

BC GOVERNMENT'S HUMAN RIGHTS CODE AMENDMENT ACT (BILL 50)

On November 27, 2018, the BC Government's [Human Rights Code Amendment Act \(Bill 50\)](#) received Royal Assent. Bill 50 amended the BC Human Rights Code, R.S.B.C. 1996, c.210.

Bill 50's primary focus was to re-introduce a BC Human Rights Commissioner which was eliminated in 2002. Bill 50 also made a procedural amendment to the existing human rights complaint process by extending the deadline to file a human rights complaint from six (6) months to twelve (12) months. Both matters are discussed below.

Re-introduction of the BC Human Rights Commissioner

Bill 50 created a new Section 47 in the BC Human Rights Code which set out the general powers of the new Commissioner:

Section Powers of commissioner

47.12(1) The commissioner is responsible for promoting and protecting human rights, including by doing any of the following:

- (a) identifying, and promoting the elimination of, discriminatory practices, policies and programs;
- (b) developing resources, policies and guidelines to prevent and eliminate discriminatory practices, policies and programs;
- (c) publishing reports, making recommendations or using other means the commissioner considers appropriate to prevent or eliminate discriminatory practices, policies and programs;
- (d) developing and delivering public information and education about human rights;
- (e) undertaking, directing and supporting research respecting human rights;
- (f) examining the human rights implications of any policy, program or legislation, and making recommendations respecting any policy, program or legislation that the commissioner considers may be inconsistent with this Code;

- (g) consulting and cooperating with individuals and organizations in order to promote and protect human rights;
 - (h) establishing working groups for special assignments respecting human rights;
 - (i) promoting compliance with international human rights obligations;
 - (j) intervening in complaints under section 22.1 and in any proceeding in any court.
- (2) The commissioner may not file a complaint with the tribunal under section 21 but may assist a person or group of persons with any aspect of a complaint.

The Commissioner is also granted the power to initiate an inquiry into any matter that would promote or protect human rights (Section 47.15). While this legislation did not provide direction to the Commissioner on what areas to conduct inquiries into, the Attorney General David Eby in Hansard identified three (3) areas recently examined by the Ontario Human Rights Commissioner as illustrative of areas that could possibly be examined by the BC Commissioner:

- (1) whether First Nations, Métis, Inuit, Indigenous and children of colour were overrepresented at Children's Aid Societies in that province, particularly in admissions into care;
- (2) systemic barriers that students with mental health disabilities experience in post-secondary schools; and
- (3) dress codes in the restaurant sector in Ontario.

The Commissioner will be appointed by unanimous recommendation through a special committee of the Legislative Assembly to hold office for a term of five (5) years, with the option of a reappointment for a second term of up to a further five (5) years (Section 47.01).

As part of the re-introduction of the Human Rights Commissioner, the BC Government also created a human rights advisory council that will be named through government Order-In-Council appointments on the recommendation of the Commissioner. The stated role of the advisory council is to advise the Commissioner on issues respecting human rights and to perform any other function specified by the Commissioner (Section 47.08).

Human rights complaint time limits expanded from six (6) months to twelve (12) months

Bill 50 made a procedural amendment to the existing human rights complaint process by extending the deadline to file a human rights complaint from six (6) months to twelve (12) months. This will extend the time period that employers will have uncertainty regarding potential liability.

QUESTIONS?

If you have any comments or questions about this update please contact *Rob D'Angelo*, Division Manager, Information & Advisory Services and Compensation at 604-432-6233 or by email at rob.dangelo@metrovancover.org.