



## How To File a Human Rights Complaint: British Columbia



### **British Columbia Human Rights Commission:**

<http://www.bchrt.bc.ca/>

### **Empowering Community and Removal of Barriers (ECRoB) Project**

Navigating the intricacies of the British Columbia Human Rights Tribunal's complaint process can seem daunting, especially if you feel your rights have been violated. This guide offers an overview of how to file a Human Rights claim in British Columbia, detailing the steps of the process from determining eligibility to the possibility of a judicial review. Whether you're looking to educate yourself or actively seeking justice, the information provided here can serve as a valuable roadmap in your pursuit of equity and justice in British Columbia.

**Please note:** *This guide is for informational purposes only and does not constitute legal advice or representation. Always consult with a legal professional regarding your specific situation.*

#### **Eligibility Criteria:**

- Must have happened in the last 12 months.
- Must have occurred in British Columbia.
- Have a complaint recognized under the Human Rights Code.<sup>1</sup>

#### **British Columbia Human Rights Tribunal:**

The British Columbia Human Rights Tribunal is tasked with managing complaints related to discrimination, as directed by the British Columbia Human Rights Code. The process starts with filing a complaint, which is then assessed by the Tribunal for timeliness and potential signs of discrimination. Respondents are informed if the complaint meets these criteria, and both parties are given options for resolution or further actions.

Note: The complaint process is public. This means that details of the complaint may be publicly available. However, there are exceptions to ensure privacy under certain conditions.

Office of the Human Rights Commissioner: <https://bchumanrights.ca/>

Operating in British Columbia, this office addresses root causes of inequality, discrimination, and injustice. Through methods like education, research, advocacy, and inquiry, it aims to bring about transformative changes in societal norms, laws, and policies.

#### **Filing a Complaint:**

Use appropriate forms, available in multiple formats, to initiate your complaint. For instance:

- Form 1.1: For individual complaints. [Online](#)
- Form 1.2: Authorization to file on behalf of someone else. (See below.)
- Form 1.3: For group or class complaints. [Online](#)
- Form 1.4: Retaliation Complaint. [Online](#)



All forms can be found here: <https://www.bchrt.bc.ca/law-library/forms/>

Clearly state any specific claims, such as Multiple Chemical Sensitivity, and outline how the respondent's actions led to discrimination.

### **Tribunal Procedures:**

#### **Screening:**

The Tribunal reviews the complaint for relevance and timeliness.

#### **Notice:**

If valid, the respondent is notified.

#### **Deferral:**

Some complaints might be deferred for resolution through other appropriate platforms or proceedings.

The Tribunal may defer a complaint to another hearing body or another proceeding if it may be addressed somewhere else better.

The Tribunal applies two legal tests to determine whether a complaint should be put on hold.

One applies if you want the Tribunal to wait for another proceeding that can deal with the complaint to finish. The other applies if you want the Tribunal to wait for other reasons.

The two Tribunal legal tests to determine whether a complaint should be put on hold or not include:

1. Wait for another proceeding to finish

Section 25 of the Human Rights Code lets the Tribunal wait for another proceeding to finish. The legal term is "defer the complaint".

- i) The other proceeding/body has the power to deal with human rights issues.
- ii) The other proceeding/body will deal with the same issue as in the complaint.
- iii) It would be fair to put the complaint on hold.

2. Other reasons to wait

- i) It would be fair to put the complaint on hold.
- ii) It would be reasonable to put the complaint on hold.

#### **Mediation:**

Parties may use mediation to find an amicable resolution.

- More information on Settlement meetings can be found [here](#).

- A guide on the advantages of Settlement can be found [here](#).

**Response:**

The respondent offers a written response to the complaint.

**Disclosure:**

Exchange of relevant documents between both parties.

**Application to Dismiss:**

Under specific conditions, parties can apply to dismiss the complaint.

- Before initiating an application to dismiss a complaint, it is imperative to provide full disclosure of all documents that could pertain to the complaint or its response. If desired, you may also seek to suspend or restrict the extent of this disclosure. Notably, a limited exemption exists for cases involving individual respondents.
- In most cases, a respondent is permitted to submit a single application for dismissal. However, this rule may change if new information and circumstances come to the respondent's attention. Additionally, a restricted exception applies when seeking dismissal of a complaint involving individual respondents.

There are two methods available for submitting a complaint dismissal application:

1. Log in to the Case Access Centre, access the new dismissal application, and submit the form electronically.
2. Complete a Form 7.2 – Dismissal Application and forward it to the Tribunal via email or postal address.

It is crucial to ensure that all other involved parties receive a copy of your application. This can be achieved by:

- Dispatching a copy to their designated mailing address, or
- If you are aware that they utilize the Case Access Centre, notifying them via email about the new application in the “active application section” of the Case Access Centre.

To dismiss your complaint, you will be required to follow the instructions listed in this [guide](#).

**Hearing:**

If unresolved, the complaint might proceed to a formal hearing.

- A guide to prepare yourself for a hearing can be found [here](#).
- A guide for self-represented people can be found [here](#).



**Decision:**

The Tribunal issues a written verdict. If you disagree, options for judicial review are available.

**Judicial Review:**

- If unhappy with the decision, you can approach the BC Supreme Court via Judicial Review.
- This is distinct from an appeal and is only used under special circumstances.
- Applications must be filed within 60 days from the decision's date, using specific forms such as the « Petition » and « Affidavit ».
- For the purpose of a judicial review, you need to demonstrate to the Supreme Court that the tribunal member:
  1. Made an error in interpreting the law.
  2. Arrived at a decision that lacks reasonableness, considering the evidence presented.
  3. Demonstrated unfairness in their conduct.

**Getting Help:**

Should you require assistance or legal advice, consider reaching out to a human rights advocate or lawyer in British Columbia.

**British Columbia Human Rights Clinic operated by Community Legal Assistance Society**

300-1140 West Pender St.  
Vancouver, BC V6E 4G1  
Phone: (604) 622-1100  
Fax: (604) 685-7611  
Toll free: 1-855-685-6222  
Email: [inforbchrc@clasbc.net](mailto:inforbchrc@clasbc.net)  
[www.bchrc.net](http://www.bchrc.net)

**The Law Centre**

Suite 225-850 Burdett Ave.  
Victoria, BC V8W 0C7  
Phone: (250) 385-1221  
Fax: (250) 385-1226  
[www.thelawcentre.ca](http://www.thelawcentre.ca)

**University of British Columbia Law Students' Legal Advice Program**

Room 129 Allard Hall  
1822 East Mall  
University of British Columbia



Vancouver, BC V6T 1Z1

Phone: (604) 822-5791

Fax: (604) 822-1661

[www.lslap.bc.ca](http://www.lslap.bc.ca)

Access Probono

Phone: (604) 878-7400

Toll free: 1-877-762-6664

[www.accessjustice.ca](http://www.accessjustice.ca)