

BCFED

SUBMISSION

Re-establishing a Human Rights Commission in British Columbia

Submission to the Parliamentary Secretary
for Sport and Multiculturalism

BC Federation of Labour





OVERVIEW

The BC Federation of Labour is proud to represent union members in British Columbia. These workers are a diverse group of people with many different equity-seeking identities. We commend the NDP government on reinstating the BC Human Rights Commission and we are excited to work with the Commission on furthering human rights in the province.

It is our hope that the BC Human Rights Commission will serve as a permanent institution safeguarding the rights of BC's residents and communities, while setting the bar on human rights education higher than it has ever been in this province.

We hope to see the Commission make training mandatory in industries where human rights violations arise habitually, and we hope to see the Commission make bold moves with respect to protecting the rights of equity-seeking groups within institutions in our province, including schools, hospitals, police departments, post-secondary institutions, government offices and private sector workplaces.

We look forward to seeing research and educational materials come out of the Commission that will give us a snapshot of exactly what 15 years without a Human Rights Commission has done to the state of human rights in our province.

We have outlined some suggestions below based on the Human Rights Commission that existed in BC 15 years ago and best practices and components from other commissions in Canada. The BCFED has many community partners in the province, organizations that provide training and leadership, and we support the submissions of these groups and look forward to seeing them take a role in the work of the Commission on a more formal basis.

CREATING A COMMISSION THAT IS ACCESSIBLE TO ALL

To ensure all British Columbians can be served by the Commission, we believe it is of the utmost importance that the Commission be accessible to all areas of the province. Through mobile commissions, online access, use of technologies and government services already existing in remote communities, the Commission must provide access to people in all communities in the province.

Furthermore, we recommend ensuring that the Commission is well equipped to serve the needs of people with disabilities, making sure materials and access points exist that can easily be used by people who are living with hearing, vision, mobility and learning disabilities. We also recommend that materials be made available in multiple languages, including but not limited to Indigenous languages, Arabic, Cantonese, Mandarin, Punjabi, Hindi, Spanish, Korean, Vietnamese, Tagalog, German, Farsi, Urdu, and French.

We recommend that the Commission have a timeline of 18 months after an incident for an affected party to bring a complaint. This recommendation is made recognizing that in many cases,

especially in supervisor–subordinate relationships, it can take time for a complainant to gather the courage to come forward. We further recommend that the BC Human Rights Tribunal respect the timeline of the Commission when considering cases, and that there be a timely processing standard for dealing with cases.

SETTING THE PARAMETERS OF THE COMMISSION

The BC Human Rights Commission must first and foremost be an independent body that has the provincial government’s full cooperation and is enshrined in the *Human Rights Code of BC*. The Commission should have multiple commissioners who represent the diverse nature of BC’s population and have experience working in human rights in our province.

We recommend that the Commission be appropriately funded to ensure complaints are addressed swiftly and real community engagement is possible.

We also recommend that the Commission include an advisory council that includes women, young people, people with disabilities, Indigenous people, racialized people, LGBTQ community members and any other marginalized community members whose voices would be crucial to understanding the pressing human rights issues in our province. The Commission needs to stay apprised of what is happening with respect to current issues affecting communities in our province. To ensure this happens we recommend the Commission hold regular, issues-based, sub-committee meetings regionally in the province.

A COMMISSION WITH THE POWER TO DO ITS JOB

In order for the Commission to be able to function in an ideal fashion, it needs to be completely independent from government, and have a very clear scope, mandate, and structure.

Further, the Commission needs to be able to enforce awards and ensure that they are paid out in a timely manner. There have been multiple cases in other commissions around the country where individuals have been awarded damages, but due to a lack of power of the commission in the region, had payments delayed because it fell to other governmental agencies to enforce payments. By ensuring that the BC Human Rights Commission has all of the tools necessary to enforce awards, the government can ensure that timely payouts are made.

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A COMMISSION THAT SERVES THE PUBLIC

The Commission must be accessible to the people who need it. Knowing that equity-seeking groups are more likely to be unemployed or underemployed, it is important to ensure that the Commission provide free legal assistance and advice to people bringing forward complaints. Free legal assistance should include legal advice for the complainant, and intervener status when needed on cases.

We recommend that the Commission make use of the organizations that are already doing training and education on equity and inclusion. By using organizations that have been doing this important work around the province, the Commission will be able to immediately begin to deliver services and training needed to combat serious issues that have been left largely unaddressed for 15 years and contribute to the work of changing public opinion on issues of equity.

We also recommend that the Commission follow the practice adopted by other commissions around the country and establish a grant program, and human rights achievement awards to encourage community organizations to do human rights based work.

A COMMISSION THAT KNOWS THE PROVINCE AND TAKES CARE OF ITS NEEDS

The Commission needs to be able to take a snapshot of all of the industries and institutions in the province and provide an analysis on areas that need attention, education and strategic outreach. To do this, funding must be made available to conduct the necessary research, including surveys, workplace and institutional inspections, and a sophisticated data management system. Without the ability to collect and analyze data, the Commission will not have the information needed to make the right choices for British Columbians.

The Commission needs to be given the power to require training in institutions and industries when it sees that it is required. For instance, if the Commission were to find that as a percentage, legal aid is denied disproportionately to refugees arriving from certain countries, the Commission should be able to take action to fix this inequity. If it is found that women are disproportionately assaulted or harassed in certain industries, the Commission needs to have the power to take action and require education of employers and employees in that industry.

CONCLUSION

We look forward to working with the BC Human Right Commission once established and are confident that if established with enough resources and a strong mandate it will drastically improve the culture in BC around issues of equity and inclusion, and public understanding of human rights issues.

RECOMMENDATIONS

Recommendations for a Commission that serves the diverse needs of the province:

1. The Commission be made up of multiple commissioners of diverse backgrounds.
2. The Commission have an advisory council with members of equity-seeking groups to advise on current issues, including but not limited to, women, young people, people living with disabilities, Indigenous people, black people and people of colour and LGBTQ people.
3. The Commission hold regular, issues-based, sub-committee meetings regionally in the province.

Recommendations for an accessible Commission that provides timely results:

4. The Commission be accessible by all British Columbians, including those who live in remote areas of the province, and in Northern communities.
5. The Commission be accessible and have interpretation capacity in the languages most commonly spoken in the province, beyond English and French.
6. The Commission be accessible to people who have hearing and vision disabilities, mobility needs and learning disabilities.
7. The Commission have an 18-month time limit for bringing forward a complaint after an incident has occurred.

Recommendations for a Commission with the power and scope to do its job:

8. The Commission have a clear scope and mandate.
9. The Commission be enshrined in the *Human Rights Code of BC*.
10. The Commission have the power to collect all of the data that it needs to create a snapshot of the province.
11. The Commission have enforceable power to ensure that awards are paid out.
12. The Commission be appropriately funded to ensure timely processing of complaints, and sufficient legal assistance to serve the needs of British Columbians.
13. The Commission be given the power and scope to make education and/or training mandatory in certain industries, job classifications and institutions.



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The British Columbia Federation of Labour represents over 500,000 members working in every corner of the province, and in every sector of the economy.

The BCFED has a long and proud history of fighting for the rights of all working people.

The goals of the BCFED are best exemplified by its slogan:
“What we desire for ourselves, we wish for all.”

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