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ANNOTATED BRITISH COLUMBIA HUMAN RIGHTS CODE Release No. 5, December 2024

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 to Chapter 3: Digest Annotations -- 2012 Forward and included updates to Appendix SLL: Select Legal Literature and Appendix WP: Words and Phrases.

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Highlights

HUMAN RIGHTS—DUTY TO ACCOMMODATE—MISCELLANEOUS—Complainant brought complaint, alleging that respondent strata discriminated against her on basis of disability contrary to s. 8 of Human Rights Code—Complainant alleged that respondent discriminated against her in provision of services customarily available to public by failing to adequately and appropriately respond to her complaints regarding laundry odours and nicotine damage in her condo—Respondent denied discriminating—Respondent brought application to dismiss complaint—Application granted—There was no reasonable prospect that complainant’s complaint could succeed—Respondent took complainant’s report of disability that required accommodations seriously—Materials showed that respondent’s response was timely, and it continued to explore alternative approaches to complainant’s complaint about laundry odours and nicotine saturation around window—Respondent regularly communicated its efforts to complainant, respectfully and promptly—Evidence supported conclusion that respondent was reasonably certain to prove that complainant did not cooperate with respondent in considering options it offered her—Respondent was reasonably certain to establish that it discharged its duty to accommodate complainant: *Andruski v. The Owners, Strata Plan LMS2298*, 2024 BCHRT 240

HUMAN RIGHTS—WHAT CONSTITUTES DISCRIMINATION—RACE, ANCESTRY OR PLACE OF ORIGIN—EMPLOYMENT—HIRING—Complainant was Métis woman—Respondent was police oversight organization—Complainant applied for job as investigator with respondent—Complainant was offered position subject to successful completion of enhanced security screening process—During security screening process, complainant raised concerns about storage, retention, and destruction of her personal information which had been collected in relation to mandatory polygraph examination—Complainant also raised concerns about polygraph examiner, and about respondent contacting her current employer—Respondent said that based on way complainant raised these concerns and interacted with various members of its team, it decided to withdraw its offer of employment to her—Complainant filed complaint, alleging respondent discriminated against her in area of employment, on basis of her race and her sex, contrary to s. 13 of Human Rights Code—Complaint justified—Complainant demonstrated that polygraph examiner’s conduct toward her during two polygraph examinations breached Code—Complainant demonstrated that her sex and race were factor in respondent’s decision to rescind employment offer—While complainant’s communications were strongly worded and caused respondent concern, evidence gave rise to reasonable inference that respondent viewed complainant’s conduct through lens of stereotype, and it relied on its view of complainant in deciding to re-

scind offer: *The Applicant v. Independent Investigations Office of British Columbia (No. 2)*, 2024 BCHRT 204