

REINSTATING **THE BC HUMAN RIGHTS COMMISSION**

A public consultation submission
from the Federation of Post-Secondary Educators of BC
NOVEMBER 17 2017



Federation of
Post-Secondary Educators
of BC

INTRODUCTION

Parliamentary Secretary of Multiculturalism Ravi Kahlon is leading a public engagement process to form recommendations for the restoration of the BC Human Rights Commission. This submission from the Federation of Post-Secondary Educators of BC (FPSE) is in response to the invitation to participate in the public consultation process.

FEDERATION OF POST-SECONDARY EDUCATORS OF BC

The Federation of Post-Secondary Educators and its member locals have served BC's educators for almost fifty years, providing resources, support, and advocacy for workers. Our federation is committed to advancing human and civil rights across campuses, and across BC.

FPSE members inspire and challenge students to engage their communities and embrace new ways of thinking. Our members are also involved in human and civil rights campaigns on their campuses, in their communities, and through our FPSE Human Rights Committee.

BC is the only Canadian province without a human rights commission. Reinstating the commission will be a positive step in enforcing the BC Human Rights Code – in the 15 years since the commission was dismantled, the need for a human rights body outside of the Human Rights Tribunal has been clearly demonstrated. Our recommendations are focused on measures that will ensure the commission is able to adequately fill this role.

GUIDING PRINCIPLES

A human rights commission presents an opportunity to create a decolonized structure acting on the recommendations of the Truth and Reconciliation Commission, and aligned with the United Nations Declaration of the Rights of Indigenous Peoples. This is a powerful moment to ground the commission in those same values.

1. We recommend that consultation with BC's Indigenous leaders continue beyond the commission's creation, to ensure that the processes established serve to facilitate reconciliation, decolonization, and Indigenization of our society.

LEGISLATIVE FRAMEWORK

2. We recommend that the commission be structured as a fully independent body, separate from government, and that this separation be enshrined in the BC Human Rights Code. This measure will enable the commission to participate in provincial legal proceedings, and provide public assurance that its decisions are non-partisan. Multiple commissioners should represent the geographic and demographic diversity of BC.

3. We recommend the commission's enforcement mechanisms be specifically set forth in legislation. The commission must be able to enforce awards, and set a timeline for the award to be granted. Cost awards deter rights abuses, and provide closure and compensation to individuals awarded damages.



A MORE JUST SOCIETY

In the consultation terms of reference, the commission's role is described as addressing "complex, intersecting conditions that foster and preserve systemic discrimination by promoting and enforcing human rights, and acting as a driver for social change based on principles of dignity and equality." Further, "the Commission will work to expose, challenge and end widespread entrenched structures and systems of discrimination through education, policy development and public inquiries."

4. We recommend that the commission be mandated to conduct research examining the cause of inequality in our society, and be granted the authority to act to remedy the problems identified.

5. The commission should maximize public access via online and in-person communication. We further recommend a timeline of 18 months to bring forward a complaint.

6. The commission should provide public access to educational materials addressing individual, intersectional, and systemic human rights issues as part of its educational process.

RESOURCING THE COMMISSION FOR SUCCESS

For the BC Human Rights Commission to fulfill its organizational mandate, sufficient funding, staff, and government cooperation is necessary.

7. We recommend that the commission be able to represent individuals unable to represent themselves, acting as a participant in public interest litigation as an independent party.

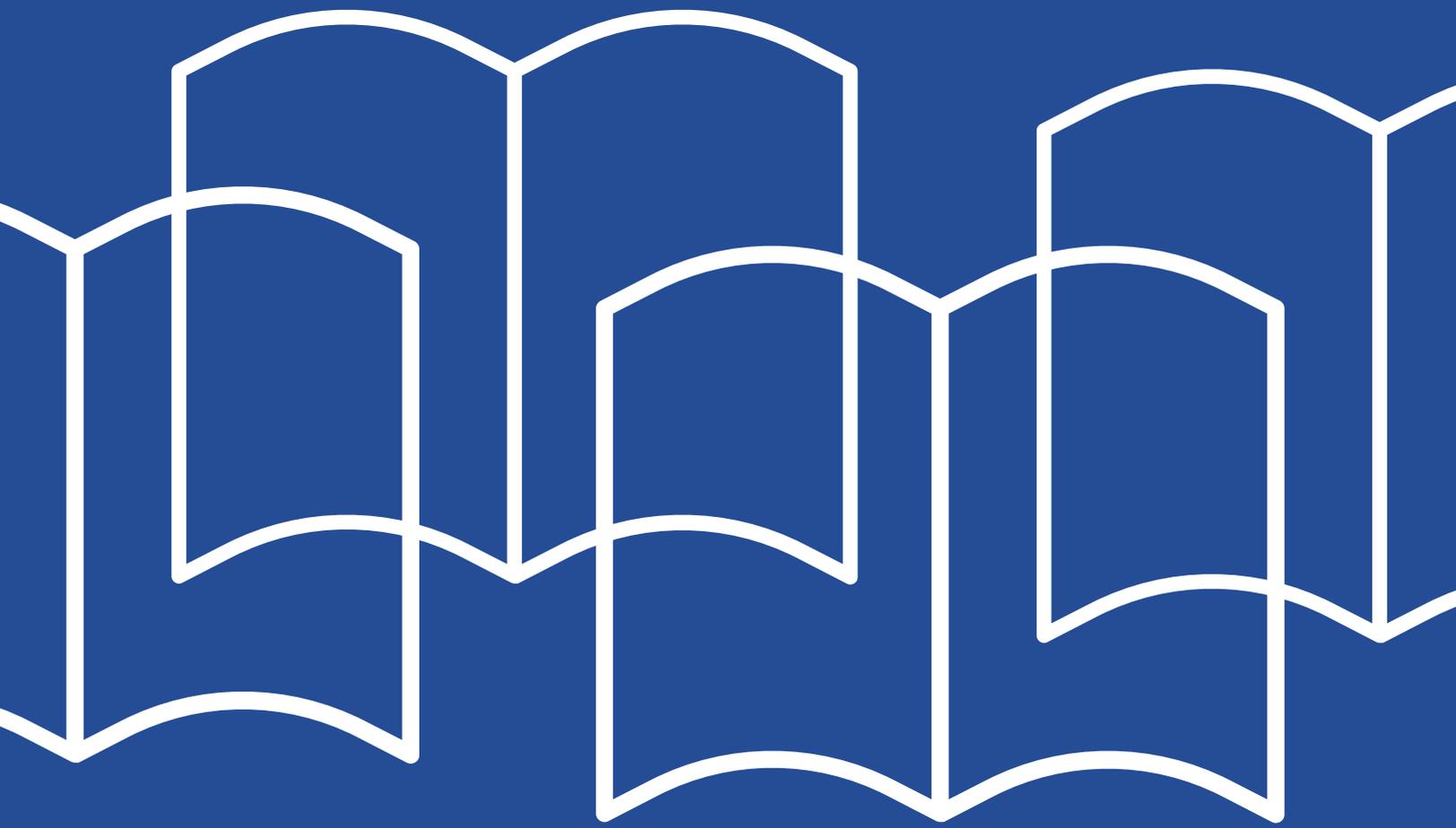
Complementary funding must be available for the Human Rights Tribunal's carriage of systemic complaints.

The Human Rights Tribunal should be reviewed to ensure that it balances the commission and is able to adjudicate individual, inter-sectional, and systemic complaints.

8. Consider those you do not hear from as you create the human rights commission. Absent voices can tell a compelling story of the work needed from the commission: is a person without food or shelter equal in dignity and rights? By contemplating these issues early, the commission can truly address inequality and discrimination.

CONCLUSION

We commend the government for beginning the process of reinstating the BC Human Rights Commission, and look forward to continued steps towards a more just and fair society.



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