

B. C. HUMAN RIGHTS COALITION

ANNUAL REPORT

2002- 2003

**Produced for the Annual General Meeting
Held at the Blue Horizon Hotel, Garibaldi Room
June 4th, 2003
6:00 p.m.**

The B. C. Human Rights Coalition gratefully acknowledges the Law Foundation of British Columbia for our core funding, as well as the Ministry of Community, Aboriginal and Women's Services, Settlement and Multiculturalism Branch, the City of Vancouver, and the Ministry of Attorney General for funding of the Human Rights Legal Clinic.

Board of Directors 2002-2003

Table Officers:

President:	Kenneth Smith
Vice-President:	Kristen Gagnon
Secretary:	Iris Reamsbottom
Treasurer:	Harjit Kaur

Members at Large:

Tim Agg
Leila Harding
June Lewis
Wanda Lane
Alicia Mercurio
Jane Staschuk
Matthew Yun

Staff 2002-2003:

Peter Beaudin	Senior Advocate
Shelley Chrest	Advocate
Terri Kennedy	Communications Coordinator
Lani Koonpackdee	Legal Assistant
Wendy Liew	Advocate
Marilyn Minkler	Office Manager
Susan O'Donnell	Executive Director
Valentina Rodriguez	Administrative Assistant

Bookkeeping and Accounting:

Administration: Cat L'Hirondelle, L'Hirondelle Financial Services.

Auditor: Joanne Dorman, C.A.

Legal Supervision:

Barb Cornish, of DuMoulin & Boskovich; Rob Horricks.

2002-2003 Recipient of the Renate Shearer Memorial Award

Professor Peter Thomas Burns

REPORT FROM THE BOARD OF DIRECTORS:

Our last Annual General Meeting was held May 23, 2002 where we elected a new Board of Directors. We held a special full day strategy and evaluation meeting this year on October 19, 2002, at the Parkhill Hotel in Vancouver. We did this in order to invite some guests and friends to join us at lunch so that we could tell them about our new role in the B. C. Human Rights Clinic. We were joined as well by our new clinic partners, the Community Legal Assistance Society (CLAS). The Committees we chose to work through this year are: Law Reform Committee; Education and Communication (includes website, community liaison and education); Staff Liaison Committee; Fund Committee; and the Clinic Committee. We agreed that our priorities for the upcoming year would be as follows:

- To work with CLAS to get our clinic up and functioning in the best manner possible.
- To develop a contract with the government that would provide us with the resources we require, place a proper emphasis on education and prevention, and provide our clients with the best representation possible.
- To work with the community to get the best human rights legislation possible, and to be open in the community about the work we are doing.
- To maintain a Coalition identity separate from the human rights clinic, and to stay within the mandate covered in the Law Foundation and City of Vancouver funding requirements.
- To build our membership and establish a relationship with members outside of Vancouver.

The Human Rights Clinic: A Chronology of developments over the past year

February, 2002: The B. C. Human Rights Commission discontinued funding contracted to Legal Services Society to provide legal representation for parties to a human rights complaint. Complainants appeared before the Tribunal unrepresented.

July, 2002: The Ministry of the Attorney General approached CLAS and the Coalition to develop a pilot human rights clinic. This clinic provided legal representation for those complainants where the Human Rights Commission had referred their complaint to the Tribunal for a Hearing. The pilot human rights clinic also provided information and education on the upcoming changes to the human rights system.

October, 2002: Bill 64 the B.C. Human Rights Code Amendment Act passed Third Reading in the Legislature, eliminating the B. C. Human Rights Commission and establishing a Direct Access Tribunal. The Ministry of the Attorney General announced that a B. C. Human Rights Clinic would be established as part of the new human rights system, and that the clinic would provide preventative education and representation to complainants and respondents who met appropriate criteria.

January, 2003: The Coalition and CLAS established a joint clinic committee to apply as partners to operate the Human Rights Clinic. On January 29, 2003 the Ministry of the Attorney General posted a Request for Proposals for the clinic. Our joint proposal was accepted on March 5. We signed a contract for one year, open to three more years if successful, on March 27, 2003.

April 1, 2003: The new Direct Access Tribunal opened its doors for business.

Incidents of Racism and Hate: A Handbook for Service Providers.

Members will recall that this handbook was produced a year ago, but had to be rewritten due to changes in much of the legislation and policy covered in the manual. We developed the handbook in partnership with the Ministry of Community, Aboriginal and Women's Services, Settlement and Multiculturalism Branch, and the Ministry of Public Safety and Solicitor General, Victim Services Division. The Settlement and Multiculturalism Branch also provided us with the funds for a provincial tour to provide education on the information provided in the handbook, and as well information on the new human rights system.

The handbook was published and delivered in February 2003, and we have now completed the majority of the tour, covering Vancouver Island, Northern B. C., the Okanagan and the Kootenays. Starting in September, we plan to cover the Lower Mainland.

We reported in our last Annual Report that our Board of Directors continued to believe that a human rights website would greatly enhance our ability to reach the public, as well as to integrate our human rights issues with others in the community and that we remained committed to try and get financial support for this project. Thanks to the Law Foundation of British Columbia and the Notary Foundation, this project has been realized. The new website will be up and running in July, 2003.

On December 10, 2002, we had our usual celebration of International Human Rights Day, and we returned to the Coast Hotel at Stanley Park. It was the United Nations Association's year to present the award, and they chose Professor Peter Thomas Burns, Q.C. Professor Burns was selected for his outstanding contributions in the field of human rights, notably for his long-term involvement with the United Nations Committee Against Torture. Professor Burns was re-elected to his fourth term on this Committee in 1999 and became Chairman in 1998. He was unable to accept the award in person, and Maurice Copithorne, a former Renate Shearer Award winner accepted for him.

BOARD OF DIRECTORS
B. C. HUMAN RIGHTS COALITION

STAFF REPORT:

Our Coalition Work:

As you are aware, the Coalition contracted to partner in the operation of a pilot clinic in July, 2002. The pilot clinic was responsible for representing complainants whose complaints were referred to the B. C. Human Rights Tribunal for a Hearing. When files our coalition advocate was holding were referred to a Hearing, these files were transferred to the clinic, lowering our Coalition caseload. On April 1, 2003, the Commission was officially eliminated, and the new direct access tribunal opened its doors for business. All Commission files were transferred over to the Tribunal and the new system. On April 1, 2003, the clinic, now no longer a pilot, became responsible for all complainant representation. As a result, files that were transferred from the Commission to the Tribunal were also transferred from our Coalition to the clinic. As a result, we will this year divide our staff report in two. The report immediately below is a record of our Coalition work, exclusive of the clinic. The report of the Human Rights Clinic follows at the end.

Education and Consultation: 2002-2003

We provided education to over 778 students this year. Our education programme travelled all over the province, and covered every aspect of human rights, from harassment training to the duty to accommodate, from policy development to how to conduct an internal investigation. We taught private and public sector employers and

employees, service providers, public institutions, unions, and community organizations.

With regards to consultation, this can take a variety of forms. We meet with individuals, community organizations and groups who wish to know more about us, or who wish some assistance in accessing our library and resources. We also assist groups, employers, colleges and unions who wish some assistance in developing policies on human rights issues. We did over 602 of these consultations since our last Annual Report. This number is up from 416 such consultations reported in last year's Annual Report.

Advocacy: 2002-2003

As you can see, we carried 161 human rights complaints this year, a drop from 256 files carried last year as a result of our transition. We closed 142 files containing a total of 215 complaints, compared to 87 last year.

As of March 26th, 2003 the Coalition is carrying the following files:

Sexual Harassment	1	
Sex Discrimination		4
Race Discrimination	3	
Physical Disability	2	
Mental Disability	3	
Place of Origin	1	
Age Discrimination	0	
Criminal Record	0	
Family Status	1	
Marital Status	0	
Religious Belief	0	
Sexual Orientation	1	
Section 43 (Retaliation)	0	
Employment Equity	1	
Hate	0	
Political Belief	0	
Other	2	

19 Open Files

In addition to these, the following files were closed between March 11th, 2002 and March 26th, 2003.

Place of Origin	14	1 referred to Law Referral Service; 1 no further contact; 3 assistance provided; 1 legal counsel retained; 2 advice provided; 2 awarded \$7,500 for hurt feelings; 2 transferred to Clinic; 1 no further contact; 1 awarded \$7,500 in damages.
Sex Harassment	13	1 Investigation Report completed; 1 dismissed; 1 no instructions; 1 writ filed and served; 2 referred to Tribunal; 1 assistance provided; 2 opinion provided; 2 transferred to Clinic; 1 judicial review won; 1 written opinion rejected.
Sex Discrimination	14	1 settled privately; 1 did not proceed to hearing; 1 offered \$40,000; 1 referred to legal counsel; 2 no instructions or authorization; 1 potential conflict; 2 no further contact; 1 weak complaint; 2 advice provided; 1 transferred to Clinic; 1 severance offered.
Race	16	1 no complaint; 1 upheld - \$4,000; 1 settled - \$2,700; 1 outside Coalition's work area; 2 dismissed; 4 assistance and / or advice provided; 2 transferred to Clinic; 1 no contact or instructions; 1 insufficient information to proceed; 1 insufficient evidence; 1 no further assistance required.
Mental Disability	20	1 Coalition withdrew; 1 insufficient evidence of disability; 2 dismissed; 1 referred to legal counsel; 5 transferred to Clinic; 1 settled - \$1,400; 1 no complaint; 2 assistance and / or advice provided; 3 no further contact; 1 allegations reviewed; 1 no additional information; 1 vague diagnosis.

Physical Disability	32	5 opinion provided; 2 settled: \$10,000 and \$3,500; 5 no instructions; 7 dismissed; 1 settlement agreement signed; 1 reconsideration denied; 4 assistance and/or advice provided; 4 transferred to Clinic; 1 no authorization; 1 deferred; 1 no contact.
Age	3	1 assistance provided; 1 opinion provided; 1 dismissed.
Family Status	8	2 reconsideration denied; 1 dismissal recommended; 1 beyond scope of anti-discrimination law; 1 weak complaint; 1 no further action required; 2 assistance and/or advice provided.
Religious Belief	4	1 dismissed; 1 assistance and/or advice provided; 1 opinion provided; 1 no contact or instructions.
Sexual Orientation	4	1 complainant refused to mediate, Coalition provided compliance education; 1 weak complaint; 1 opinion provided; 1 transferred to Clinic.
Retaliation	2	2 transferred to Clinic.
Criminal Record	2	1 referred to legal counsel; 1 assistance provided.
Marital Status	2	2 no further contact.
Other	8	2 no complaint; 1 no further steps could be taken; 1 Investigation Report completed; 1 opinion provided; 1 advice provided; 2 outside jurisdiction.

142 Closed Files

In conclusion, the Coalition carried 161 human rights complaints over the past year. Our supervising lawyers review each file approximately every four months. Our supervising lawyers are Barbara Cornish, of DuMoulin & Boskovich, and Rob Horricks.

Report of the Human Rights Clinic:

The Pilot Clinic: July 2002 – March 2003:

Section 1: Quantitative and Qualitative Data Collection

Part 1: Quantitative Measures:

I. Running totals of files referred, closed, and carried forward:

Coalition:

	To Oct 31	November	December	January	February	March	Total
Referred by Commission	72	5	12	15	8	19	131
Settled	4	2	4	4	3	3	20
Otherwise closed*	0	0	3	0	1	1	5
Service discontinued**	0	0	0	0	2	0	2
Initial Referral to CLAS	22	8	4	11	0	1	46
Carried forward	46	41	42	42	44	58	58

CLAS

	To Oct 31	November	December	January	February	March	Total
Referred by Coalition ***	35	22	15	11	0	1	84
Settled ****	1	2	2	2	5	9	21
Otherwise closed *	-	-	-	-	-	-	
Service discontinued**	2	-	-	-	1	1	4
Hearing ended	-	1	1	-	0	1	3
Carried forward	32	51	63	72	66	56	56

* Complainant withdrew or abandoned the complaint.

** Cases where Clinic services were withdrawn from complainant or the complainant decided to pursue the complaint without using the Clinic's services.

*** October: 22 files referred for hearing and 13 files referred for preparation.
 November: 8 files referred for hearing and 14 files referred for preparation.
 December: 1 file referred for hearing and 14 files referred for preparation.

January: 11 files referred for hearing

February: 0 files referred

****October: 1 preparation file settled by Coalition.

November: 1 preparation file settled by Coalition.

1 file referred for hearing settled by CLAS.

December: 1 preparation file settled by Coalition.

1 file referred for hearing settled by Coalition.

January: 2 files referred for hearing settled by Coalition

February: 1 file referred for hearing settled by Coalition and CLAS

1 preparation file settled by Coalition

3 files referred for hearing settled by CLAS