Human Rights in British Columbia:
Age Discrimination

This fact sheet has been created to help you understand age discrimination in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your age. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

What is age discrimination?

Age discrimination means treating someone badly or denying them a benefit because of their age. It is important to note that the *Code* only protects against age discrimination for people who are age 19 years of age and over.

Age discrimination can include denying an older worker training opportunities or denying a younger worker a position because they look too young.

Discrimination at work

An employer can't refuse to interview, hire, promote or fire an employee because of their age (19 or older).

An employer can't make age an issue or advertise for a certain age when hiring. For example, an ad must not say "young people wanted."

When hiring, an employer can ask if you are of legal working age. But an employer can't ask anything in order to determine your age such as "What year did you graduate from high school?"

After hiring, an employer might legitimately need to know the employee's age for a purpose like enrolment in a pension or benefits plan.

Discrimination in rental housing

Generally, landlords can't refuse to rent to you because of your age. They also can't evict you because of your age. For example, a landlord can't refuse to rent an apartment to someone in their 20s because the landlord thinks young people are noisy.

There are some situations where age distinctions are allowed such as:

- A landlord can restrict rentals to people 55 and older in an all seniors building.
- A landlord has the right to refuse to rent for any reason if the renter will be sharing a kitchen or bathroom with the landlord.

Accommodation, Service and Facility

A person or business that provides services to the public cannot discriminate against someone because of their age (19 or older). These include:

- short-term accommodation, such as a hotel room
- restaurants or stores
- government services and transit
- recreation centres and other public facilities

Examples of discrimination based on age:

- A campground can't charge a group of 20 year-olds a $100 damage deposit and not charge the same amount to an older couple.
- A doctor's office can't refuse to take an older patient because "older people have too many medical problems and they take up too much time."

Duty to accommodate

The **duty to accommodate** means there is a legal duty to adjust a policy, practice or service to meet a person's needs because of their age. For example, an older person's needs may require that changes be made to the usual way things are done. Refusing to take reasonable steps to serve the special needs of an older person could be discriminatory unless adjusting to their needs would result in **undue hardship**.

How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, all of the following must be true:

- ✔ You have been treated badly or denied a benefit.
- ✔ There is a connection between the way you have been treated (badly or denied a benefit) and your age.
- ✔ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet ***Human Rights in British Columbia: What you need to know.***

Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

BC Human Rights Clinic

300-1140 West Pender Street, Vancouver, B.C. V6E 4G1
Tel: 604 622-1100 Toll Free: 1 855 685-6222
Fax: 604 689-7611
Online: www.bchrc.net

If someone has made a complaint against you, you are a **respondent**. **Respondents** anywhere in the province and Victoria-area **complainants** can get information by contacting:

University of Victoria

Law Centre Clinical Law Program
Suite 225 – 850 Burdett Avenue, Victoria, B.C. V8W 1B4
Tel: 250 385-1221 Toll Free: 1 866 385-1221
E-mail: reception@thelawcentre.ca

You may be directed to the **BC Human Rights Tribunal** to file your complaint.

BC Human Rights Tribunal

Suite 1170 – 605 Robson Street, Vancouver, B.C. V6B 5J3
Tel: 604 775-2000 Toll Free: 1 888 440-8844
TTY (for hearing impaired): 604 775-2021
Online: www.bchrt.gov.bc.ca

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