



How to use this form

- Use this form to respond to a human rights complaint (Form 1.1, 1.3, or 1.4).
 - You may file this form for another **individual** only if you are their lawyer or legal advocate, or have their consent.
 - You may file this form for an **organization** only if you are their lawyer or legal advocate, or have authority to act for the organization.
- Read pages 2-3 for information about responding to a complaint.
- This form has 9 steps.
 - Answer the questions on the form or use extra pages.
 - You can add up to **5 pages total** if the form does not have enough space.
- Print clearly. Use a black or blue pen.
- Keep a copy of your form and all of your documents.
- You must send a copy of this form to the Complainant and to any other Respondent.

How to send your response 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 response before submitting it, if possible.
- The Law Centre may be able to assist you:
Tel: 250-385-1221
www.thelawcentre.ca

More information

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

- Meeting your needs in the process so you can take part
- Privacy and who may see the information on this form
- Protection from retaliation

Form 2 – Complaint Response

Instructions and Information

Information about responding to a complaint

There are three usual ways to respond to a complaint under the [Human Rights Code \[Code\]](#):

1. Explain your version of events

In step 2, you give your version of what happened. Review the facts alleged in the complaint and say what you agree with and what you disagree with.

2. Explain why the complaint does not set out possible discrimination or retaliation

If you do not agree that the facts alleged in the complaint sets out possible discrimination or retaliation, you can explain why not in step 3.

A discrimination complaint (Form 1.1 or 1.3) must allege facts that show three things:

- The complainant has (or you perceive them to have) a protected personal characteristic [also called a **ground of discrimination**]. See the grounds of discrimination in step 2, part B of the complaint.
- Your conduct adversely affected the complainant in a protected area of public life. See the area of discrimination in steps 2, part A of the complaint. See what the complainant says you did in part 3 of the complaint.
- The complainant's protected characteristic was a factor in the adverse impact on them. See step 3, question 2 of the complaint.

Note: for a Form 1.3 Group or Class Complaint, see part 2 of the form.

A retaliation complaint (Form 1.4) must allege facts that show three things:

- You treated the complainant badly. Examples: evict, fire, suspend, expel, intimidate, coerce, penalize, deny a right or benefit. See Step 3 of the complaint.
- You knew that the complainant
 - made a complaint or might make a complaint
 - was named in a complaint or might be named in a complaint
 - gave evidence or helped in a complaint, or might give evidence or help
 - took part or might take part in an inquiry under the CodeSee Step 2 of the complaint.
- There is a sufficient connection between what you knew and how you treated the complainant. For example: (1) You intended to retaliate. (2) A reasonable complainant would see the bad treatment as retaliation if they knew all of the facts. See Step 3, question 3 of the complaint.

3. Give a justification or other defence for your conduct

Your conduct may not be discrimination, even if it negatively affected the complainant in a way that is connected to a protected characteristic. See information about defences on the next page.

Form 2 – Complaint Response

Instructions and Information

Information about justification and other defences

If you believe that one of the following defences applies, explain why in step 4.

Justification

To justify your conduct, you must show:

- the purpose of any rule or practice you applied and how that purpose relates to your operations
- you adopted the rule or practice in good faith
- you have accommodated the complainant short of undue hardship.

“Accommodation short of undue hardship” means you have taken every reasonable and practical step to avoid the negative impact on the complainant.

In step 3, explain what steps you took. If accommodation was not possible or not successful, explain why.

Other defences that apply in certain situations

- complaints based on age about seniority schemes – the seniority scheme is bona fide (developed in good faith, without meaning to discriminate) (section 13(3)(a))
- complaints based on marital status, disability, sex or age about a retirement, superannuation or pension plan, or group or employee insurance plans – the plan is bona fide (developed in good faith, without meaning to discriminate) (section 13(3)(b))
- complaints based on sex, disability, or age about premiums or benefits under health or life insurance contracts – excluded from protection (section 8(2)(a) and (b))
- complaints based on sex about wages – the wage difference is reasonably justified (section 12(3))
- complaints based on criminal conviction – the criminal conviction is related to the employment or membership in a trade union or other organization (sections 13 and 14)
- complaints about publication – the publication is intended to be private (section 7(2))
- complaints based on age – the distinction is permitted or required by an Act or regulation (section 41(2))
- complaints about tenancy – see defences in section 10(2) of the Code
- complaints against a not-profit organization giving preference to members of an identifiable group characterized by a common disability or Indigenous identity, race, religion, age, sex, sexual orientation, gender identity or expression, marital status, political belief, colour, ancestry or place of origin – the primary purpose of the organization is to promote the welfare and interests of the group (section 41(1))

For all defences and more information, see the [Human Rights Code](#) and [My Rights and Duties](#).



Form 2 – Complaint Response

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

Email: BCHumanRightsTribunal@gov.bc.ca
Website: www.bchrt.bc.ca

Tribunal stamp

Step 1 Party Information

Part A Complainant

Complainant's name as it appears on the complaint form:	Tribunal Case Number:
---	-----------------------

Part B Respondent(s) responding on this form

Respondent #1

Name as it appears on the complaint form:	
Correct name if the complaint form has an error:	
Preferred name (example: traditional name, nickname, alias):	
Use my preferred name: <input type="checkbox"/> When talking to me <input type="checkbox"/> When writing to me <input type="checkbox"/> In decisions in addition to my legal name	
Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mx. <input type="checkbox"/> _____	Pronoun: <input type="checkbox"/> she/ <input type="checkbox"/> he/ <input type="checkbox"/> they/ <input type="checkbox"/> _____

Respondent #2

Name as it appears on the complaint form:	
Correct name if the complaint form has an error:	
Preferred name (example: traditional name, nickname, alias):	
Use my preferred name: <input type="checkbox"/> When talking to me <input type="checkbox"/> When writing to me <input type="checkbox"/> In decisions in addition to my legal name	
Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mx. <input type="checkbox"/> _____	Pronoun: <input type="checkbox"/> she/ <input type="checkbox"/> he/ <input type="checkbox"/> they/ <input type="checkbox"/> _____
<input type="checkbox"/> Check here if there are more Respondents and you are adding an extra page.	

Complaint Response

Step 1 – Respondent Contact Information

Part C Who will communicate with the Tribunal for the Respondents listed on this form?

Check only one:	
<input type="checkbox"/> A lawyer	
<input type="checkbox"/> A legal advocate (example: a person who works for a law clinic)	
<input type="checkbox"/> An individual respondent – name: _____	
<input type="checkbox"/> Another person	
Name of person who will communicate with the Tribunal, if different from Respondent	
First name:	Last name:
Preferred name: (example: traditional name, nickname, alias)	
Organization name, if applicable (example – law firm):	
Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mx. <input type="checkbox"/> _____	Pronoun: <input type="checkbox"/> she/ <input type="checkbox"/> he/ <input type="checkbox"/> they/ <input type="checkbox"/> _____

Part D Address for delivery

Email:		
Mailing address:		
City:		
Province:	Postal Code	
Telephone:	Fax:	Cell:

Part E Authority to communicate about this complaint

<p>You must have authority to communicate on behalf of another Respondent. Examples:</p> <p>You are the Respondent's lawyer or legal advocate or have their consent.</p> <p>If the Respondent is an organization, you are, or are authorized by: the owner; an officer such as the president; the chair or a designated member of the board of directors; or a trustee or administrator.</p> <p>State your authority to communicate about the complaint for each Respondent:</p>

Complaint Response

Step 2 – Response to alleged facts

Step 2 Respondent #1, response to facts alleged in the complaint

Instructions: Read steps 2-3 of the complaint form.

Say which facts, if any, in the complaint form you **agree** with:

Say which facts in the complaint form you **disagree** with and explain your version of what happened:

Complaint Response

Step 2 – Response to alleged facts

Step 2 Respondent #2, response to facts alleged in the complaint

Instructions: Read steps 2-3 of the complaint form.

Say which facts, if any, in the complaint form you **agree** with:

Say which facts in the complaint form you **disagree** with and explain your version of what happened:

Complaint Response

Step 3 – No contravention of Code

Step 3 Facts alleged could not contravene Code (if applicable)

Information: Read the information on page 2 of Instructions and Information.

Instructions: Complete step 3 **only** if you say that, without considering your version of the facts, the facts alleged in the complaint could not be discrimination or retaliation contrary to the Human Rights Code.

Explain why you say the facts alleged in the complaint could not contravene the Code:

Complaint Response

Step 4 – Justification and other defences

Step 4 Justification and other defences (if applicable)

Information: Read the information on page 3 of Instructions and Information.

Instructions: Complete step 4 **only** if you rely on a justification or other defence.

Explain your defence:

Step 5 Other related proceedings

Information and instruction: The Tribunal can defer a complaint (put it on hold) until another proceeding is finished. Read step 5 of the complaint. Answer these questions.

1. Is there another proceeding about the same events?

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

2. What kind of proceeding is it? Examples: 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 the complaint?

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

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

Step 6 Mediation

Information:

- At a mediation, a trained mediator works with you and the complainant to find a solution to the complaint. Settlement is voluntary. If you can't agree, the process continues.
- If you settle the complaint, the process is usually much faster. If you don't settle, there are steps you must take before a hearing. See [Steps in the Process](#) on the Tribunal website.
- Mediation is free.
- What you and the Complainant 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 Complainant to participate in mediation. The mediator can speak to you and the Complainant separately.
- For more information see [Settle a Complaint](#) on the Tribunal website.

If the Tribunal has scheduled a mediation, confirm that you will attend:

☐ yes, I will attend ☐ yes, but am not available that day ☐ no, I will not attend

If the Tribunal has not scheduled a mediation, are you interested in attending one:

☐ yes ☐ no

Step 7 Indigenous Peoples

Indigenous or Aboriginal Peoples are First Nations, Métis, or Inuit.

The Tribunal is committed to Truth and Reconciliation with Indigenous Peoples.

If you are Indigenous, a Tribunal staff person can:

- Explain the process and process options
- Talk about including Indigenous protocols or ways of resolving disputes in the process.

If you want the Tribunal to contact you, check here:

- ☐ I confirm I am First Nations, Métis or Inuit. I want someone to contact me to talk about the process.

Step 8 Extra pages

You may add up to **5 pages total**. Do not attach evidence to the response.

- ☐ 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? _____

Step 9 Confirm information is true and accurate

Check the following box:

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

Reminders

- ☐ Keep a copy of the form
- ☐ Send a copy of the form to the Complainant and any other Respondent
- ☐ Send the form to the Tribunal
- ☐ If you need a new mediation date, email the Tribunal when you file this form.
 - Put your case number and "Mediation Scheduling" in the subject line.
 - Give your available dates.

More information

Needs to participate

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.

If you need an accommodation, tell your case manager.

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 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](#).

Protection from retaliation

The Human Rights Code forbids retaliation:

- Against someone who makes a complaint to the Tribunal or who might make a complaint, or
- Against someone who might get involved in a complaint. This includes
 - parties, including respondents
 - witnesses
 - anyone who might help with a complaint

Retaliation is conduct that punishes someone for their involvement in a complaint. It includes:

- Evicting
- Firing or suspending
- Expelling or kicking out
- Intimidating
- Penalizing
- Other similar kinds of harm

For more information see [Protection from Retaliation](#) on the Tribunal website.

If you or someone else has been retaliated against, complete a Form 1.4 – Retaliation Complaint available in the [Forms](#) section on our website.