

MAY 2024 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

Discrimination

May 16: The Assembly passed [Bill 23](#), the *Anti-Racism Act*, giving the provincial government until June 1, 2026, to develop an action plan to identify and eliminate systemic racism against Indigenous peoples and advance racial equity in British Columbia.

Action Point: Beware of [employment practices](#) that inadvertently perpetuate racial discrimination

Workplace Harassment

May 6: Newly tabled [Private Member Bill 217](#) would make it illegal to enter into a non-disclosure agreement in connection with the settlement of a discrimination or harassment case except under very strict conditions.

Action Point: Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

Social Media

May 15: B.C.'s Premier met with tech giants like Meta, Google, TikTok, Snap, and X met to [enhance online safety for youth](#). They addressed online sexual exploitation and the sharing of private images. The companies agreed to streamline processes under B.C.'s *Intimate Images Protection Act* for quick removal of non-consensual images.

Action Point: Use the HRI template to create your own [social media use policy](#)

Workplace Harassment

May 13: WorkSafeBC announced plans to hold public review on [changes to OHS workplace harassment requirements](#) that it proposed last year, including a new single definition for behavioural hazards, called harassment and violence that includes behaviour that harmfully targets an individual's personal characteristics such as gender or race, as well as incident resolution and investigation requirements.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

CASES

Termination: Failure to Provide Positive References for Ex-Employee Is Not Discrimination

An employee that sued for sex and gender identity discrimination reached a termination settlement under which the employer would provide the employee post-employment references based on the specifics set out in a mutually agreed-to letter of reference. The employer furnished the employee references to 2 different employers, neither of which hired the employee. The employee sued, claiming that the employer had violated the reference terms of the settlement agreement in retaliation for their having complained about discrimination. The B.C. Human Rights Tribunal found that the employee's allegations were basically speculation not based on evidence and dismissed the complaint without a trial [[The Employee v. LifeLabs BC LP](#), 2024 BCHRT 126 (CanLII), April 23, 2024].

Action Point: Find out how to implement a legally sound [post-employment references policy](#)

Termination: Top Court Nixes Fired Worker's Retaliation Claims

The union filed a grievance on behalf of an employee who got fired for continuing violations of the company's respectful workplace policy. The union and employer settled the matter but the employee didn't accept the settlement and filed a series of workers comp actions against both sides, insisting that she suffered workplace bullying and harassment and was terminated in retaliation for complaining about it. The workers comp tribunals ruled that it didn't have jurisdiction over any of these claims since none of them really involved workers comp. The case went all the way to BC's highest court, the Court of Appeal, which upheld the tribunal rulings as not being "patently unreasonable" [[Pereira v. British Columbia \(Workers' Compensation Appeal Tribunal\)](#), 2024 BCCA 158 (CanLII), April 26, 2024].

Action Point: Find out how to discipline employees [without committing reprisals or retaliation](#)