Administrative Procedure **3070**
Non-Discrimination

The Board of Education, School District No. 71 (Comox Valley) supports the spirit of intent of the *Canadian Charter of Rights and Freedoms* and the *BC Human Rights Code* as pertains to discrimination (see overleaf). The values enshrined in these documents are recognized as the basis of a fair and just society.

The board accepts responsibility for embracing actions promoting non-discrimination, and for supporting schools in enforcing discipline when discrimination is encountered. It will encourage schools to actively foster environments that emphasize tolerance, equality, and non-discrimination, and to develop procedures and practices that support this policy.

The board also encourages members of the school communities to welcome, include and support all others, regardless of their gender, sexual orientation or perceived sexual orientation, or their physical or mental capabilities.

Excerpts from *Canadian Charter of Rights and Freedoms*

Fundamental Freedoms

2.   Everyone has the following fundamental freedoms:

   (a)   freedom of conscience and religion;
   (b)   freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
   (c)   freedom of peaceful assembly, and
   (d)   freedom of association.

Equality Rights

15.1   Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Enforcement

24.1   Anyone whose rights or freedoms as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Multicultural Heritage

27.   This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

B.C. Human Rights Code (RSBC 1996) Chapter 210

Discriminatory Publication

7(1)   A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that

   a)   indicates discrimination or an intention to discriminate against a person or a group or class of persons, or

   b)   is likely to expose a person or a group or class of persons to hatred or contempt because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

(2)   Subsection (1) does not apply to a private communication or to a communication intended to be private.

Discrimination in employment

13(1) A person must not

   a)   refuse to employ or refuse to continue to employ a person, or

   b)   discriminate against a person regarding employment or any term or condition of employment because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

   (2)   An employment agency must not refuse to refer a person for employment for any reason mentioned in subsection (1).

   (3)   Subsection (1) does not apply

   (a)   as it relates to age, to a bona fide scheme based on seniority, or

   (b)   as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan.

   (4)   Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.