



CBABC Human Rights Section Submissions re BC Human Rights Commission Invitation

The CBABC Human Rights Section is made up of human rights lawyers on both sides of the bar, including those who represent complainants and those who represent respondents in all types of human rights matters. The following submission regarding the Government's plan to re-introduce a BC Human Rights Commission is supported by the section executive and made on behalf of the section. The CBABC Human Rights Section's submissions reflect the views of the Section only and, do not necessarily reflect the views of the CBABC as a whole.

At our consultation meeting with Parliamentary Secretary Ravi Kahlon on September 27, 2017, we were advised that the Government would not be consulting with the public or stakeholder groups about the prospective Human Rights Commission after November 17, 2017. Specifically, Mr. Kahlon advised that he would be reviewing submissions received during the current consultation period and producing a report with recommendations for the Attorney General's consideration. He further advised that his report and recommendations would not be made available to stakeholders to allow for further consultation or comment before legislation is drafted. While we appreciate the desire to ensure that a Commission is introduced without significant delay, with the greatest of respect, we believe that further consultation will better enable affected groups to offer meaningful and specific feedback on the implications of a proposed model. At present, we can offer no more than very general suggestions for your consideration. We accordingly encourage the Government to consider further consultation about whatever specific recommendations flow from Mr. Kahlon's report and we, the CBA BC Human Rights Section, would be happy to be involved in any such further consultation.

Our substantive submissions on the introduction of a Human Rights Commission are twofold. First, the CBA BC Human Rights Subsection strongly recommends that the Government leave the current direct access model for the adjudication of human rights complaints by the Tribunal in place and not empower a Commission to carry out its former role as investigator and gate keeper for complaints filed. In our members' experience with the former Commission, and with similar models in the federal jurisdiction and Alberta, having a commission serve as gate-keeper/investigator of human rights complaints creates significant delays and backlogs in processing complaints and is extremely inefficient. For these reasons, the CBA BC Human Rights Section is strongly opposed to the Commission being assigned its former gate-keeper/investigation role into human rights complaints.

Second, we recommend that any Commission mandate include a focus on research, education and facilitating respectful discussion relating to broad societal human rights issues. The CBA BC Human Rights Section executive believes that the Commission could play a significant role in healing and maintaining healthy communities by focussing on investigating, reporting, educating and informing the public about broad societal human rights issues, and by facilitating open, frank, and respectful discussion within our communities about such issues. Through such open, frank and respectful discussion, the Commission could help reduce ignorance and cultivate broader respect for human rights and acceptance of others, including those of different races, ethnicities, religions, gender identification, sexual orientations, and abilities.

Please direct any questions or comments to the CBA BC Human Rights Section Legislative Liaison, David G. Wong at dwong@fasken.com.