



How to use this form

- Use this form to file a retaliation complaint in BC for yourself or another person.
- This form has 11 steps.
 - Answer the questions on the form or use extra pages.
 - You can add up to **5 pages** to Step 3 if the form does not have enough space.
- Print clearly. Use a black or blue pen.
- Do not attach evidence about your complaint. (There is one exception in Step 8). The Tribunal will tell you when you need to submit evidence to support your complaint.
- Keep a copy of your complaint form and all of your documents.
- If you are filing the complaint for another person, you must also file a Form 1.2 – Authorization (unless you are their lawyer or legal advocate). Get the Form 1.2 on the [Tribunal website](#)

1-year time limit to make complaint

- Submit this form within **1 year** of the retaliation, if possible.
- If you file late, you can ask the Tribunal to accept your complaint when you fill out this form.

How to send your complaint to the BC Human Rights Tribunal

- Email: BCHumanRightsTribunal@gov.bc.ca
- Fax: (604) 775-2020
- Mail or in person to: 1270 - 605 Robson Street, Vancouver, BC V6B 5J3

How to contact us if you have questions:

- Email: BCHumanRightsTribunal@gov.bc.ca
- Phone: (604) 775-2000
- Toll Free: 1-888-440-8844
- TTY: (604) 775-2021

Do you need help?

- We recommend you get legal advice about your complaint before submitting it, if possible.
- See [Who Can Help?](#) on the Tribunal website.

What will the Tribunal do with this form?

The Tribunal will read the form to see if you set out possible retaliation under the Human Rights Code. The Tribunal may ask you for more information. If you set out possible retaliation, the Tribunal will give a copy of your complaint to the Respondents so they can respond to the complaint.

There is more information at the end of this form about:

- Meeting your needs in the process so you can take part. (The legal term is “accommodation”).
- Privacy and who may see the information on this form, and
- What happens next.

Form 1.4 – Retaliation Complaint

Step 1 – Parties



British Columbia
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

Tribunal stamp

Step 1 Party information

Part A Complainant contact information

1. Who experienced retaliation [Complainant]?

Legal name – First name:

Legal name – Last name:

Preferred name: (**example:** traditional name, nickname, alias)

Use my preferred name:

☐ When talking to me

☐ When writing to me

☐ In decisions in addition to my legal name

Title:

☐ Mr. ☐ Ms. ☐ Mx.

☐ Not listed above: _____

Pronoun:

☐ she/ ☐ he/ ☐ they/

☐ Not listed above: _____

2. Who will communicate with the Tribunal about this complaint?

Check only one:

☐ The Complainant

☐ A lawyer

☐ A legal advocate (**example:** a person who works for a law clinic)

☐ Another person – **must file a Form 1.2 with this complaint**

Retaliation Complaint

Step 1 – Parties

Complainant contact information continued

Name of person who will communicate with the Tribunal, if different from the Complainant

First name:

Last name:

Preferred name: (**example:** traditional name, nickname, alias)

Organization name, if applicable: (**example:** law firm)

Title:

☐ Mr. ☐ Ms. ☐ Mx.

☐ Not listed above: _____

Pronoun:

☐ she/ ☐ he/ ☐ they/

☐ Not listed above: _____

3. Complainant's address for delivery

You must provide:

- a) an address where all parties can send you documents. Give the address of the person who will communicate with the Tribunal.
- b) an email address, if possible. The Tribunal and parties usually communicate by email.

If you have contact information that you want to keep confidential, do not put it on this form. Provide it by email, mail, fax, or in person.

You must notify the Tribunal of any change to the address for delivery. A document sent to an address below is considered received by the complainant.

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

Step 1, Part B Respondent contact information

Information about Respondents:

The Respondent is the organization or person you say retaliated against you.

Usually, there is only **one** Respondent.

Usually, the only Respondent is an **organization**:

Organizations are usually responsible for their employees' conduct.

Only name another respondent if they are responsible for the same retaliation that this complaint is about.

Only name a person as a respondent if:

- the person retaliated against you, and
- you have a reason to seek a remedy against them. For example:
 - no one else is responsible for the retaliation,
 - no one else can provide the remedy, or
 - the person's conduct deserves a remedy

Respondent's contact information:

Email is fastest. If possible, give an email address where we can send your complaint. Choose someone that you think has authority to respond to your complaint. For example, the owner, executive director, or someone in the human resources or legal department.

Retaliation Complaint

Step 1 – Parties

Step 1, Part B Respondent contact information

Check here to confirm you want to name an organization as Respondent #1.

☐ Yes, I want to name the organization that retaliated against me.

Name of Respondent #1 [If naming an employer, give the name and address from a paystub, T4, or employment contract.]:

Relationship to you: (**example:** your employer, landlord, government body)

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

Name of Respondent #2 (if applicable):

Relationship to you: (**example:** your manager, building caretaker, government employee)

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

Retaliation Complaint

Step 2 – Your Role in a Complaint

Step 2 Retaliation about a complaint

Information: The Human Rights Code forbids retaliation. It says that no one can retaliate against you for your role:

- in a complaint to the BC Human Rights Tribunal, or
- in an inquiry by the Office of the Human Rights Commissioner

1. Is the retaliation about: (check one)

- ☐ A complaint that someone filed with the BC Human Rights Tribunal – answer question 2
- ☐ A complaint that someone might file with the BC Human Rights Tribunal – answer question 3
- ☐ An inquiry by the Office of the Human Rights Commissioner – answer question 4

2. If the retaliation is about a complaint that someone filed, answer these questions:

2A. What is the complaint name and case number?

2B. When was the complaint filed?

2C. What is your role in the complaint? (Check one.)

- ☐ I made the complaint
- ☐ I was named in the complaint
- ☐ I gave evidence in the complaint
- ☐ I helped with the complaint – answer question 2D

2D. If you helped with the complaint, how did you help?

2E. How did the Respondent(s) know about your role?

Example: “The Tribunal sent the complaint to the Respondents.”

Retaliation Complaint

Step 2 – Your Role in a Complaint

3. If the retaliation was about a complaint that someone might file, answer these questions:

3A. What was your role?

- ☐ The Respondent(s) thought that I might make a complaint
- ☐ The Respondent(s) thought that I might be named in a complaint
- ☐ The Respondents thought that I might give evidence or help in some other way with another person's complaint

3B. Why did the Respondent(s) think this?

Example: "I told my boss it was discrimination when I didn't get the promotion. So my boss and employer knew I might file a complaint."

4. If the retaliation was about an inquiry by the Office of the Human Rights Commissioner, answer these questions:

4A. What is the Commissioner's inquiry about?

4B. What is your role in the inquiry? (Check one.)

- ☐ I took part
- ☐ I might take part

4C. How did you take part? How might you take part?

4D. How did each Respondent know you took part or might take part?

Example: "I told the Respondent I had evidence for the inquiry."

Retaliation Complaint

Step 3 – Details of the Retaliation

Step 3 Details of the retaliation

To show possible retaliation under the Human Rights Code, you must show:

- The Respondent harmed or threatened to harm you, and
- The Respondent did this to retaliate against you for your role in a complaint.

Give details for each Respondent.

Respondent #1: _____

1. Describe in a few words the conduct that you say is retaliation.

Information: Conduct that can be retaliation is:

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • Evicting • Firing • Suspending | <ul style="list-style-type: none"> • Expelling • Intimidating or Coercing • Penalizing | <ul style="list-style-type: none"> • Denying a right or benefit • Threatening to do one of these things • Other similar conduct |
|--|---|--|

Instructions: Give a short answer. Use the space on the form. Your short answer helps us understand the details you give below.

Examples: “This Respondent fired me.” “This Respondent threatened me.”

2. Give details about what this Respondent did to retaliate.

- Be specific.
Example: If someone threatened you, write out their words and actions.
- If you don’t know the exact date, give an approximate date. **Examples:** 2020 02 23 or 2020 02

Conduct:	Dates: YYYY MM DD

Retaliation Complaint

Step 3 – Details of the Retaliation

3. Explain why you think this conduct is retaliation for your role in a complaint or inquiry.

Examples:

- “I talked about discrimination at work. My boss said he’d never promote me if I made a complaint.”
- “I filed a discrimination complaint against my landlord. Two months later the landlord sued me in court. The lawsuit had no basis. It was just to smear my character.”
- “After I filed a complaint, my manager investigated me. My employer suspended me for 5 days for being late to work once. At most, this deserved a verbal warning.”
- “My employer told me I’d lose my job if I testified at an inquiry.”

Consider getting help if you are not sure. See [Who Can Help?](#) on the Tribunal website.

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them “Step 3, Respondent #1”.

Retaliation Complaint

Step 3 – Details of the Retaliation

Respondent #2:

1. Describe in a few words the conduct that you say is retaliation.

Information: Conduct that can be retaliation is:

- Evicting
- Firing
- Suspending
- Expelling
- Intimidating or Coercing
- Penalizing
- Denying a right or benefit
- Threatening to do one of these things
- Other similar conduct

Instructions: Give a short answer. Use the space on the form. Your short answer helps us understand the details you give below.

Examples: “This Respondent fired me.” “This Respondent threatened me.”

2. Give details about what this Respondent did to retaliate.

- Be specific.
Example: If someone threatened you, write out their words and actions.
- If you don't know the exact date, give an approximate date. **Examples:** 2020 02 23 or 2020 02

[illegible]

Retaliation Complaint

Step 3 – Details of the Retaliation

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Examples:

- “I talked about discrimination at work. My boss said he’d never promote me if I made a complaint.”
- “I filed a discrimination complaint against my landlord. Two months later the landlord sued me in court. The lawsuit had no basis. It was just to smear my character.”
- “After I filed a complaint, my manager investigated me. My employer suspended me for 5 days for being late to work once. At most, this deserved a verbal warning.”
- “My employer told me I’d lose my job if I testified at an inquiry.”

Consider getting help if you are not sure. See [Who Can Help?](#) on the Tribunal website.

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them “Step 3, Respondent #2”.

Retaliation Complaint
Step 4 – Time Limit

Step 4, Part A Is the complaint filed in time?
There is a 1-year time limit for filing a retaliation complaint. Answer these questions:
1. What is the date of the most recent conduct that you listed as retaliation? Respondent #1: _____ Respondent #2: _____ (yyyy mm dd) (yyyy mm dd)
2. Did the most recent conduct happen in the last year? Respondent #1 ☐ yes ☐ no Respondent #2 ☐ yes ☐ no
3. Did all of the conduct happen in the last year? ☐ yes – go to Step 5. You filed your complaint in time. ☐ no – continue in Step 4.
4. Is all of the conduct related or similar? Information: You must file a complaint within one year of the last conduct if the conduct is similar or related. The legal term is “continuing contravention”. ☐ yes –answer questions 5 and 6. ☐ no – skip questions 5 and 6. Go to Step 4, Part B.
5. Explain how the conduct is similar or related (a “continuing contravention”). Example: • “Each event is about a manager threatening me about the complaint.”
6. Explain any gaps in time. Information: Gaps in time might mean there is no “continuing contravention”. The Tribunal will consider reasons for gaps. Example: • “My manager criticized me for filing the complaint. He was on leave for four months.”
If you need more space, use extra sheets (maximum 5 pages for Step 4). Mark them “Step 4”.

Retaliation Complaint

Step 4 – Time Limit

Step 4, Part B Ask Tribunal to accept late complaint

Information:

- Complete this step if **any** conduct happened more than 1 year ago.
- There must be a good reason to accept the late complaint. The legal term is that it must be in the “public interest”.
- There must be no real harm to anyone because of the delay in filing. The legal term is no “substantial prejudice”.

1. Reasons to accept complaint

Information: Reasons include:

- Why you filed late, and how late you filed,
- Why accepting the complaint would benefit the public.

A. Why did you file late?

Examples the Tribunal will consider:

- The Complainant has a disability that prevented them from filing on time.
- The Complainant faced trauma or a family or housing crisis that made it hard to file the complaint at the time of the events.
- The Complainant recently found evidence of discrimination.
- The delay is very short and there is some reason for filing late.

Attach any documents that support your reasons for filing late. Examples: doctor’s note, or letter from a counsellor.

B. How will accepting your complaint benefit the public?

Example: The complaint is about a situation that the Tribunal has not addressed often. A complaint seeks a remedy that would help many people.

2. Why would the delay in filing not harm anyone else?

Information: The delay means the time after the 1-year time limit.

- “The complaint is two months late. Documents and witnesses should still be available.”
- “The complaint is six months late. I know of no harm to the Respondents.”

If you need more space, use extra sheets (maximum 5 pages total for Step 4). Mark them “Step 4”.

Retaliation Complaint

Steps 5-6

Step 5 Other proceedings

Information: The Tribunal can defer your complaint (put it on hold) until another proceeding is finished.

Instructions: Answer these questions.

1. Do you have another proceeding about the same events?

- ☐ yes – answer question 2
- ☐ no – go to Step 6.

2. What kind of proceeding is it?

Examples: union grievance, court case, WorkSafeBC claim.

3. What stage is that proceeding at?

Examples: Has there been a hearing? When do you expect a decision?

4. Do you want the Tribunal to wait to deal with your complaint?

- ☐ yes – answer question 5
- ☐ no – go to Step 6

5. Explain why you want the Tribunal to wait to deal with your complaint.

Step 6 Remedies

Check the kinds of remedies you want and that are available under s. 37 of the Human Rights Code:

- ☐ Order to stop the retaliation
- ☐ Declaration that the conduct is retaliation
- ☐ Steps or programs to address the retaliation (**examples:** training, policy)
- ☐ Compensation for injury to dignity, feelings, and self-respect
- ☐ Compensation for lost wages or other expenses such as moving expenses, photocopying, costs of attending the hearing (keep receipts)
- ☐ Something specific (**examples:** job back, ramp): _____

Step 7 Mediation

Information:

- At a “mediation”, a trained mediator works with you and the respondent to find a solution to your complaint. Settlement is voluntary. If you can’t agree, the process continues.
- If you settle your complaint, the process is usually much faster. If you don’t settle, there are steps you must take before a hearing where you can prove your complaint. See [Steps in the Process](#) on the Tribunal website.
- Mediation is free.
- What you and the Respondent say in mediation is confidential.
- A mediator does not act for either party.
- You can bring your representative or a support person.
- You don’t have to be in the same room as a Respondent to participate in mediation. The mediator can speak to you and the Respondent separately.
- For more information see [Settle a Complaint](#) on the Tribunal website.

The Tribunal will ask the Respondent if they want to attend a mediation. If you both agree, the Tribunal will contact you to schedule a date for the mediation.

Do you want to attend a mediation?

☐ yes ☐ no

Step 8 Indigenous Peoples

Indigenous Peoples are First Nations, Métis, or Inuit.

Case Managers – Indigenous Services at the Tribunal can:

- Explain the process and process options
- Discuss incorporating Indigenous protocols or ways of resolving disputes.

Check here if you are Indigenous and want a Case Manager – Indigenous Services to contact you.

☐ I confirm I am First Nations, Métis, or Inuit. I want a Case Manager – Indigenous Services to contact me about the process.

Retaliation Complaint

Steps 9-10

Step 9 Extra pages

More space for answers to questions in form

You may add up to 5 pages for Step 3 – Details and up to 5 pages for Step 4 – Time Limit.

☐ Check here if you are attaching extra pages.

Number each page you attach, write the step you are responding to, and name the Respondent that it is about.

How many extra pages are you attaching: _____

Evidence

Do not file evidence now unless an exception applies. There are 2 exceptions:

1. You can file evidence to show why you filed your complaint late. For example, a doctor's note.
2. If your complaint is about a job ad or publication, you can attach the ad or publication.

☐ Check here if you are attaching evidence. One of these exceptions must apply.

How many pages of evidence are you attaching: _____

Keep your documents. The Tribunal will tell you when you need to submit evidence to support your complaint.

Step 10 Confirm information is true and accurate

Keep a copy of your complaint form.

Check the following box:

☐ The information I gave is true and accurate to the best of my knowledge and belief.

Retaliation Complaint

Step 11

Step 11 Demographic information

The Tribunal wants to ensure that everyone can access and use its process. We use this information to know how the process works for different groups. Your information is **confidential**. We share it with the Office of the Human Rights Commissioner on a confidential basis. We do not give it to the Respondents. We share only statistics or “aggregated data” with the public.

This section is **voluntary**. You can complete all, some, or none. Check all that apply.

1. Indigenous Identity ☐ First Nations ☐ Métis ☐ Inuit ☐ Indigenous ☐ Other: _____ 2. Racial Identity ☐ Indigenous ☐ Black ☐ East Asian ☐ South Asian ☐ Latinx ☐ Middle Eastern ☐ White ☐ Mixed Race ☐ Other: _____ 3. Primary Language ☐ English ☐ French ☐ ASL ☐ Chinese Traditional ☐ Chinese Simplified ☐ Punjabi ☐ Tagalog ☐ Farsi ☐ Korean ☐ Other: _____	4. Disability requiring accommodation ☐ Pain-related ☐ Flexibility ☐ Mobility ☐ Dexterity ☐ Seeing ☐ Hearing ☐ Deafblind ☐ Mental health-related ☐ Cognitive ☐ Memory ☐ Learning ☐ Developmental ☐ Unknown ☐ Other: _____ 5. Gender Identity ☐ Woman ☐ Man ☐ Intersex ☐ Non-binary ☐ Transgender ☐ Two Spirit ☐ Other: _____ 6. Sexual Orientation ☐ LGBTQ ☐ Heterosexual ☐ Other: _____	7. Immigration Status ☐ Canadian citizen ☐ Permanent resident ☐ Refugee ☐ Temporary visa ☐ Other: _____ 8. Age ☐ Under 19 ☐ 20-34 ☐ 35-49 ☐ 50-64 ☐ 65 and over 9. Household ☐ Single parent family ☐ Two parent family ☐ Single adult ☐ Two adults ☐ Other: _____ 10. Household Income After Tax ☐ Under \$20,000 ☐ \$20,000 to \$39,999 ☐ \$40,000 to \$59,999 ☐ \$60,000 to \$79,999 ☐ \$80,000 to \$99,999 ☐ \$100,000 or more
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Accommodation

The Tribunal wants to make sure its process is safe and accessible for everyone.

You may need us to address your needs so you can take part (The legal term is “accommodation”).

If you need an accommodation, attach a page called “Accommodation Request”.

Examples:

- “I am Deaf. I need an interpreter.”
- “I am Indigenous. I want to smudge at the hearing.”

Privacy Notice

The Tribunal collects personal information to process human rights complaints. The Tribunal may survey parties to improve its services.

The demographic information you give at the end of this form is confidential.

The Tribunal will give a copy of the rest of the form to the other parties.

The Tribunal must provide copies of complaints and responses to the Office of the Human Rights Commissioner. The Tribunal may provide the Commissioner with other records in a complaint file.

The Tribunal may disclose personal information to the public as follows:

- The Tribunal publishes most decisions on its website.
- The Tribunal publishes a hearing schedule.
- Before a hearing, the public can see parts of the file. This does not include contact information. It does include:
 - The complaint,
 - The response to the complaint.
- Hearings are open to the public.
- The Freedom of Information and Protection of Privacy Act applies to the Tribunal. Someone can apply to see information in the complaint file.

You can ask the Tribunal to limit the information it makes public. You can also ask the Tribunal to order a publication ban. Use a Form 7.1 General Application to apply. For more information, see [Apply to Limit Publication of Personal Information](#) on the Tribunal website.

Other laws may restrict a party from going public with information in this complaint.

For more information, see the [Complaint Process Privacy Policy](#).

What happens next?

The Tribunal will review your complaint. Next, it will tell you one of the following:

- The complaint form is complete and the complaint will proceed to the next step. The Tribunal will send a copy to the Respondent(s).
- The complaint form is incomplete and the Tribunal will ask you for more information by a certain date.
- The complaint is on hold until the end of another proceeding.
- The complaint cannot be accepted for filing because:
 - The complaint is not covered by the BC Human Rights Code,
 - The complaint does not set out facts that could be discrimination under the BC Human Rights Code, or
 - The complaint was filed late and the Tribunal has decided not to accept it.