

## BC Human Rights Tribunal

1270 - 605 Robson Street  
Vancouver BC V6B 5J3  
Phone: 604-775-2000  
Toll Free: 1-888-440-8844

Fax: 604-775-2020  
TTY: 604-775-2021

### GENERAL INSTRUCTIONS

- See the Tribunal's website for further information – [www.bchrt.bc.ca](http://www.bchrt.bc.ca)
- Your information will NOT be automatically saved by the Tribunal
- Click on **Save** at any time to save your form to your computer
- **Email** us your form by attaching a saved copy and sending it to **BCHumanRightsTribunal@gov.bc.ca**
- Click on **Print** and **fax, mail** or **hand deliver** a copy of your form to us
- Keep a copy of your Complaint Form and all of your documents

### For assistance with filing your complaint contact

**BC Human Rights Clinic**  
Tel: 604-622-1100  
Toll Free: 1-855-685-6222  
[www.bchrc.net](http://www.bchrc.net)

**The Law Centre**  
Tel: 250-385-1221  
[www.thelawcentre.ca](http://www.thelawcentre.ca)

### STEP 1: IDENTIFY THE PREVIOUS OR POSSIBLE COMPLAINT

The *Human Rights Code* protects people from retaliation for being involved in a complaint. It protects people because they:

- made a complaint or might make a complaint
- are named in a complaint or might be named in a complaint
- give evidence or help in some other way in a complaint, or might do so

Answer the questions in **STEP 1** about the previous or possible future complaint.

### STEP 2: NAME THE RESPONDENT(S)

Name each individual person, business or organization you believe is responsible for the retaliation.

A respondent in a retaliation complaint is the person who punishes you or threatens to punish you after a complaint is filed. (See **STEP 3** for more information about conduct that is retaliation.)

You can also name a business or organization that employs that person if the conduct was in the course of their employment.

For example:

- If you filed a complaint about discrimination in employment against your employer, and you believe your boss has punished you because of the complaint while you were at work, you can name your boss and your employer in the retaliation complaint.
- If you filed a complaint about discrimination at a restaurant, and you believe the manager has intimidated you while you were at the restaurant, you can name the manager and the restaurant.

### STATE YOUR RELATIONSHIP WITH EACH RESPONDENT

For example:

- I work with Respondent 1.
- I named XYZ Sporting Goods Ltd. in a complaint. They employ Respondent 1.

## STATE HOW EACH RESPONDENT IS CONNECTED TO THE PREVIOUS OR POSSIBLE FUTURE COMPLAINT

For example:

- Respondent 1 was named in a complaint filed by my co-worker.
- Respondent 2 thought I might file a complaint against her in the future.
- I named XYZ Sporting Goods Ltd. in a complaint.
- Respondent 2 works for RST Ltd. who I filed a complaint against.

## STEP 3: RESPONDENT(S)' CONDUCT

Answer these questions to show that the Respondent's conduct could be retaliation under the *Human Rights Code*. Use a separate page for each Respondent.

### 1. What did the Respondent do?

Describe what the Respondent did to retaliate. Retaliation can include:

- Evicting
- Firing
- Suspending
- Expelling
- Intimidating or coercing
- Penalizing
- Denying a right or benefit
- Threatening to do one of these things

Be specific about dates and times and say where it happened.

An employer is generally responsible for the conduct of their employees. For example, if Respondent 2 employs Respondent 1 (the person who retaliated), say that here.

### 2. How can you show the Respondent was aware of the complaint or thought you might be involved in a future complaint at the time?

If you say the Respondent retaliated because of a complaint that was already filed, explain why you believe the Respondent knew of the complaint and your involvement when the conduct happened. For example:

- Say when you told the Respondent about a complaint you filed
- Give the date the Tribunal notified the Respondent of the complaint you were named in

Otherwise, explain why you believe the Respondent thought you might make a complaint, be named in a complaint, or give evidence or assist in a complaint. For example:

- Say when you told the Respondent you might file a complaint
- Say when someone else told the Respondent you might file help them make a complaint
- If no one told the Respondent, explain why the Respondent would have known you might be involved in a complaint to the Tribunal

*For example: After I was turned down for a promotion, I told my boss that I thought it was discrimination.*

### 3. How can you show that the Respondent did this to retaliate against you?

Set out facts showing that the Respondent retaliated against you because of your involvement in the complaint. For example:

- Did the Respondent refer to the complaint at the time?
- Did the conduct happen soon after the Respondent learned of the complaint or a possible complaint?
- Is the conduct unusual or is it different from how the Respondent treats others?

For example:

If you were disciplined at work and believe it is retaliation, explain why the discipline was to retaliate against you because of the complaint. For example:

- was the discipline unwarranted or unusually harsh?
- If so, why?

## STEP 4: Part A – TIME LIMIT TO FILE COMPLAINT

To file your complaint on time, you must file it within one year of each Respondent's conduct (acts or omissions). If only some of the conduct happened in the last one year, your complaint may be filed in time if all of that Respondent's conduct is related or similar and close enough in time.

Answer the questions in **STEP 4: Part A** to show whether your complaint is filed in time. If some or all of the complaint may be filed late, you will also complete **STEP 4: Part B**.

### 1. Did all the conduct you say is retaliation happen in the last one year?

Review the conduct described in **STEP 3**. If all the conduct you say is retaliation happened in the last one year, your complaint is filed in time. Check yes, and go to **STEP 5**. Otherwise check no, and continue with **STEP 4**.

### 2. For each Respondent, is all the conduct related or similar and, if so, how?

For each Respondent, if you are complaining about related or similar conduct, you must file your complaint within one year of the most recent conduct.

Conduct may be related or similar if it is the same as or like other conduct, or is about the same issue or problem. For example:

- January 15: your supervisor sent you home from work when he learned you filed a complaint against your employer
- January 20: your manager yelled at you in a meeting for involving the employer in a complaint
- February 10: your manager told you that you were no longer welcome at meetings.

For your manager, you would explain how the January 20 and February 10 conduct was similar and related to the earlier complaint.

For your employer, all three events are related or similar because they each involve your employer's responsibility for the retaliation by its employees.

### 3. For each Respondent, if there are gaps between the conduct, can you explain them?

If there are gaps between similar or related conduct, the older conduct may be filed late. For each Respondent, explain the reason for any gaps. For example:

- If your supervisor made threats related to the earlier complaint, but these events were three months apart, you might explain that your supervisor was on a leave of absence.

## STEP 4: Part B – TRIBUNAL MAY ACCEPT LATE COMPLAINTS

If **ANY** of the conduct you say is retaliation happened more than one year ago, part or all of your complaint **MAY** be filed late.

Answer the questions in **STEP 4: Part B**, even if you believe that all of your complaint is filed on time because it is about similar or related events with at least one event in the last one year.

The Tribunal may accept a late complaint if it decides that accepting the late-filed complaint:

- is in the public interest; and
- no one would be substantially prejudiced (harmed) by the delay.

### 1. Why did you wait to file your complaint?

The reasons you waited to file your complaint may be an important factor in deciding if it is in the public interest to accept your complaint. Explain your reasons here.

Attach any documents that support your reasons. For example, if you were unable to file your complaint earlier for medical reasons, attach a doctor's note explaining how a medical condition affected your ability to file the complaint.

### 2. Why should the Tribunal accept your complaint?

Other factors the Tribunal will consider in deciding if it is in the public interest to accept your complaint include:

- the length of the delay; and
- whether the complaint raises a novel or unusual issue.

Explain here any other reason the Tribunal should accept your complaint.

### 3. Why would the delay in filing not cause substantial prejudice to any other person?

Substantial prejudice includes, for example, where the Respondent:

- no longer has evidence; or
- has lost contact with witnesses.

Explain here why the delay has not caused substantial prejudice to anyone.

### STEP 5: OTHER RELATED PROCEEDINGS

The Tribunal may defer your complaint (put your complaint on hold) until another proceeding capable of dealing with your human rights complaint, such as a grievance, has been completed. If your complaint is deferred, the Tribunal will take no further steps until the deferral ends.

### STEP 6: REMEDIES

1. List the types of remedies that you want. Remedies can include:

- an order to stop the retaliation
- a statement that the conduct is retaliation
- compensation for:
  - lost wages, benefits or expenses
  - injury to your dignity, feelings or self-respect
- specific steps, such as:
  - getting your job back
  - a change to a policy or collective agreement
  - making a service or housing accessible.

2. List any other person or organization affected by these remedies. For example:

- if you are a union member, and the remedy you want might affect other union members' rights or might breach the collective agreement
- if you want to rent an apartment, but the respondent has rented it to someone else.

### STEP 7: SETTLEMENT MEETING

The Tribunal can provide a mediator to resolve the complaint informally and voluntarily. This is called a “**settlement meeting**”. This is a free service. What is said during the settlement meeting is confidential and cannot be used against either party later.

### STEP 8: COMPLETE THE COMPLAINT FORM

After you have filled out the complaint form:

- check the box to confirm that the information is true and accurate.
- keep a copy of your complaint form and your documents.
- send your complaint form to the Tribunal.

### WHAT HAPPENS NEXT?

After the Tribunal has reviewed your complaint, it will tell you one of the following:

- your complaint form is complete, the Tribunal will accept it for filing, and a copy will be sent to the Respondent(s)
- your complaint form is incomplete and the Tribunal will ask you for further information by a certain date
- your complaint is deferred pending the outcome of other proceedings
- your complaint cannot be accepted for filing because:
  - your complaint is not covered by the *BC Human Rights Code* (it may be covered by the *Canadian Human Rights Act*)
  - your complaint does not set out enough information to support a complaint of discrimination under the *BC Human Rights Code*
  - your complaint was filed late and the Tribunal has decided not to accept it.

## PROTECTION FROM RETALIATION

After a complaint is filed, a complainant, anyone named in a complaint, a witness or anyone who assists in a complaint is protected from retaliation for their involvement in the complaint. You must show:

- a complaint must have been filed with the Tribunal;
- the person who retaliated knew about the complaint; and
- it is reasonable to conclude that the person intended to retaliate against someone because of their involvement in the complaint.

As of May 14, 2015, the *Code* also protects you from retaliation because someone thought you might make a complaint, be named in a complaint, or give evidence or assist in a complaint.

If you or someone else has been retaliated against, complete a Retaliation Complaint Form available on our website under Forms.

## HELP FILING YOUR COMPLAINT

For assistance with filing your complaint contact:

**BC Human Rights Clinic**  
300 - 1140 W Pender Street  
Vancouver BC V6E 4G1  
Tel: 604-622-1100  
Fax: 604-685-7611  
Toll Free: 1-855-685-6222  
www.bchrc.net

**The Law Centre – University of Victoria Faculty of Law**  
225 - 850 Burdett Avenue  
Victoria BC V8W 1B4  
Tel: 250-385-1221  
Fax: 250-385-1226  
www.thelawcentre.ca

## PRIVACY NOTICE

The Tribunal collects personal information to process complaints filed under the *Human Rights Code* and to conduct surveys to evaluate and improve its services under s. 59.1 of the *Administrative Tribunals Act*.

The personal information in this form may be disclosed to members of the public. This is because the Tribunal's process is public:

- The Tribunal publishes most decisions on its website.
- The Tribunal publishes a hearing schedule (list of upcoming hearings) with the parties' names and the area(s) and ground(s) of a complaint.
- After a complaint is on the hearing schedule, the public has access to information, including the complaint and response forms (except contact information).
- Hearings are open to the public.

You can ask the Tribunal to limit the information it makes public. However, the Tribunal will only do so if it decides that your privacy interests outweigh the public interest in access to the Tribunal's proceedings.

For more information, contact the Tribunal Registrar at the address or phone number at the top of this form.



## BC Human Rights Tribunal

1270 - 605 Robson Street

Vancouver BC V6B 5J3

Phone: 604-775-2000

Fax: 604-775-2020

Toll Free: 1-888-440-8844

TTY: 604-775-2021