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<p>ANNOTATED BRITISH COLUMBIA HUMAN RIGHTS CODE Release No. 1, March 2024</p>

Annotated British Columbia Human Rights Code provides insightful commentary, legislation, regulations, case digests and a research guide. This resource also includes human rights digests, categorized by subject, of reported and unreported decisions, dating from 1976, from the B.C. courts and the British Columbia Human Rights Tribunal.

What’s New in this Update:

This release adds digests of British Columbia Human Rights Tribunal, Supreme Court, and Court of Appeal decisions arising under the Human Rights Code to Chapter 3: Digest Annotations -- 2012 Forward. This release also features updates to Appendix RA Commentary and the addition of a new Appendix WP Words and Phrases.

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Highlights

WORDS AND PHRASES — With this release, a new appendix involving words and phrases has been included. The collection of judicial, arbitral and board treatments of significant words and phrases provides a list of new entries to the appendix. Significant new terms added to the collection in this release and with treatments in 2023 decisions include: irreparable, life, proportionality, amongst many others.

APP RELATED ARTICLES — BRITISH COLUMBIA COURT OF APPEAL CLARIFIES THE TEST FOR DISCRIMINATION ON THE BASIS OF FAMILY STATUS — In *British Columbia (Human Rights Tribunal) v. Gibraltar Mines Ltd.*, 2023 BCCA 168, 2023 CarswellBC 1033 (B.C. C.A.), the British Columbia Court of Appeal broadened the factors used to determine if an employer has discriminated against an employee on the basis of family status under the province's *Human Rights Code*. The court ruled that discrimination based on family status may occur if a term or condition of employment results in “serious interference” with an employee’s substantial parental or family duty or obligation, regardless of whether the employer has changed the term or condition. The complainant alleged discrimination after she and the company were unable to agree on a workplace accommodation to change her and her spouse’s work schedules for childcare purposes.

CASE DIGEST — In *Harun-ar-Rashid v. British Columbia (Human Rights Tribunal)*, 2022 BCSC 965, 2022 CarswellBC 1483, the Applicant teacher applied for certification to teach in province but refused to take the required English proficiency test, claiming prior experience in Canada proved proficiency. The teacher claimed this requirement showed racial bias, as the position was terminated after teacher’s refusal to take test. After the complaint was dismissed by the human rights tribunal, the teacher applied for judicial review of this decision. The Court of Appeal dismissed the Application and found there was no basis for finding of bias.

ProView Developments

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