

**BRITISH
COLUMBIA
HUMAN
RIGHTS
TRIBUNAL**

**ANNUAL
REPORT
2016-2017**



ANNUAL REPORT

*The core mission of our Tribunal is the timely and fair resolution
of human rights disputes in British Columbia*

www.bchrt.bc.ca

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MESSAGE FROM THE CHAIR

Message from the Chair

I am pleased to present the 2016-2017 Annual Report of the British Columbia Human Rights Tribunal to the Attorney General of BC, The Honourable David Eby.

Our Tribunal underwent a transitional period this year as I commenced my appointment as Chair. I am honoured by this appointment and look forward to administering justice in British Columbia that reflects best practices across Canada.

CORE VALUES AND PRIORITIES

Our Tribunal has evolved over the years into an institution with experienced team members that can be counted on to protect the human rights of all British Columbians.

The core mission of our Tribunal is the timely and fair resolution of human rights disputes that we administer through a direct access system in the province. Maintaining our high standards will keep us focused on providing the public with fair, effective, and timely dispute resolution, even as we adapt to legislative change.

We have improved our service delivery by streamlining processes, reducing unnecessary delays, and offering mediations at every stage of our complaint process. As such, we have made our dispute resolution services more flexible and responsive to the needs of the public.

Our accomplishments, however, should not prevent us from finding solutions to our current challenges. Effectively managing the high caseloads of our members and the need to render decisions in a timely manner remain a top priority. To do this, we have implemented a new case management process and are training members to eliminate unnecessary formality in our administrative proceedings. We have also increased telephone mediations and video hearings. We are optimistic that technological upgrades in the upcoming year will greatly assist in achieving these goals.

LOOKING AHEAD

As we look ahead, we will continue to exhibit the highest standards of public service and professionalism. We will continually improve how we deliver our services and strive for service excellence. We will be fair and impartial in our proceedings, treating all with respect, courtesy and dignity. I look forward to the years ahead.



Diana Juricevic, Chair
July 21, 2017

NEW LEGISLATION

New Legislation

The British Columbia Human Rights Code [**Code**] was amended on July 28, 2016 to add “gender identity or expression” as protected characteristics. Our *Code* now includes a specific prohibition against discrimination on the basis of gender identity or expression in publications, services, tenancy, employment, employment advertisements, the purchase of property, and membership in a union or occupational association. The non-profit exemption in s. 41 of our *Code* was amended to include sexual orientation and gender identity or expression. The provision for special programs in s. 42 of our *Code* was amended to include sex, sexual orientation, and gender identity or expression.

TRIBUNAL OPERATIONS

Tribunal Operations

Tribunal Mandate and Purpose

The British Columbia Human Rights Tribunal [**Tribunal**] is an independent, judicial body, established under the *Code*, to resolve and adjudicate human rights complaints in a manner that is consistent with the purposes set out in s. 3:

- a) To foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;
- b) To promote a climate of understanding and mutual respect where all are equal in dignity and rights;
- c) To prevent discrimination prohibited by this *Code*;
- d) To identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this *Code*;
- e) To provide a means of redress for those persons who are discriminated against contrary to this *Code*.

On March 31, 2003, British Columbia instituted a direct access model for human rights complaints. The direct access Tribunal is complainant driven. The Tribunal does not have investigative powers. Complaints are filed directly with the Tribunal which is responsible for all steps in the resolution and adjudication of human rights complaints.

New complaints are assessed to ensure that the information provided is adequate, that the Tribunal has jurisdiction over the matters set out, and that they are filed within the six-month time period set out in the *Code*. If a complaint is accepted for filing, the Tribunal notifies the respondents who then file a response to the allegations.

Unless the parties settle the issues, or a respondent successfully applies to have the complaint dismissed, a hearing is held and a decision about whether a complaint is justified, and how it should be remedied, is rendered.

The Tribunal conducts hearings and settlement meetings throughout the province. The Tribunal's process is governed by its *Rules of Practice and Procedure*.

TRIBUNAL OPERATIONS

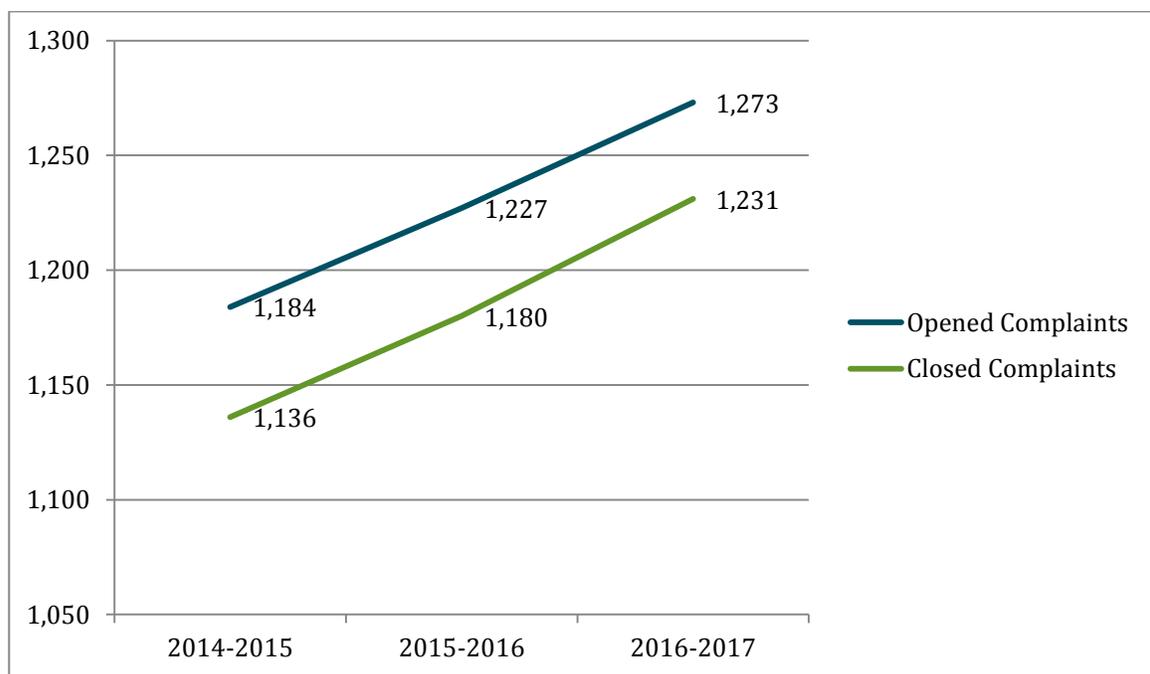
Opened and Closed Cases

The case management activity before the Tribunal has remained high. This year has again seen a historic number of new complaints filed. A total of 1,273 new complaints were filed, which represents a steady 4% increase over the previous two years. There were also 89 complaints in the process of being screened. As a result, the Tribunal screened a total of 1,362 complaints during the fiscal year to ensure that they were within its jurisdiction, timely, and to determine whether they set out a contravention of the *Code*.

The Tribunal closed a total of 1,231 complaints, which also represents a steady 4% increase over previous years. Of the total number of closed complaints, 46% were settled by the parties, 32% were rejected at screening, 11% were abandoned or withdrawn, 8% were dismissed without a hearing, 2% were closed for other reasons, and 1% went to a hearing.

At year end, there were a total of 957 active complaints. The Tribunal case managed a total of 2,188 complaints, representing a steady 5% increase from the previous year.

Opened and Closed Complaints by Year

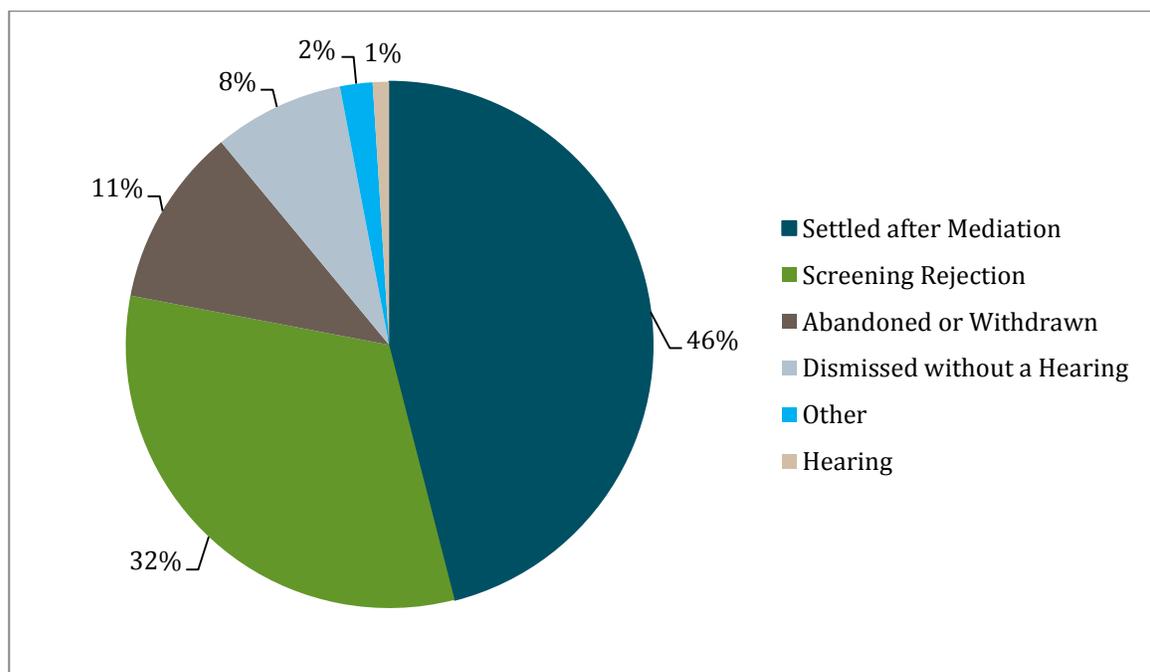


TRIBUNAL OPERATIONS

Inquiries and Website Visits

The Tribunal answers a multitude of public inquiries about the *Code* and makes referral to other relevant community and government resources by phone, email and website visits. Our website has become the most important tool for obtaining this information with improvements to accessing website content. Over the past several years, the number of website visits has increased dramatically from 146,000 in 2014-2015, 234,000 in 2015-2016, to 360,000 in 2016-2017. This year, the number of website visits represents a 45% increase from the previous year.

Complaint Resolution in 2016-2017¹



Screening

At the screening stage, the Tribunal accepted 73% and rejected 27% of the new complaints. Of the rejected complaints, 69% were rejected because they were not a human rights complaint, 16% were rejected because the Tribunal did not have jurisdiction over the matter; 11% were rejected for being outside the time limit set out in the *Code*; and 4% were abandoned or withdrawn.

¹ The Tribunal has historically published a number of statistics, which may be found [here](#).

TRIBUNAL OPERATIONS

Preliminary Decisions

The Tribunal rendered a total of 388 preliminary decisions this year. It published 233 decisions and issued 155 decisions in letter form. Letter decisions are used when the matter is not legally complex and considered to be of interest mainly to the parties to the complaint. Some decisions deal with more than one matter. The total number of preliminary matters decided this year is 436.

Mediations

The interest in mediation services has increased over the past thirteen years. This is reflected in the number of mediations conducted at the Tribunal, which has nearly doubled since its inception. Mediations are now the primary means through which parties resolve their human rights disputes.

The Tribunal encourages parties to engage in settlement discussions at every stage of the complaint process. Tribunal-assisted settlement services are most often initiated before the respondent files a response to the complaint (81%), and can occur at any later stage in the progress of a complaint. Many complaints settle as a result of these efforts, and may include solutions which could not be ordered after a hearing. To meet the demand for mediations, the Tribunal offers both audio and video technology for out-of-town mediations.

The parties resolved their disputes with Tribunal-assisted mediations in 380 cases. An additional 197 cases were settled without a mediation. In all, a total of 577 cases settled without proceeding to a hearing. Parties sometimes participate in more than one mediation before reaching a resolution to their human rights complaint. When accounting for these repeated mediations, the Tribunal's settlement rate increases to nearly 80%.

Settlement meetings are confidential. The Tribunal does not publish the results.

Hearings

The Tribunal convened a total of 20 final hearings on the merits of a complaint. The average hearing duration was four days, with only four hearings lasting more than five days. The Tribunal conducted its first hearing via video conference. This year, the Tribunal made 11 final decisions after a hearing, compared to 20 and 28 in the last two years. The reduction in the number of hearings is due to the success of the Tribunal's mediation services.

Employment continues to be the most litigated area of discrimination (73%) in final decisions. Three of the eight employment cases were found to be justified. Two decisions were in the area of tenancy, with one found to be justified. One decision found discrimination in services, and one dismissed a retaliation complaint.

Disability represented 55% of the grounds of discrimination at issue in final decisions. The remaining five decisions addressed allegations based on race, sex (pregnancy), family status, age, and political belief.

TRIBUNAL OPERATIONS

Final Decisions of Interest

Bratzer v. Victoria Police Department (No. 3), 2016 BCHRT 50, concerned a complaint by a police officer who, in his personal time and as a private citizen, advocated for the legalization and regulation of illicit drugs. The Tribunal awarded \$20,000 for injury to dignity where it found employment discrimination based on political belief. Advocacy for changes to drug laws is a “political belief”, because it involves public discourse on public issues which involve or would require government action. Some but not all of the police department’s treatment of Mr. Bratzer was discrimination. Its duty to reasonably accommodate Mr. Bratzer’s political belief was assessed in light of the duty of loyalty he owed to his employer and the need to minimally restrict the expression of his political beliefs. The department’s response to an article Mr. Bratzer wrote was justified because the article’s disrespectful tone regarding another police department served to undermine the effectiveness of the department. Other conduct was not reasonably necessary to protect the department’s interests, namely: orders that Mr. Bratzer not participate in a harm reduction conference or introduce a film at a Green Party fundraiser; a requirement that Mr. Bratzer obtain permission before speaking publicly; the eventual ban on Mr. Bratzer communicating directly with the media or participating in advocacy events; and the direction not to speak to the press after the Washington state referendum on the legalization of marijuana.

Nelson v. Bodwell High School (No. 2), 2016 BCHRT 75, concerned a complaint about an employee benefit of \$1,200 annually, which the employer paid for each of an employee’s dependent children. Mr. Nelson alleged the benefit discriminated against employees without children based on family status. The Tribunal disagreed. It said that employers can target benefits to certain groups of employees, if the targeting is justified by the purpose of the benefit. In this case, the purpose of the benefit was to help employees meet the costs of raising and educating children. Mr. Nelson’s exclusion from the benefit was justified in that he had not incurred the costs that the benefit was designed to offset.

Leary v. Strata Plan VR1001, 2016 BCHRT 139, concerned Ms. Leary’s complaint that her disability was adversely affected by second-hand smoke entering her strata unit. The Tribunal found that the strata did not properly inquire into the extent of the problem and did not determine what was required to accommodate Ms. Leary’s disability. The Tribunal ordered \$7,500 for injury to dignity where it found that the strata did not reasonably accommodate the complainant’s disability which was affected by second-hand smoke. The Tribunal took into account the longstanding and pervasive nature of the effect that the smoke had on the complainant. It also took into account its finding that the complainant often exaggerated her symptoms and appeared to have been affected by concerns unrelated to the discrimination. The Tribunal set out points of advice for dealing with the issue of second-hand smoke in stratas. It also ordered the strata to take specific steps, including engaging an air quality specialist.

Judicial Reviews and Appeals

The *Code* does not provide for appeals of Tribunal decisions. Instead, a party may apply for judicial review in BC Supreme Court, under the *Judicial Review Procedure Act*. There is a 60-day time limit for judicial review of final decisions set out in the *Administrative Tribunals Act* [ATA].

TRIBUNAL OPERATIONS

Judicial review is a limited type of review. Generally, the court considers the information that the Tribunal had before it and decides if the Tribunal made a decision within its power. The court applies standards of review in s. 59 of the ATA to determine whether the Tribunal's decision should be set aside. If the Tribunal's decision is set aside, the usual remedy is to send it back to the Tribunal for reconsideration.

A decision on judicial review may be appealed to the BC Court of Appeal. There is a further appeal to the Supreme Court of Canada if that Court agrees to hear it.

This year, the Tribunal received 14 petitions for judicial review filed in the BC Supreme Court. There were four appeals filed with the BC Court of Appeal. The Tribunal successfully sought leave to appeal to the Supreme Court of Canada in one case.

BC Supreme Court Judgments

This year, the BC Supreme Court issued seven judgments on judicial review applications. The Court dismissed five of the applications and remitted two decisions back to the Tribunal for reconsideration.

Review of section 22 decisions: time limit

Two of the decisions reviewed this year were made under s. 22 of the *Code*, which sets out the time limit for filing a complaint and gives the Tribunal discretion to accept a late-filed complaint.

In *A.M. v. British Columbian Human Rights Tribunal, 2017 BCSC 89*, the Court found the decision not to accept the complaint for filing after the time limit under s. 22(3) of the *Code* was patently unreasonable because it did not account for the "complete explanation" for late-filing, it did not consider "fairness", and it did not consider accepting "part of the complaint".

In *The School District v. Parent obo the child, 2017 BCSC 314*, the Court upheld the Tribunal's decision that the complaint alleged a timely continuing contravention under s. 22(2) of the *Code*. It was not patently unreasonable to conclude that the alleged failure to make an appropriately accommodating educational program available for a student's grade seven year had the effect of discriminating against the student for that year. An appeal has been filed.

Review of section 27(1)(c) decisions: no reasonable prospect of success

In three cases, the BC Supreme Court reviewed decisions made under s. 27(1)(c) of the *Code*, which gives the Tribunal discretion to dismiss a complaint if it determines that there is no reasonable prospect the complaint will succeed.

In *School H v. British Columbia (Human Rights Tribunal), 2016 BCSC 672*, the Court dismissed the petition in relation to a decision permitting a case to go forward to a hearing. The Tribunal is not required to address each and every argument raised or to address the evidence in great detail. Nothing suggested the Tribunal ignored the school's evidence or argument. The Tribunal determined the conflicts in the evidence could not be resolved without a hearing. The decision was not patently unreasonable.

TRIBUNAL OPERATIONS

The Court also dismissed a petition in relation to a decision dismissing a complaint in an unreported oral judgment: *Cima v. BC Human Rights Tribunal*.

In *Francescutti v. Vancouver (City)*, 2016 BCSC 1191, the Court set aside the Tribunal's decision dismissing a complaint. The Tribunal's decision was patently unreasonable because it preferred evidence presented in the respondents' case over the evidence tendered in the complainant's case, including in key factual areas where the Court found credibility was at issue. An appeal was filed and a hearing is scheduled for the appeal in May 2017.

Merits Decisions

In *Providence Health Care v. Dunkley*, 2016 BCSC 1383, the Court upheld the Tribunal's finding of discrimination against two respondents when Dr. Dunkley was removed from a medical residency program because she is Deaf and required sign language interpretation. The respondents said that the cost of that accommodation justified their decision to remove her from the program. The Tribunal did not err in finding a connection between Dr. Dunkley's removal from the program and her deafness. The Tribunal's finding that Dr. Dunkley fulfilled her duty to cooperate in the accommodation process was reasonable. It did not err in finding that the respondents failed to prove that the cost of accommodation would amount to undue hardship. The respondents' failure to take reasonable steps to discover accurately the true cost of providing the required accommodation meant that neither proved the cost of accommodation would amount to undue hardship. The Tribunal did not err in finding that financial resources available through other entities was relevant to the claim of undue hardship.

The Court also dismissed a petition in relation to a decision dismissing a complaint in an unreported oral judgment (*McCreath v. BC Human Rights Tribunal*). In that case, the Tribunal found the respondent taxi company fulfilled its duty to accommodate Mr. McCreath, who was traveling with his guide dog. An appeal has been filed.

BC Court of Appeal

The BC Court of Appeal issued three judgments on appeals respecting Tribunal decisions.

In *Schrenk v. British Columbia (Human Rights Tribunal)*, 2016 BCCA 146, the Court found that the prohibition against discrimination regarding employment requires that the respondent be in a position of authority relative to that of the complainant. The complaint alleged that the respondent engaged discriminatory harassment of the complainant while the two men worked at the same construction site, albeit for different employers. The Tribunal found it had jurisdiction to hear the complaint. The Court of Appeal disagreed. It said:

Not all insults inflicted upon employees, even in the course of their employment, amount to discrimination regarding employment. Such insults can amount to discrimination regarding employment if the wrongdoer is clothed by the employer with such authority that he or she is able to impose that unwelcome conduct on the complainant as a condition of employment, or if the wrongdoing is tolerated by the employer. If the wrongdoer has no such power or authority, the Tribunal has jurisdiction to consider whether the complainant's employer played some role in allowing the conduct to occur or continue, in which case the insult is endured as a consequence of employment. But even then, the Tribunal has no jurisdiction over the wrongdoer.

TRIBUNAL OPERATIONS

The Supreme Court of Canada granted the Tribunal’s application for leave to appeal. The appeal was heard on March 28, 2017.

In *University of British Columbia v. Kelly, 2016 BCCA 271*, the Court upheld the Tribunal’s finding of discrimination and its remedial order. The Tribunal found that UBC discriminated when it removed Dr. Kelly from its family medicine training program because of his disability. The Court rejected the proposition that accommodation efforts should be considered at the *prima facie* stage of the discrimination analysis, saying it would work an unfairness on complainants, duplicate the adjudication of the issue, and introduce an extraneous element – intention – into the analysis. The Tribunal’s finding of a nexus between the adverse treatment and disability was reasonable. The Tribunal did not err by considering UBC’s procedure in accommodating Dr. Kelly. Its finding that UBC did not fulfil its duty to accommodate was reasonable.

With respect to remedy, the Court found the Tribunal did not err in ordering compensation for future loss of earnings. The Court reinstated the Tribunal’s award of \$75,000 for injury to dignity, feelings and self-respect. It is not patently unreasonable to exceed the range of awards previously made. The Tribunal found that Dr. Kelly had suffered acutely as a result of the discrimination, including depression, dejection, disturbance with personal relationships, embarrassment and despair. It was for the Tribunal to measure the weight of these things.

In *Baharloo v. University of British Columbia, 2016 BCCA 277*, the Court upheld a Tribunal decision that dismissed a complaint under s. 27(1)(f) of the *Code* on the basis that it was appropriately resolved in another proceeding. The Court held that a UBC Senate Committee hearing is a “proceeding” under s. 27(1)(f) and that the Senate Committee had jurisdiction to determine human rights complaints. The Tribunal’s decision was not patently unreasonable.

Special Programs and Policy

The *Code* allows the Tribunal to approve special programs which aim to improve the conditions for an individual or group that has faced historic barriers to participation in social, cultural, economic, and political life. The Tribunal recognizes that certain groups in our society continue to experience disadvantage. This includes Aboriginal people, racialized groups, people with disabilities, women and trans* people. Special programs that aim to ameliorate those patterns of disadvantage further the purposes of the *Code*. A special program approved by the Tribunal is not discriminatory for the duration of the approval.

In 2016, the Tribunal revised its policy for approving and monitoring special programs. It acknowledged the work of Canada’s Truth and Reconciliation Commission, and its calls for greater Aboriginal representation, and better cultural competence, in the education, health, justice, and child welfare sectors. The Tribunal created new forms for special programs which aim to ameliorate the disadvantage faced by Aboriginal communities, which embed an understanding of the pre-existing disadvantage faced by Aboriginal people, arising out of a legacy of colonialism, including the inter-generational trauma associated with residential schools. For other equity-seeking groups, new forms aim to simplify the process of applying for, or renewing, a special program.

TRIBUNAL OPERATIONS

Under the Tribunal's new policy, it will no longer pre-approve broad employment equity programs. Rather, approval will be focused on discrete initiatives which exercise a preference for an equity-seeking group.

The Tribunal's policy and a list of approved special programs are posted on its website. In the last year, the Tribunal approved 14 new special programs and two renewals:

- **BC Women's Hospital & Health Centre, Aboriginal Health Program:** Hiring restricted to persons of Indigenous ancestry for three positions in the Complex Care Coordination Team of the Indigenous Health Program (nurse coordinator, Indigenous family care coordinator, and operations lead/manager).
- **Ministry of Education:** Approval granted to ask all certified teachers whether they self-identified as Aboriginal or as a member of another ethno-cultural minority group. While special program approval is not strictly necessary in these circumstances, the Tribunal nevertheless confirmed that it was satisfied that the data collection was intended to ameliorate circumstances of disadvantage.
- **School District 23 (Central Okanagan):** Hiring for Aboriginal Youth and Family Support Workers, and Aboriginal Youth and Family Support Manager, restricted to persons of Aboriginal ancestry. The District also renewed its program which allows it to preferentially hire teachers of Aboriginal ancestry.
- **School District 47 (Powell River):** Hiring for one educational assistant restricted to a man, to provide assistance for an identified student with a disability to the end of the 2016/2017 school year.
- **School District 53 (Okanagan Similkameen):** Hiring of Aboriginal education support workers restricted to candidates of Aboriginal ancestry.
- **School District 71 (Comox Valley):** Preference to be granted in hiring to candidates of Aboriginal ancestry for the principal and vice principal, teaching, and CUPE positions in the Aboriginal Education Program.
- **School District 72 (Campbell River):** Hiring for one educational assistant restricted to a man, to provide assistance to an identified student with a disability to the end of the 2016/2017 school year.
- **School District 83 (North Okanagan/Shuswap):** Preference to be granted in hiring to candidates of Aboriginal ancestry for clerical support positions in the District's Aboriginal Education Program.
- **Thompson Rivers University:** Hiring restricted for the position of Assistant Professor/Lecturer in Indigenous Journalism to a person of Aboriginal descent.
- **Tsimshian Alliance:** Hiring restricted for an Executive Director to persons of Indigenous culture and heritage, with preference given to a qualified Tsimshian candidate.
- **Vancouver Coastal Health:** Hiring restricted to women, including trans* women, for the following positions within the Women's Intensive Case Management Team: registered nurse, registered psychiatric nurse, social worker, and health care worker.
- **Vancouver Board of Parks and Recreation:** Hiring restricted for two part-time positions to trans* and gender variant individuals.
- **Vancouver Island University:** Preferential hiring of persons of Aboriginal ancestry for positions as an education counsellor to provide services to Aboriginal students, and for faculty positions in the Department of Social Work. Hiring for the Nanaimo Campus Counsellor restricted to persons of Aboriginal ancestry.

PERFORMANCE STANDARDS

Performance Standards

Standards keep us focused on providing the public with fair, effective, and timely dispute resolution services. Having standards means that we know when and where we need to improve. We are striving to improve key performance measures that objectively quantify and demonstrate to the public how well we are fulfilling our mandate.

Screening

Screening is the critical first step in the assessment of a human rights complaint to determine whether it properly falls within the mandate of the Tribunal. Timeliness, quality, and consistency are central to this function. We have created a new screening team, consisting of the Chair, Registrar, Legal Counsel, and two specialized Case Managers, to ensure that our screening functions are performed properly. Written reasons are provided when any part of a complaint has been rejected for filing.

Our performance expectation is that when complaints provide sufficient information to satisfy screening requirements, we will complete our screening process and notify parties within thirty days of filing. Where additional information to satisfy screening requirements is necessary, we will complete our screening process and notify parties within sixty days of filing.

Case Management

How we manage our cases is integral to our ability to control our own processes. We are striving to improve our case management services. We have reformed case management correspondence to be more directive, shorter, and simpler. We have initiated a new team strategy, pairing an adjudicator with a case manager, to manage complaints more effectively. We are committed to enhancing case management in the pre-hearing process to reduce unnecessary delays.

Our goal is to ensure that the majority of the Tribunal's active files are resolved expeditiously to the satisfaction of the parties. We will monitor and begin reporting how long it takes for our Tribunal to resolve a complaint, taking into account whether the parties seek mediation or adjudication. We will sort the Tribunal's active file inventory by age and the percentage of active files that are 0 to 6 months, 7 to 18 months, and over 18 months.

Decisions

Applications to dismiss a complaint before a hearing account for 43% of all preliminary matters filed. We are working with our adjudicators to render these decisions in a timely manner. Members are encouraged to write shorter, more succinct decisions and to render them in letter form, where appropriate in the circumstances. Members are also encouraged to adjudicate matters on the basis of oral submissions, where appropriate.

PERFORMANCE STANDARDS

Our performance expectation is that members will produce decisions: on simple procedural applications within 24 hours of receiving oral submissions; on any other procedural application within 30 days of receiving submissions; and on dismissal applications within 90 days of receiving submissions.

Mediations

The Tribunal successfully offers settlement services at every stage of the complaint process. We are committed to scheduling mediations at the earliest date the parties are ready and available. We encourage parties to participate in telephone mediations when appropriate. Our performance expectation is that our mediators will be fair and impartial, treating all parties with respect, courtesy, and dignity.

While respecting the confidentiality of our settlement services, we will work with our stakeholders to find appropriate ways of assessing our mediators' performance and continuously improve our services.

Hearings

The Tribunal has successfully adopted active adjudication techniques to encourage shorter, more inquisitorial and procedurally flexible hearings. Hearings are now scheduled at the earliest date the parties are ready and available.

We are committed to issuing final decisions in a timely manner. Our performance expectation is that we will issue final decisions on the merits of a complaint within 90 days (when a hearing lasts less than 3 days) and within 180 days (when a hearing lasts more than 3 days).

TRIBUNAL TEAM

Tribunal Team

TRIBUNAL MEMBERS

Tribunal Members are administrative law judges who conduct mediations, decide applications to dismiss a complaint without a hearing, preside on pre-hearing conferences, conduct hearings and render final decisions on the merits of a complaint.

Barbara Korenkiewicz

Ms. Korenkiewicz was appointed as a full-time member of the Tribunal on June 9, 2016. She holds a Bachelor of Laws degree from Queen's University (2000). She also holds a Bachelor of Arts (political science) degree from the University of British Columbia (1996). Prior to joining the Tribunal, Ms. Korenkiewicz practised workplace law for 14 years specializing in human rights and administrative law.

Catherine McCreary

Ms. McCreary was appointed as a full-time member of the Tribunal on April 2, 2012. A graduate of the University of Calgary Faculty of Law, she worked in British Columbia and Alberta as an arbitrator, mediator and investigator. She was a Vice-Chair of the BC Labour Relations Board from 2000 to 2006. Ms. McCreary worked as in-house counsel to Teamsters Local 213 after moving to BC from Alberta in 1997. In Alberta, she worked with the law firm McGown Johnson and acted as counsel, usually to unions and employees.

Emily Ohler

Ms. Ohler was appointed as a full-time member of the Tribunal on June 9, 2016. She holds a Juris Doctor from Osgoode Hall Law School (2000) and a Masters of International and Comparative Law from the National University of Singapore (2004). Ms. Ohler was a litigator in Vancouver before moving to Geneva, Switzerland to join the United Nations Compensation Commission (UNCC). There, she advised the UNCC on policy, legal, procedural and practical matters related to post-conflict claims and sustainable development projects. On returning to Vancouver, Ms. Ohler incorporated Broadleap Solutions Ltd., an international advisory firm. She has taught international and common law as Lecturer and Adjunct Professor at the University of British Columbia.

Jacqueline Beltgens

Ms. Beltgens was appointed as a full-time member of the Tribunal on August 15, 2014. She attended the University of British Columbia for undergraduate studies in international relations, and obtained a Juris Doctor in 1990. She also has a Diploma of Building Technology (Engineering) from the BC Institute of Technology. Prior to joining the Tribunal, Ms. Beltgens was a Law Professor at the Beijing Foreign Students University, and has been in private practice in Vancouver and Victoria with a broad background in civil and administrative law.

TRIBUNAL TEAM

Marlene Tyshynski

Ms. Tyshynski was appointed as a full-time member to the Tribunal on November 1, 2007. She holds a law degree from the University of Victoria (1988). She also holds a Master of Social Work degree from Wilfred Laurier University (1978) and an Honours Bachelor of Applied Science degree from the University of Guelph (1976). Prior to her appointment Ms. Tyshynski served as legal counsel to the Tribunal for four years. She formerly worked as a staff lawyer for The Legal Services Society. Prior to this she was in private practice for several years specializing in administrative law. At the outset of her career Ms. Tyshynski was an associate first with the firm of Vickers and Palmer and then with the firm of Horne Coupar, both Victoria firms.

Norman Trerise

Mr. Trerise was appointed as a full-time member of the Tribunal on December 2, 2010. He holds a law degree from the University of British Columbia (1973) and a Bachelor of Arts degree from the University of Oregon (1969). Prior to his appointment, Mr. Trerise practiced labour, employment, human rights and administrative law as a partner with the national law firm Fasken Martineau DuMoulin.

Walter Rilkoff

Mr. Rilkoff was appointed as a full-time member of the Tribunal on February 28, 2014. He graduated from the University of British Columbia in 1970 with a B.A. (Hons.) in Political Science; from York University with an MA in 1972 and a Law Degree from Osgoode Hall Law School in 1975. Mr. Rilkoff commenced his legal career as a Legal Assistant to the then Chair of the B.C. Labour Relations Board. Prior to joining the Tribunal, Mr. Rilkoff was engaged in private practise for over 37 years representing individuals, employers and trade unions in all aspects of employment related law including labour relations, employment, human rights and privacy.

Diana Juricevic (Chair)

Diana Juricevic was appointed Chair of the Tribunal on August 1, 2016. She had served as a full-time member of the Tribunal since 2011. Prior to joining the Tribunal, Ms. Juricevic practiced international criminal law in the Netherlands and Cambodia. She was also an adjunct professor and Acting Director of the International Human Rights Program at the University of Toronto's Faculty of Law. At the outset of her career, she practiced litigation at a large national law firm in Toronto. Ms. Juricevic holds a Juris Doctor and Master of Economics degree from the University of Toronto (2004). She also holds an Honours Bachelor of Arts degree from the University of Toronto, Trinity College (2001).

TRIBUNAL TEAM

TEMPORARY APPOINTMENTS

The Chair made the following temporary appointments under s. 6 of the *ATA*.

Steven Adamson

In addition to serving as Registrar, Steven Adamson was appointed as a member of the Tribunal on February 27, 2017 for a six-month term. Prior to joining the Tribunal in 2012, Mr. Adamson served as vice chair and deputy registrar with the Workers' Compensation Appeal Tribunal, and before that he was an appeal commissioner with the former Appeal Division of the Workers' Compensation Board. Mr. Adamson started his career as a workers' compensation specialist for a large corporation. Mr. Adamson holds a Bachelor of Laws degree from the University of British Columbia and was called to the Bar in Ontario in 1994. He also holds a Bachelor of Arts degree in history and political science from the University of Toronto.

Vladimir (Walter) A. Pylypchuk

Walter Pylypchuk was appointed as a member of the Tribunal on April 1, 2016 for a six-month term. Mr. Pylypchuk has served as legal counsel with the B.C. Human Rights Tribunal and with the Workers' Compensation Appeal Tribunal, and as a vice chair of the BC Labour Relations Board for over eleven years. Prior to that, he practised labour and employment law, human rights law, and workers' compensation law. Mr. Pylypchuk has practised administrative law for over 37 years. Mr. Pylypchuk obtained a Bachelor of Arts from Brock University and his law degree from the University of Western Ontario. He was called to the Bar in Ontario in 1978 and in British Columbia in 1991. He has been a member of the British Columbia Council of Administrative Tribunals (BCCAT) Education Committee for many years and continues to teach administrative justice in workshops and courses offered by BCCAT.

TRIBUNAL TEAM

TRIBUNAL STAFF

Registrar

Steven Adamson

Manager of Finance and Operations

Andrea Nash

Legal Counsel

Devyn Cousineau

Katherine Hardie

Registry Staff

Anne-Marie Kloss

Carla Kennedy

Cheryl Bigelow

Daniel Varnals

Diana Popa (partial year)

Laura Hill (partial year)

Lorne MacDonald

Luke LaRue

Mattie Kalicharan

Nikki Mann

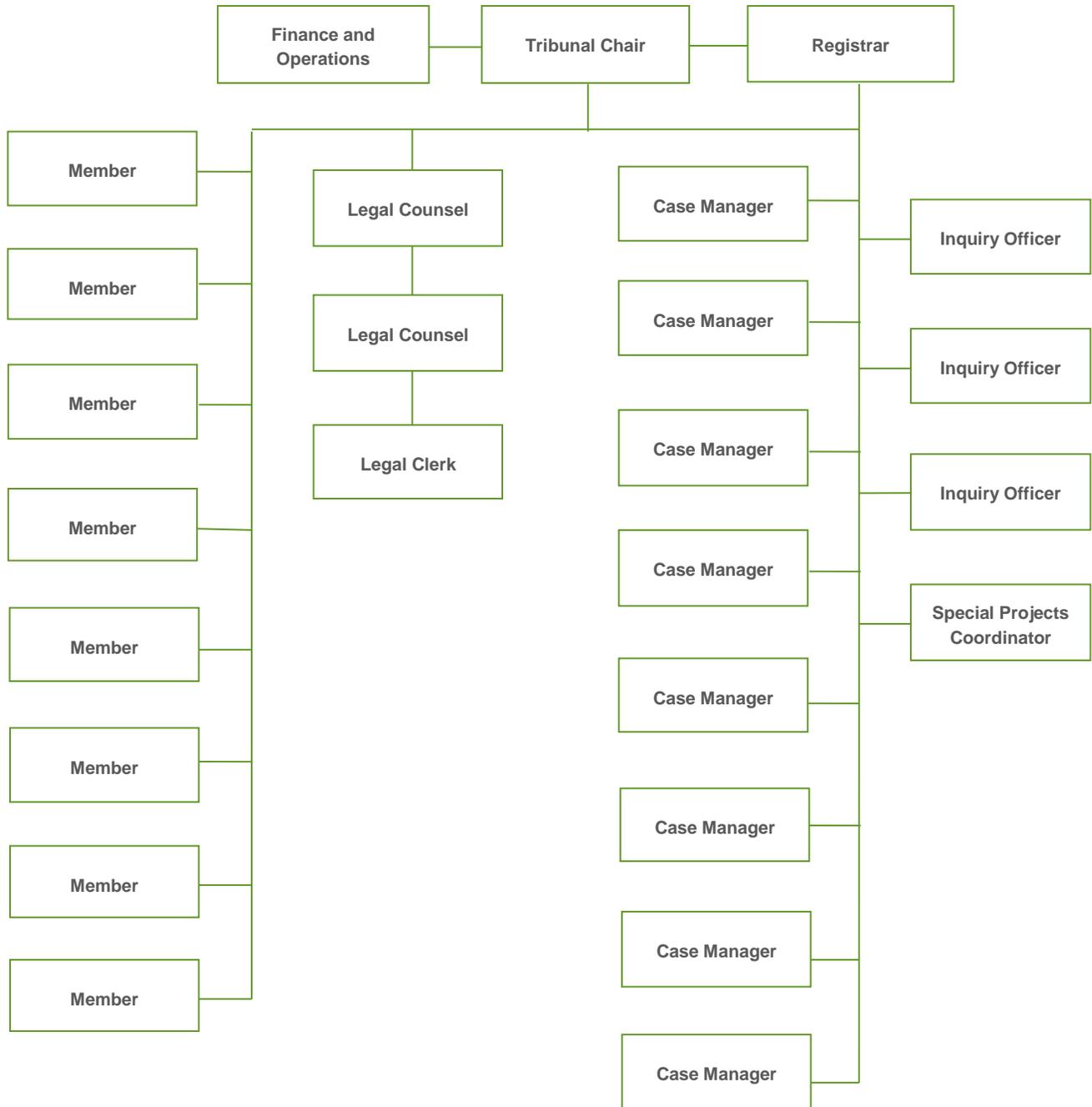
Paul Rondeau (partial year)

Rose Andries

Rozina Rahim

Sandy Tse

TRIBUNAL TEAM



FINANCIAL DISCLOSURE

Financial Disclosure

I am pleased to present a balanced budget for our fiscal year 2016-2017.

TRIBUNAL OPERATING COSTS

DESCRIPTION	EXPENDITURES	DELEGATED BUDGET	VARIANCE
Salaries	2,104,948	2,170,000	65,052
Employee Benefits	494,002	542,500	48,498
Fees for Temporary Members	53,269	0	(53,269)
Travel	24,629	38,500	13,871
Professional Services	170,034	148,200	(21,834)
Information Services	125	0	(125)
Office and Business Expenses	88,052	75,000	(13,052)
Statutory Publication	900	800	(100)
Other Expenses	6,857	0	(6,857)
TOTAL COST	2,942,816	2,975,000	32,184

CONTACT

Please contact us if you require a printed copy of this report:

1170 – 605 Robson Street
Vancouver, BC V6B 5J3
bchumanrightstribunal@gov.bc.ca
www.bchrt.bc.ca

tel: 604-775-2000
toll free: 888-440-8844
fax: 604-775-2020
tty: 604-775-2021

