



Human Rights in British Columbia: Discrimination based on Sexual Orientation



This fact sheet has been created to help you understand discrimination based on sexual orientation in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your sexual orientation. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* protects all British Columbians from discrimination based on sexual orientation, regardless of whether they are gay, lesbian, bisexual, or heterosexual. Transgender people are also protected from discrimination under the *Code*, based on their sex or gender identity. For more information about that see fact sheet ***Sex Discrimination and Sexual Harassment***.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

* What is discrimination based on sexual orientation?

Discrimination based on sexual orientation is treating someone badly or denying them a benefit because they are – gay, lesbian, bi-sexual or heterosexual.

It can occur in a number of ways, including:

- verbal abuse or threats
- unwelcome remarks, insulting jokes, or name calling
- denial of a service
- not hiring or promoting someone
- publications or displays that show hatred towards people based on their sexual orientation

Examples of sexual orientation discrimination:

- A woman and her same-sex partner go to see an apartment for rent. When they arrive to view the apartment, the landlord realizes they are lesbian and tells them: “I don’t want your type of people living here because this is a building where we have traditional values.”
- A gay man tells a trusted co-worker he is gay. Later, he finds his name included in graffiti that is insulting to homosexuals on the wall of the workplace washroom.
- A school board bans books from the classroom that show families with same-sex parents.
- An employer denies dental and medical benefits to the same-sex partner of an employee.

* How do I know if I have a Human Rights complaint?

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

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your sexual orientation.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet *Human Rights in British Columbia: What you need to know*.

* Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

BC Human Rights Clinic

300-1140 West Pender Street, Vancouver, B.C. V6E 4G1
Tel: 604 622-1100 Toll Free: 1 855 685-6222
Fax: 604 689-7611
Online: www.bchrc.net

If someone has made a complaint against you, you are a **respondent**. **Respondents** anywhere in the province and Victoria-area **complainants** can get information by contacting:

University of Victoria

Law Centre Clinical Law Program
Suite 225 – 850 Burdett Avenue, Victoria, B.C. V8W 1B4
Tel: 250 385-1221 Toll Free: 1 866 385-1221
E-mail: reception@thelawcentre.ca

You may be directed to the **BC Human Rights Tribunal** to file your complaint.

BC Human Rights Tribunal

Suite 1170 – 605 Robson Street, Vancouver, B.C. V6B 5J3
Tel: 604 775-2000 Toll Free: 1 888 440-8844
TTY (for hearing impaired): 604 775-2021

This information sheet is intended for general information purposes only. It is not intended to provide or replace legal advice.