

## **BC Human Rights Code Amendment, July 2016**

Arising from questions we have received, we want to remind districts that in July 2016 the British Columbia *Human Rights Code* (the Code) was amended to include “gender identity or expression” among the protected grounds covered by the Code. While, prior to the amendment, transgender individuals were protected under the ground of “sex” as interpreted by the Human Rights Tribunal and courts, this amendment is seen as an important step in recognizing and protecting the rights of LGBTQ persons in British Columbia.

The descriptions of the new protected grounds can be found on the BC Human Rights Tribunal [website](#).

### **What the Amendment Means for Districts**

As employers, districts will want to ensure:

- There is increased clarity and appreciation of the rights of LGBTQ persons in the workplace
- That employees are made aware of the amendment, which also protects the rights of LGBTQ students
- That school district employment policies and practices are reviewed and updated as necessary

### **Questions**

Please contact your BCPSEA liaison if you have any questions or would like to discuss.

Attachment: Excerpt from BC *Human Rights Code*

**Attachment: Excerpt from BC *Human Rights Code*****Discrimination in employment**

**13** (1) A person must not

- (a) refuse to employ or refuse to continue to employ a person, or
- (b) discriminate against a person regarding employment or any term or condition of employment

because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

(2) An employment agency must not refuse to refer a person for employment for any reason mentioned in subsection (1).

(3) Subsection (1) does not apply

- (a) as it relates to age, to a bona fide scheme based on seniority, or
- (b) as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan, whether or not the plan is the subject of a contract of insurance between an insurer and an employer.

(4) Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.