

Human Rights in the Workplace

Presentation to CUPE 411

CUPE

Human Rights

- ▶ The federal government and every province and territory has legislation to protect human rights and prohibit discrimination, based on prohibitive grounds (personal characteristics)
- ▶ In B.C., the *BC Human Rights Code* helps protect everyone, including all working people, from discrimination and harassment



Human Rights Tribunal

- ▶ Independent quasi-judicial body created by the Code
- ▶ Accepts, screens, mediates, and adjudicates human rights complaints
- ▶ Offers the opportunity to resolve the complaint through mediation
- ▶ Respondents can respond to a complaint and apply to dismiss a complaint without a hearing
- ▶ If a complaint is not resolved the Tribunal holds a hearing



The *BC Human Rights Code*

Everyone has the right to be protected against harassment, discrimination, and to work in a healthy and safe work environment that is free of discrimination.



Purposes of the Code

- ▶ To foster a society that ensures full and free participation in economic, social, political and cultural life of British Columbia



Purposes of the Code

- ▶ To foster a society that ensures full and free participation in economic, social, political and cultural life of British Columbia
- ▶ To promote a climate of understanding and mutual respect where all are equal in dignity and rights



Purposes of the Code

- ▶ To prevent discrimination prohibited by the Code



Purposes of the Code

- ▶ To prevent discrimination prohibited by the Code
- ▶ To identify and eliminate persistent patterns of inequality associated with discrimination contrary to the Code



Purposes of the Code

- ▶ To prevent discrimination prohibited by the Code
- ▶ To identify and eliminate persistent patterns of inequality associated with discrimination contrary to the Code
- ▶ To provide redress for those who are discriminated against contrary to the Code



The *BC Human Rights Code*

- ▶ There doesn't have to be an **intent** to discriminate for discrimination to exist under the Code



The *BC Human Rights Code*

- ▶ If there is a conflict between the Code and any other enactment, the Code prevails
- ▶ The Code supersedes any other enactment, including collective agreements and all bylaws



The Code

No one has
the right to vote away
someone else's
human rights



The Code

- ▶ Any person or group of persons that alleges that a person has contravened the Code may file a complaint with the tribunal



The Code

- ▶ Any person or group of persons that alleges that a person has contravened the Code may file a complaint with the tribunal
- ▶ A complaint may be filed on behalf of a group or class of persons whether or not the person filing the complaint is a member of that group or class



The Code

Protection

- ▶ 43 A person must not evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on, deny a right or benefit to or otherwise discriminate against a person because that person complains or is named in a complaint, might complain or be named in a complaint, gives evidence, might give evidence or otherwise assists or might assist in a complaint or other proceeding under this Code.



The Code

- ▶ When incidences occur that violate human rights, the employees and the union must take action and seek remedies



Discrimination in Employment

- ▶ **13 (1) A person must not**

- ▶ (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
- ▶ Personal characteristics above are prohibited grounds



Discrimination in Employment

Human rights and duties in employment

- ▶ Everyone has the right to be free from discrimination in employment, including in advertising, hiring, firing, wages, hours of work, benefits and the work environment
- ▶ Employment discrimination refers to poor treatment regarding employment, based on personal characteristics (*listed on previous slide*)



Human Rights Complaint

- ▶ Must set out the facts
- ▶ If proved, could be discrimination under the *BC Human Rights Code* against each person named as a respondent



Human Rights Complaint

- ▶ The complainant has a personal characteristic (or is perceived to have a characteristic) protected under the Code
- ▶ The respondent's conduct had a negative effect on the complainant regarding employment
- ▶ The personal characteristic is a factor in the negative effect



Filing the complaint

Was the proper legal action to take

- ▶ 14 (c) Discriminations by unions and associations
- ▶ A trade union, employers' organization or occupational association must not
 - (a) exclude any person from membership
 - (b) expel or suspend any member
 - (c) discriminate against any person or member

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 member, or because that person or member has been convicted of a criminal or summary conviction offence that is unrelated to the membership or intended membership



Filing the complaint

- ▶ Unions who have not taken appropriate action to protect members facing harassment and discrimination in employment have had complaints filed against them
- ▶ They have been named as the respondent at the BC Human Rights tribunal and have had decision rendered against them



CUPE 411 filing the complaint

A clear message to
all members, your employer,
other CUPE locals, to workers,
and to society in general
that CUPE 411 stands up for
the rights of **ALL WORKERS**.



CUPE 411 filing the complaint

- ▶ Your local has firmly taken a position that all workers are valued



CUPE 411 filing the complaint

- ▶ Your local has firmly taken a position that all workers are valued
- ▶ CUPE 411 will not sit idly by and let employees be harassed, discriminated against, and not feel safe at work



Opportunities for CUPE 411

- ▶ Reach out to all members
- ▶ Advance equity issues in your local and in the community
- ▶ Inclusion and encouraging involvement by equity-seeking members in your local (LGBTQ, workers of colour, persons with disabilities, indigenous, women and members who do precarious work)



Thank you.



CUPE