of their sex, pregnancy, race, or physical or mental disability;
- racist, sexist, or anti-gay publications or graffiti displayed in the workplace; and
- any unwelcome behaviour, such as starting rumours in the workplace, that is engaged in, in whole or in part, because of a person's race, sexual orientation, or other similar personal characteristic.

INTENTION

Harassment does not have to be intentional to be against the law. This means that even if the person responsible for the action or comment did not “mean it,” it is still harassment according to the law.

DEALING WITH HARASSMENT

If you are being harassed because of your race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation, disability, or age:

- If it is safe to do so, tell the person firmly that their actions or comments are unacceptable and ask them to stop. If you find this difficult, consider asking a friend for help.
- Keep a written record of exactly what happened and when, and of what was said.
- If the discrimination or harassment happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. If the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.
- File a human rights complaint with the BC Human Rights Tribunal. (See Contacts.)

HUMAN RIGHTS COMPLAINTS

To make a complaint under the *Human Rights Code*, **all** of the following must be true:

- you have been singled out and treated differently and poorly, compared to others;
- you are being treated differently and poorly **because** of a personal characteristic, such as your race, colour, religious belief, sex, mental or physical disability, or sexual orientation; **and**
- the treatment occurred in a public situation, for example, at work, in a store or restaurant, or between a landlord and tenant.

HELP WITH COMPLAINTS

A complaint must normally be filed within six months after the alleged discrimination or harassment occurs. Filing a complaint initiates a legal process that is similar to a court proceeding. Assistance is available when either filing or responding to a complaint. A publicly funded legal clinic provides assistance, including legal representation, to eligible persons everywhere in B.C., free of charge. (See Contacts.)

CONTACTS

BC Human Rights Tribunal

Suite 1170 – 605 Robson St.
Vancouver, BC V6B 5J3

Phone: 604 775-2000

Toll Free (in B.C.): 1 888 440-8844

TTY (for hearing impaired): 604 775-2021

Web: www.bchrt.gov.bc.ca

BC Human Rights Clinic

For complainants anywhere in the province:

BC Human Rights Coalition

Suite 1202 – 510 West Hastings St.

Vancouver, BC V6B 1L8

Phone: 604 689-8474

Toll Free: 1 877 689-8474

Web: www.bchrcoalition.org

For respondents anywhere in the province

and Victoria-area complainants:

University of Victoria Law Centre

Third Floor 1221 Broad St.

Victoria, BC V8W 2A4

Phone: 250 385-1221

Toll Free: 1 866 385-1221

E-mail: reception@thelawcentre.ca

Ministry of Attorney General

Strategic Planning and Legislation Office

11th Fl 1001 Douglas St.

PO BOX 9286 STN PROV GOVT

Victoria, BC V8W 9J7

Phone: 250 356-9666

TTY: Please call Enquiry BC: 1 800 661-8773

Web: www.ag.gov.bc.ca/human-rights-protection

Human Rights in British Columbia

DISCRIMINATION AGAINST PERSONS WITH PHYSICAL OR MENTAL DISABILITIES

British Columbia's *Human Rights Code* protects people from being treated differently and poorly because they have a disability. People are also protected if someone treats them differently and poorly because they think the person has a disability, even though they do not.

We all have a duty to respect each other's human rights. The B.C. *Human Rights Code* (the Code) is an important law that protects people from discrimination, including harassment. The Code allows a person or group to file a complaint with the BC Human Rights Tribunal if they believe they have been discriminated against or harassed, and protects them from retaliation if they make a complaint.

WHAT IS A DISABILITY?

A disability is a condition that limits a person's senses or activities. It may be physical or mental, visible or invisible, temporary or permanent.

Examples of disabilities include:

- mental illnesses (such as schizophrenia);
- developmental delays;
- learning disabilities (such as dyslexia);
- drug or alcohol addiction;
- HIV/AIDS; and
- sensory impairments (such as blindness).

DISCRIMINATION AT WORK

The Code makes it illegal for employers to:

- advertise a job in a way that discriminates against someone because they have a disability;
- deny someone a job because of their disability, if the person is able to do the job;
- pay someone a different wage than others doing the same job because the person has a disability; and
- fire or lay off or demote a person because of their

In B.C., it is illegal to discriminate against or harass a person because of their:

- race;
- colour;
- ancestry;
- place of origin;
- religion;
- marital status;
- family status;
- physical or mental disability;
- sex (includes pregnancy, breastfeeding, and sexual harassment);
- sexual orientation;
- age (19 and over);
- criminal conviction (in employment only);
- political belief (in employment only);
- lawful source of income (in tenancy only).

Where?

The *Human Rights Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in **public situations**, which include schools, workplaces, universities, hospitals, medical clinics, stores, restaurants, provincial and local government offices, and transit services. It also protects people against discrimination in printed publications and in areas such as employment, tenancy, and the purchase of property.

disability, unless the person can no longer perform the essential parts of the job.

Bona Fide Occupational Requirement

An employer can refuse to hire a person if the job has bona fide occupational requirements that cannot be modified to accommodate a person's disability. For example, the job may require a person to regularly climb ladders. If someone's disability prevents them from climbing ladders, the employer may have a right to refuse to hire that person. However, the employer must be able to prove the requirement is reasonably necessary and cannot be modified without undue hardship to the employer.

DISCRIMINATION IN PUBLIC SERVICES AND FACILITIES

Disabled persons have the right to use all public services and facilities, including movie theatres, stores, restaurants, educational institutions, public transit, and government services. While there may be times when a facility or service cannot accommodate a disabled person's needs, the service provider must prove that undue hardship would result if they were required to do so. (See Duty to Accommodate.)

DISCRIMINATION IN HOUSING

A landlord cannot refuse to rent a house or an apartment to a disabled person, charge them a higher rent or security deposit, or evict them because they have a disability. A landlord must accommodate a person's disability up to the point of undue hardship. (See Duty to Accommodate.)

DUTY TO ACCOMMODATE

Employers, landlords, and people who provide a service to the public have a duty to reasonably accommodate the needs of disabled persons, unless doing so would result in undue hardship. How a disability is accommodated depends on the specific situation. For example, it may require an employer to provide someone with additional training, adjust a work schedule, modify or purchase equipment, or restructure an employee's duties.

DEALING WITH DISCRIMINATION

If you are being discriminated against or harassed because of a mental or physical disability:

- If it is safe to do so, tell the person firmly that their actions or comments are unacceptable and ask them to stop. If you find this difficult, consider asking a friend for help.
- Keep a written record of exactly what happened and when, and of what was said.
- If the discrimination or harassment happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. If the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.
- File a human rights complaint with the BC Human Rights Tribunal. (See Contacts.)

HELP WITH COMPLAINTS

A complaint must normally be filed within six months after the alleged discrimination or harassment occurs. Filing a complaint initiates a legal process that is similar to a court proceeding. Assistance is available when either filing or responding to a complaint. A publicly funded legal clinic provides assistance, including legal representation, to eligible persons everywhere in B.C., free of charge. (See Contacts.)

CONTACTS

BC Human Rights Tribunal

Suite 1170 – 605 Robson St.
Vancouver, BC V6B 5J3
Phone: 604 775-2000
Toll Free (in B.C.): 1 888 440-8844
TTY (for hearing impaired): 604 775-2021
Web: www.bchrt.gov.bc.ca

BC Human Rights Clinic

For complainants anywhere in the province:
BC Human Rights Coalition
Suite 1202 – 510 West Hastings St.
Vancouver, BC V6B 1L8
Phone: 604 689-8474
Toll Free: 1 877 689-8474
Web: www.bchrcoalition.org

For respondents anywhere in the province and Victoria-area complainants:
University of Victoria Law Centre
Third Floor 1221 Broad St.
Victoria, BC V8W 2A4
Phone: 250 385-1221
Toll Free: 1 866 385-1221
E-mail: reception@thelawcentre.ca

Ministry of Attorney General

Strategic Planning and Legislation Office
11th Fl 1001 Douglas St.
PO BOX 9286 STN PROV GOVT
Victoria, BC V8W 9J7
Phone: 250 356-9666
TTY: Please call Enquiry BC: 1 800 661-8773
Web: www.ag.gov.bc.ca/human-rights-protection