



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

November 17, 2017

VIA EMAIL

Province of British Columbia
Parliament Buildings
Victoria, BC V8V 1X4

Attention: Mr. Ravi Kahlon, MLA
Parliamentary Secretary for Sport and Multiculturalism

Dear Mr. Kahlon,

Re: Re-establishment of the BC Human Rights Commission

We write on behalf of the Executive to the Labour Law Section of the Canadian Bar Association's British Columbia Branch ("CBABC Labour Law Section Executive"). Our organisation's membership comprises lawyers, law students and law teachers whose work or practice is focused on law, advocacy and justice as it applies to employers, trade unions and employee associations, and members of those organisations.

Thank you to the Government of British Columbia for pursuing public consultation with a great breadth of stakeholders in preparing to re-introduce a Human Rights Commission in British Columbia. Following the September 27, 2017 consultation meeting you attended with various Sections of the CBABC with respect to that endeavour, the views and suggestions expressed in this submission are those of the CBABC Labour Law Section's Executive. These submissions are not made on behalf of other CBABC Sections who attended that consultation meeting (and may be making their own submissions), or the CBABC as a whole.

First, the CBABC Labour Law Section Executive wishes to highlight the importance of ensuring that the consultation undertaken be meaningful at each appropriate stage of the path towards creating the Commission.

From the September 27, 2017 consultation meeting, we appreciated the opportunity that the current round of consultation is affording stakeholders to offer a wealth and foundation of ideas from which to build the Commission and prepare a report of recommendations to the Attorney General. However, after gathering this broad scope of input from the diversity of stakeholders and preparing a report, we submit that it will be very important, and extremely valuable, for the Government to engage in a second round of focused consultation. This second round of consultation would be for the purpose of allowing stakeholders to provide constructive feedback on the specific conclusions and recommendations in your report. This is of tremendous importance, in our submissions,

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because it is only upon review of your report that different stakeholders will be able to provide feedback on what you are recommending to Attorney General that the Government implement.

Second, the CBABC Labour Law Section Executive submits that it is an essential priority that the creation of the Commission be transparent at each step. Respectfully, we recommend and request that both your anticipated December 2017 report to the Attorney General, and the Attorney General's recommendations to Government, be made publicly available for review and comment. By so doing, the Human Rights Commission will benefit from the wealth of resources and experience in the CBABC and human rights advocacy community, and garner greater legitimacy across stakeholders.

Third, the Commission must have credibility in the community. A Commission with credibility is one that can accomplish the goals of reducing and eliminating discrimination in the community by acting as a voice and authority that all community members will respond to and engage with respectfully. It will therefore remain an effective and authoritative body beyond the lifespan of this election cycle, so that sustained change can be achieved towards eliminating discrimination. To create a credible Commission requires that it be staffed by expert, skilled, and balanced or impartial staff that will serve the Commission's goals. We urge the Government to commit the necessary time and resources to recruiting and training such personnel for the Commission.

Fourth, it is agreed by the CBABC's Labour Section Executive and Members that the Commission should have a mandate which encourages a focus on education, and facilitated dialogue about human rights issues. While a Tribunal with strong enforcement powers is essential to combatting discrimination, it is equally important that all segments of B.C.'s population have access to high caliber education regarding the *Human Rights Code*, its application, and processes for avoiding and reducing discrimination. This is essential to the ultimate goal of a discrimination free society.

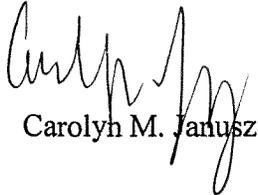
In this regard, we wish to emphasize the sophisticated and thoughtful approach that the Commission must undertake to insure that the education and dialogue is accessible to, and inclusive of all British Columbians. For the Commission to enhance the protection of human rights, education must be accessible across the province's municipalities, communities and organisations where discrimination may arise, to all those citizens who fall under the *Human Rights Code's* protected grounds.

Finally, the CBABC's Labour Section Executive adopts the frequently repeated concern expressed at the September 27, 2017 meeting that whatever roles and functions the Commission is assigned, its performance of them must not create new levels of delay in resolving complaints. The already lengthy period required to resolve a complaint before the Human Rights Tribunal is concerning to representatives of management, unions, and employees alike and that time must not be caused to increase.

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The CBABC's Labour Section Executive is grateful for the opportunity to participate in consultation with the Government as it takes steps towards the timely re-introduction of a Human Rights Commission. We welcome the opportunity to share our expertise and insights throughout the process of the Commission's creation as stakeholders with firsthand and extensive knowledge of best and effective practices in protecting against, and addressing, discrimination under the *Human Rights Code*.

Yours truly,



Carolyn M. Janusz

Yours truly,



Connor F. Levy