Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Schaap v. Canadian Armed Forces, (1988) CHRT TD 4/88 **OUTCOME: COMPLAINT DISMISSED**	Canadian Human Rights Tribunal	Rejection of applications to reside in "private married quarters" to persons living in common law relationships. Although the decision involved two complainants, the family status ground applied only to one complainant, due to the timing of the amendment to the Act adding the family status ground. This complainant had lived with his common law partner (and child of previous marriage) for 26 months before the application was made. Housing was denied for reasons of (a) not married, and (b) unless the child was adopted, the child was not considered part of his family.	In the absence of parliament specifically including protection to common law relationships in a statutory definition, the Tribunal finds it cannot stretch the meaning beyond the "ordinary and natural meaning", which excludes common law relationships. Meaning of family status limited to inter- relationship that arises from bonds of marriage, consanguinity, legal adoption (relies on Tarnopolsky).	"Ordinary and natural meaning" of the terms 'family' and 'marriage' have significantly changed since 1988. Tribunal states, "the absence of a definition appears to me to be a serious deficiency in the legislation."
Lang v. Canada (1990) CHRT TD 8/90 **OUTCOME: COMPLAINT ALLOWED**	Canadian Human Rights Tribunal	Complainant argued that she had been discriminated against on the basis of family status. Complainant sought to hire her daughter using a government-funded student work placement program. Her application for funding was denied because the program prevented employers from hiring members of their immediate family. The nepotism clause, according to the program, was put in place as a means to assure equity and equal access to all Canadians—particularly those targeted with high unemployment rates, such as students unlikely to get work on their own. Respondent refused application on nepotism grounds, and refusal of the complainant to consider other qualified candidates. Complainant argued that as the business was private and operated from her home, she required utmost trust, and so her daughter was appropriate for the position.	Tribunal held that the action complained of constituted a discriminatory practice on the ground of family status and that there was no bona fide justification for the denial of funding to the complainant. The Tribunal examined past jurisprudence and noted the existence of a "bona fide occupational requirement" test. The Tribunal considered the work placement program's noted, but undefined, exceptions to nepotism guidelines, and the fact that the complainant actively sought to be issued an exception (rather than deceitfully hiring her daughter, which would have been easier and undetectable). No justification was given for the refusal of the complainant under an exception to the rules, despite her claims of a bona fide occupational requirement to hire her daughter.	Allows nepotism under bona fide occupational requirement reasoning.

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Brown v. Canada (Department of National Revenue), (1993) CHRT TD 7/93 **OUTCOME: COMPLAINT ALLOWED**	Canadian Human Rights Tribunal **DISCUSSED AT PAGE**	Respondent applies a neutral employer rule whereby all employees must work alternating shifts, regardless of sex, race or creed. Complainant argues that, due to her pregnancy, she was adversely affected by the rule and that the respondent has a duty to accommodate her reasonable request. Accommodation was offered (switching shifts, using sick leave, or docking a day's pay but no risk to job) but not taken by the complainant.	The onus is on the respondent to show that it made efforts to accommodate the complainant up to the point of undue hardship. There was a clear failure to accommodate the complainant's pregnancy beyond the small steps proposed in the employment contract. Family obligations, such as those arising from pregnancies and any associated complications, can trigger family status discrimination.	This case acknowledges the difficulties in balancing work rules and nurturing demands. Often cited as authority for a broad interpretation of the concept of family status discrimination that captures circumstances where workplace and caregiving responsibilities conflict.
Canada v. Mossop, [1993] 1 SCR 554 **OUTCOME: APPEAL DISMISSED**	Supreme Court of Canada (Ontario) **DISCUSSED AT PAGE**	Gay man sought to take bereavement leave to attend the funeral of his lover's father, claiming it was permissible under the collective agreement, which allowed for such leave for common-law spouses. The two men had been together for more than ten years and lived together in a jointly owned and maintained home. Leave was denied as 'spouse' was understood to be confined to opposite sex partners.	Judicial concern that discrimination based on 'family status' was being argued to bypass parliament's specific intention to omit sexual orientation. The facts present a case of discrimination based on sexual orientation, not family status. As the former is not a protected ground under the CHRA, the refusal to grant leave is not a discriminatory practice.	Justice Heureux-Dubé's dissent urges the purposive, broad, liberal interpretation of human rights laws, as concepts of equality and liberty in human rights documents should not be bound by the precise understanding of those who drafted them.
School District No.36 (Surrey) v. BC Teachers Federation, (*Re: Surrey School District No 36*), [2000] BCLRBD No 367 **OUTCOME: GRIEVANCE ALLOWED**	British Columbia Labour Relations Board	Appeal to dismiss the decision of a labour arbitrator who found that an employer's 'Supplemental Employment Benefit' only offered to birth mothers and adoptive parents discriminated against birth fathers on the basis of family status.	Labour Relations Board arbitrators may apply the *Human Rights Code* despite any conflict between the code and the terms of the collective agreement at issue. This allows arbitrators to override discriminatory provisions in the agreement to avoid a conflict.	

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B v. Ontario, [2002] 3 SCR 403 **OUTCOME: APPEAL ALLOWED**	Supreme Court of Canada (Ontario) **DISCUSSED AT PAGE**	Complainant was dismissed by his employer when his wife and daughter accused the complainant's brother (and boss) of having sexually molested the complainant's daughter. The complainant filed a complaint with the Human Rights Commission that his dismissal constituted discrimination on the basis of family and marital status, as there was no reason for his dismissal other than the allegations of his wife and daughter.	The grounds of the Ontario *Human Rights Code* encompass circumstances where discrimination results from the particular identity of a complainant's spouse or family member. A broad meaning of family status is supported by the words of the statute, applicable principles of interpretation, and existing discrimination jurisprudence. Human rights legislation must be interpreted in a broad, liberal and purposive manner in order to advance underlying policy considerations.	Describes employment discrimination on the grounds of family and marital status as: "practices or attitudes that have the effect of limiting the conditions of employment of, or the employment opportunities available to, employees on the basis of a characteristic relating to their marriage (or non-marriage) or family."
Izaak Walton Killam Health Centre v. Nova Scotia Nurses' Union (Bennett Grievance), [2003] NSLAA No 25 **OUTCOME: GRIEVANCE ALLOWED**	Nova Scotia Labour Arbitration Board	Grievor is a birth father on paternity leave seeking top-up benefits under the Collective Agreement that are offered uniquely to birth and adoptive mothers on parental leave but not fathers.	The benefits under the Collective Agreement aim to support *parents*, regardless of gender, and serve a similar purpose for adoptive and biological parents. Failing to provide equal benefits to both genders is discriminatory on the basis of sex or family status. The benefit is under-inclusive.	
Pringle v. Alberta Municiple Affairs, [2003] AHRC 7 **OUTCOME: COMPLAINT DISMISSED**	Alberta Human Rights Commission	The complainant applied for her original birth certificate from Alberta Vital Statistics, but was denied as she was adopted. The *Vital Statistics Act* precluded the bureau from divulging any information about her birth parents. The complainant alleges that this is discriminatory on the basis of family status as an adopted person.	There was no issue of whether or not this fell under the scope of "family status", as the issue was clearly one relating to adoption. Instead, the discussion was focused on the policies surrounding the anonymous adoption process. The Province of Alberta must balance the needs of all the parties involved in the adoption process and assure the best interests of the child—and by sealing its records it successfully does so. There *are* measures in place to allow the complainant to get a birth certificate, but they are justifiably onerous in order to protect this balance.	

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Health Services Association of BC v. Campbell River and North Island Transition Society and Community Social Services Employers' Association, [2004] BCCA 260 **OUTCOME: APPEAL ALLOWED**	British Columbia Court of Appeal **DISCUSSED AT PAGE**	The grievor, a mother of four children, requested accommodation from her workplace to care for her eldest son, who required specific parental and professional attention. The grievor worked fixed hours which allowed her to care for her son after school. Her employer changed her hours so that the finishing time conflicted with the period of time after school hours when her son required her care. The request, which was denied, was made to accommodate her by returning her to her old work hours, and was supported by medical recommendation.	A broad interpretation of 'family status' in the employment context would cause great mischief and open the doors to frivolous cases. The standard needed to establish a *prima facie* case is thus raised by requiring the claimant to prove a substantial interference with a substantial parental or familial duty or obligation which was caused by a change in a condition of employment made by the employer. The change in work hours did constitute a substantial interference with a substantial parental duty.	Case is authority for new family responsibilities discrimination test. Creates a hierarchy of grounds where 'family status' is more difficult to argue than others.
HMTQ v. Hutchinson et al, 2005 BCSC 1421 **OUTCOME: COMPLAINT ALLOWED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	The complainant, a woman with a disability who required significant care, sought to use the funds from a state-funded program which provides financial assistance to disabled persons to hire their own caregivers. The complainant wanted to 'hire' her father (retired and 71 years old). The program prevented individuals from hiring family members. The complainant claimed the program administrators refused her application in a blanket manner without individual assessment of her circumstances and that the policy discriminated against her on the grounds of disability and family status. The complainant was successful and the Ministry sought a judicial review.	The tribunal decision is upheld. Blanket prohibitions such as these, particularly those where no exceptions are available to *bona fide* applicants, are discriminatory on the basis of family status. Applies *Law v. Canada* and *Meiorin*. Decision focuses on application of *Law* analysis.	
OPSEU v. Ontario Public Service Staff Union (Defreitas Grievance), [2005] OLAA No 396 **OUTCOME: GRIEVANCE ALLOWED**	Ontario Labour Arbitration Board	Grievor was compelled to attend additional in-house training courses, and sought accommodation in order to secure childcare for her 3 children. Accommodation was denied and complainant needed to pay out of pocket. She seeks reimbursement as refusal to accommodate her was a breach of the collective agreement and the Ontario *Human Rights Code*.	Collective agreement plainly stated that employees would be reimbursed for all appropriate expenses; failure to do so would constitute a breach of the Ontario *Human Rights Code*. Arbitrator follows *Meiorin* test to make his decision that there was a breach of the collective agreement.	Does not consider the *Campbell River* test in its decision. Uses only *Meiorin*.

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Flamand v. DGN Investments, [2005] OHRTD No. 10 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal **DISCUSSED AT PAGE**	The complainant in this case was denied housing when her application was denied by the respondent landlord. By reasons of her ethnicity (she was aboriginal) and her family status (she was a single mother), the landlord refused to consider her application for an apartment. The respondent made discriminatory remarks to the complainant about her ethnicity and her family status, expressing a prejudicial belief that single mothers were bad tenants on account of their dependency on social benefits and their involvement with the Children's Aid Society.	The Tribunal found that such prejudicial beliefs, and by consequence the respondent's refusal to consider the complainant's residence application, constituted discrimination on both the grounds of ethnicity and family status.	The discrimination was based on the absolute status of being a single mother, rather than her particular identity and relative status as a mother of a child. No discussion of whether it fit into the Ontario definition.
Bellefleur v. District of Campbell River Fire Department (No. 1), [2002] BCHRT 12 **OUTCOME: COMPLAINT ALLOWED**	British Columbia Human Rights Tribunal	Complainant argued discrimination on the basis of family status in that he was not hired due to recruiter's animosity toward his father.	Applying *B v. Ontario*, the Tribunal held that family status discrimination included allegations based on the identity of a particular family member. Subsequent decision on remedy judicially reviewed and upheld by BCCA.	
Louis Riel School Division v. Louis Riel Teachers Association (Chapman Grievance), [2005] MGAD No 75 **OUTCOME: GRIEVANCE ALLOWED**	Manitoba Grievance Arbitration Board	Same issue and facts as *Izaak Walton Killam Health Centre v. Nova Scotia Nurses' Union*: the grievor father seeks parental leave benefits that are equal to those given to birth and adoptive mothers.	Grievance is allowed on the same basis as *Izaak Walton.*	

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Dufferin Peel Catholic District School Board v. Ontario English Catholic Teachers Assn (Richardson Grievance) [2005] OLAA No 187 **OUTCOME: GRIEVANCE ALLOWED (IN PART)**	Ontario Labour Arbitration Board **DISCUSSED AT PAGE**	Grievors are several teachers that were hired in the years prior to 1979, and took extended maternity leaves until after 1979. Teachers hired after 1979 were not eligible for retirement benefits under the collective agreement. Upon returning from their leaves, the grievors were treated as new hires and not given retirement benefits.	Grievance allowed in part, limiting the benefits to be returned to those whose leaves were less than 2 years, based on a view that leaves longer than 2 years reflected a lifestyle choice not so connected to the original rationale for parental leave. For those grievors, there was discrimination on the basis of family status. Reasoning is Charter based (from *Law v. Canada*) rather than *Human Rights Code*-based.	Applies reasoning invoking choice language, "while we have found that there was no choice with respect to the severing of their employment relationship there was a choice with respect to how long they stayed off work and, indeed, whether they stayed off work."
Northern Light Credit Union v. Communications, Energy and Paperworkers' Union of Canada, Local 240-1 (Normand Grievance) [2005] OLAA No 752 **OUTCOME: GRIEVANCE ALLOWED**	Ontario Labour Arbitration Board	The grievor, a mother of an adopted child, applied for and received parental leave from her employer —but she did not receive a top-up benefit to accompany her EI benefits. Previously, the employer would top-up a parents' EI benefits (up to the maximum of 75% of income), but in this case, the employer argued that the collective agreement is not ambiguous and clearly states that the employer will only top-up benefits to birth mothers who receive EI related to their "maternity".	The arbitrator finds that the circumstances of the grievor, who adopted a newborn child, are no different than those of a natural birth mother entitled to parental leave and the associated top-up benefits. Regarding parental leave, the collective agreement cannot justifiably distinguish between adoptive parents and biological parents.	
Canadian Staff Union v. Canadian Union of Public Employees (Reynolds Grievance), (2006) NSLAA 16 **OUTCOME: GRIEVANCE DISMISSED**	Nova Scotia Labour Arbitration Board **DISCUSSED AT PAGE**	Grievor from Newfoundland was turned down for a job in Nova Scotia despite being the most qualified candidate, as the employer was not willing to accommodate his request to work from Newfoundland so that he could continue living with his family. The Grievor felt discriminated against as the job had previously been performed from Ottawa, whereas now living in Halifax was required.	Upholds *Campbell River* test, and finds that the conflicts faced by the complainant were those of everyday marital and family commitments that were not commitments under which a finding of discrimination could be based. The decision to apply for a job in Halifax, as well as the subsequent refusal to relocate there, was not based on his family status, but rather a personal choice	Family, childcare, and parental obligations are included in 'family status', but can be considered "ordinary" obligations not warranting human rights protection. Elements of choice and independence are important factors in the analysis.

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Hoyt v. CNR, (2006) CHRT 33 **OUTCOME: COMPLAINT ALLOWED**	Canadian Human Rights Tribunal (Alberta) **DISCUSSED AT PAGE**	Pregnant complainant who required accommodation for her hours, equipment, location and seniority due to her pregnancy were not reasonably accommodated. Subsequent needs for accommodation for the purpose of child care were also not met. The complainant was required to stay on unpaid leave for three months, despite being able to work	Family Status means the status of being a parent, including the obligations and duties of that role to children and society. Family status discrimination must be prevented to ensure full and equal participation of individuals in our society. Human rights laws must be interpreted broadly. It is unjustifiable to make one ground of discrimination more inaccessible than another.	Cited in *Johnstone*.
Esposito v. BC (Ministry of Skills, Development and Labour), 2006 BCHRT 300 **OUTCOME: COMPLAINT DISMISSED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	The complainant alleged the government discriminated on the basis of family status against her and other employees (largely women working part-time) when, during a larger reduction of positions across government ministry, it eliminated all part-time positions with the Employment Standards Branch (sex discrimination added by amendment, arguing intersectionality of grounds). She argued she worked part-time due to family responsibilities.	Tribunal found that the complainant had not established a *prima facie* case. On the facts (the complainant received a part-time position with a different ministry), the circumstances had not resulted in interference with the complainant's family responsibilities, nor had they adversely impacted other part-time female employees of the ESB. Decision not hinged on application of *Campbell River* or *Johnstone*.	
Coast Mountain School District No 82 v. BC Teachers' Federation (Sutherland Grievance), [2006] BCCAAA No 187 **OUTCOME: GRIEVANCE DISMISSED**	British Columbia Collective Agreement Arbitration Board **DISCUSSED AT PAGE**	Grievor is a mother returning from maternity leave seeking to return to her position at part-time hours so she can care for her newborn. Under the Collective Agreement, while a maternity leave may be fully extended, there are no provisions allowing for it to be prolonged part-time. Doing so would require the employer to create a new job position, and require high administrative and staffing costs. Her request was denied.	Arbitrator finds that the grievor failed to establish *prima facie* discrimination; that her situation is 'commonplace' and if a finding of discrimination were upheld, it would grant virtually any woman returning after maternity leave a right to work part-time. Uses *Campbell River* reasoning, saying that one cannot conflate *prima facie* discrimination with the need to accommodate; it is not discriminatory to refuse to accommodate an employee where there is no *prima facie* case.	Return to language of "ordinary" duties as opposed to those which are uncommon or extraordinary.

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British Columbia (Ministry of Children and Family Development) v. McGrath [2009] B.C.J. No. 257 **OUTCOME: JUDICIAL REVIEW OVERTURNS TRIBUNAL DECISION**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	The Ministry discontinued foster care payments to three grandparents (McGrath, Fox, Verkerk) who had obtained custody of their grandchildren, support payments the grandparents would have otherwise been entitled to continue to receive, had they not obtained legal custody and instead remained foster parents. The complainants argued that this distinction amounted to discrimination on the ground of family status. (They also argued discrimination based on disbility due to the special needs of their grandchildren.) There are some differences between the allegations made by Verkerk on the one hand and Fox/McGrath on the other. For example, Verkerk argued discrimination by both the Ministry of Children and Family Development and the Ministry for Employment and Assistance; the Fox/McGrath case centered on the former only. Fox/McGrath argued discrimination in employment and also services customarily available to the public; Verkerk argued only services. Complainants successfully argued at Tribunal that the decisions should not be dismissed under section 27, but the decisions were overturned on judicial review.	In *McGrath v. British Columbia (Ministry of Children and Family Development),* 2006 BCHRT 484, the Tribunal member cast the family status net to include custodial parents. This characterization was never rejected by the Court, who considered the relevant distinction to be foster parent status—a legal status—as opposed to the complainants family status. The Court does not explore the meaning of family status. The Verkerk tribunal decision also contains little discussion of family status (*Verkerk v. British Columbia (Ministry of Employment and Income Assistance)*, 2007 BCHRT 472.	
Canada Post Corp. v. Canadian Union of Postal Workers (Sommerville Grievance) [2006] CLAD No 371 **OUTCOME: GRIEVANCE ALLOWED**	Canadian Labour Arbitration Board (federal) **DISCUSSED AT PAGE**	Grievor is a mother of two children, one of whom exhibited behavioural issues that created child care challenges. She was employed 'on-call'. Employer policy changed to require a 70-75% acceptance rates for called-on shifts. The grievor requested three months leave to care for her children, but the employer refused, stating that doing so would make her miss her 70-75% target and result in her dismissal.	*Campbell River* test is used to assess the seriousness of the grievor's responsibilities, and substantial interference was found. Grievor refused assignments due to parental obligations, resulting in dismissal.	As in *Campbell River*, this case suggests the childcare needs of special-needs children, rather than non-disabled children, may give rise to discrimination where childcare and family responsibilities conflict. Rare federal case applying *Campbell River*.

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Collingwood General & Marine Hospital v. Ontario Nurses Assn.(Gaps in Employment Grievance), [2006] OLAA No 579 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Labour Arbitration Board **DISCUSSED AT PAGE**	Grievors were three nurses who worked continuously, except for gaps due to maternity leave, for more than 25 years. After their last leave they found their seniority had been erased. It was the employer's policy to reset an employee's seniority when they had taken a leave of more than two years. The grievors argued that this policy violates the Collective Agreement and the *Human Rights Code,* preventing women from raising families.	Arbitrator rules that there is no discrimination, as there are no appropriate comparator groups that can be used by the aggrieved nurses to establish adverse and differential treatment. The case is decided based on the principle set out in *Ontario Nurses' Association v. Orillia Soldiers Memorial Hospital* that the comparator group should be narrowly construed if the purpose of the impugned provision is to impact the package of benefits previously negotiated. As a result, there is no case for *prima facie* discrimination—particularly as the policy affects all workers equally and with no exceptions, and does not single out pregnant women.	The framing of the comparator group reflects an articulation of discrimination that is limited to direct discrimination, rendering invisible an adverse impact on employees who are mothers.
Rennie v. Peaches and Cream Skin Care Ltd., (2006) AHRT 13 **OUTCOME: COMPLAINT DISMISSED**	Alberta Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant, a mother of three, and an exceptional employee, was fired following her third materity leave because she refused to work at least one evening shift a week. It was not clear on the evidence whether the complainant was making efforts to secure alternative evening childcare. Her husband did not want her to work evenings. The complainant alleged that the requirement that she work an evening shift amounted to discrimination on the basis of family status, and that the employer must accommodate her.	The Tribunal found a *prima facie* case of discrimination had been made out, but that it would have been impossible to accommodate the complainant. A key factor was that the complaint's husband did not want her to work evenings, and that they were having marital problems. The Tribunal found it would not have been possible for her to work a schedule suitable to the employer. Applies *Meiorin*, citing neither *Campbell River* nor *Johnstone.* Cites the Alberta *Human Rights and Citizenship Commission* policy on family status.	Although not highlighted elsewhere, perhaps the most interesting aspect of this case is the characterization of family status as including dynamics of a marital relationship.
Alberta (Ministry of Human Resources and Employment) v. Weller, (2006) ABCA 235 **OUTCOME: JUDICIAL REVIEW ALLOWED**	Alberta Court of Appeal **DISCUSSED AT PAGE**	The complainant applied for income assistance, but was repeatedly denied the shelter portion of the allowance as he was living with his mother, consistent with Ministry policy regarding individuals who indicate they are paying rent to live in the home of a family member. The Tribunal found the complainant was being treated differently than others who were eligible for social assistance solely because he lived with his mother and paid rent to her rather than a non-related landlord, amounting to discrimination. The application for judicial review was dismissed by the Court of Queen's Bench. The Ministry appealed that dismissal.	Considering the meaning of family status, the court found that the complainant had not experienced discrimination on the basis of family status, as the distinction was based on living arrangements, not family status. Applying contextual factors articulated in *Law*, and considering the decision in *Gosselin*, the court noted that the complainant was not part of a group that had experienced historic disadvantage, by virtue of his residency status.	.

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Johnstone v. Canada (AG), [2007] 3 F.C.R. D-4 **OUTCOME: APPEAL ALLOWED**	Federal Court of Canada (Ontario) **DISCUSSED AT PAGE**	Complainant working as a Customs employee requested accommodation in the form of three fixed 12-hour shifts per week in order to uphold her childcare obligations. The collective agreement, however, only provides for 34 hours a week in accommodation in the form of fixed shifts. The complainant was required to accept part-time employment in exchange for fixed shifts.	The *Campbell River* requirement for a "serious interference" at the *prima facie* stage is unreasonable. Family status must not be limited to situations where employers change terms of employment, but also apply where an employee undergoes an operative family change and the employer does not provide appropriate or reasonable accommodation. Applies *prima facie* standard.	Authority for an expansive approach to the scope of family status discrimination where workplace and family responsibilities conflict.
Stephenson v. Sooke Lake Modular Homes, (2007) BCHRT 341 and (2008) BCHRT 161 **OUTCOME: COMPLAINT DENIED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant owns a unit in a housing association (akin to a strata) which employs a rule where no one under 16 years old can be a permanent resident. Upon giving birth to a child, the complainant was given an eviction notice, as raising the child in her home violated the aforementioned rule. Complainant argues discrimination with respect to a service customarily available to the public and tenancy as family status is not an available ground under section 9. Respondent argues that the discrimination is based on age, and unprotected by the *Code* (as the child is under 19)	Application to dismiss denied: treatment amounted to discrimination based on family status, e.g. a distinction based on an association with children that has an adverse impact. Case law is clear that family status discrimination includes cases where a person is discriminated against due to an association with children. *Campbell River* has no application outside of the employment context and so it is not necessary to prove a 'serious interference' with parental duties ((2007) BCHRT 341). Complaint denied because section 9 does not include family status ground ((2008) BCHRT 161).	Limits *Campbell River* to employment cases. Does this create a further problem of different standards for discrimination in different contexts, making employment-based discrimination on family status harder to prove than discrimination in other circumstances?
National Automotive, Aerospace, Transportation and General Workers Union of Canada, Local 127 v. Chatham-Kent (Municipality) (Kitchen grievance), [2007] OLAA No 673 **OUTCOME: GRIEVANCE ALLOWED**	Ontario Labour Arbitration Board	The grievor applied for, and was denied, a job opportunity because of an employer's anti-nepotism policies, as contained in the collective agreement. The position in question would have occasionally placed the grievor in a situation where she would have been supervised by her mother.	In cross-examination, the employer admitted that they did not consider any efforts to accommodate the grievor. The employer conceded that another supervisor could have supervised the grievor in those circumstances where her shifts would have overlapped with her mother. They also acknowledged that the collective agreement required reporting of inappropriate conduct and would have self-regulated any nepotism. The grievance is allowed, as the arbitrator finds that the grievor could have been accommodated in the position.	

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Teamsters Local Union No. 847 v. Trans4 Logistics (Kanayochukwu Grievance), [2008] OLAA No 668 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Labour Arbitration Board **DISCUSSED AT PAGE**	Grievor is a father who travelled to Nigeria to be with his son, while the latter had heart surgery. As per the Collective Agreement, he was required to find a replacement during his absence, but failed to do so. Prior to leaving, he was warned that failure to find a replacement would lead to dismissal. Case dealt with the Canadian Human Rights Act (federally regulated industry).	Arbitrator also follows *Campbell River* very strictly, ruling that there was no discrimination as the employer had not changed the terms of employment, and was not responsible for the accommodation of the employer's family responsibilities.	Very strict interpretation of *Campbell River*. One of the exceptional cases where *Campbell River* is applied in the federal jurisdiction.
Heintz v. Christian Horizons, [2008] OHRTD No 21 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal	Respondent is a not-for-profit corporation that self-identifies as an evangelical Christian ministry and assisted living facility for persons with disabilities. Its hiring policies require all potential employees pass a test of morality to assure their lifestyle reflected the Christian faith. This included provisions against hiring homosexuals, single mothers, and other persons/family configurations. The complainant alleges discrimination on the basis of (among others) family status. The respondent argued it fell under the "special employment" provisions of the *Human Rights Code*, which permit restrictive hiring.	The tribunal finds that the respondent cannot demonstrate that the hiring policy represents a bona fide occupational requirement. As a result, its use of morality-based hiring practices is discrimination and contributes to a poisoned work environment where individuals belonging to the protected groups under the *Human Rights Code* are discriminated-against.	
Mahdi v. Hertz Canada, (2008) BCHRT 245 **OUTCOME: APPLICATION TO DISMISS DENIED**	BC Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant sought bereavement leave following the death of his daughter, who died shortly after being born. The respondent refused the leave, citing regulations that the leave was not available to infants who lived less than 24 hours.	The common law interpretations of "family status" in BC should not be limited to "parent-child relationship"; the definition is broad, and can include other things—such as having lost a child through stillbirth or miscarriage. As a result, the application to dismiss is denied.	

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Haggerty v. Kamloops Society for Community Living, (2008) BCHRT 172 **OUTCOME: APPLICATION TO DISMISS DENIED**	BC Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant is a mother who worked part time, limited to strict time-off regulations, but who required a week off to care for her children. The time-off was refused (only available to full time employees). Upon taking the time-off regardless, she lost her seniority.	Distinguishes *Campbell River* by finding that the provisions of a collective agreement must be held to different standards than actions of an employer. It is not enough to reasonably accommodate in accordance with the agreement. Accommodation must always be to the point of undue hardship	Employment family status case in BC where *Campbell River* is not followed.
Bone v. Mission Co-op Housing Assn., [2008] B.C.H.R.T.D. No. 122 **OUTCOME: COMPLAINT DISMISSED**	BC Human Rights Tribunal	The complainant was a member of the Co-op and lived in one of its two bedroom suites. After his wife's death in 2005, the Co-op asked him to move to a one bedroom suite, consistent with its "over-housing policy". Mr. Bone alleged that was being asked to move because of his marital or family status, and that this has had an adverse impact on him.	The Tribunal found the Co-op's request hinged on a change in the complainant's marital and family status, and that this change had an adverse impact on the complainant, by virtue of to the reduced occupancy space. Applying *Meoirin* and Grismer, the Tribunal found that accommodating the complainant's preference for a two-bedroom unit would cause undue hardship on the Co-op, in that its ability to meet its mandate would be severely affected. Making an exception for the complainant would seriously impact the long-term, future applicability of the over-housing policy.	
Olivera v. Ontario (Director, Disability Support Program), [2008] OJ No. 622, 2008 ONCA 123 **OUTCOME: JUDGMENT FOR THE APPELLANT**	Ontario Court of Appeal	The appellant, a disabled mother of three children, shares custody of her children with her ex-husband. She is responsible for the children on alternating weeks, and receives income support from Ontario's disability benefits program. The appellant claims she was discriminated against as her benefits were not maximized despite the fact that she has three children. She argues that, to deny her full benefits based on the fact that her children are not always in her care is discriminatory on the basis of her family status.	The court agrees with the respondent (and the original tribunal decision), finding that a person with shared custody, while they may have primary care and control of their children some percentage of the time, cannot be given full benefits.	

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Rodriguez v. Coast Mountain Bus Co., 2008 BCHRT 427 **OUTCOME: COMPLAINT ALLOWED**	BC Human Rights Tribunal **DISCUSSED AT PAGE**	The complainants (husband and wife with a young child) alleged to have been discriminated-against on three occasions by a specific bus driver. The driver allegedly refused them and their child access to the bus, and made derogatory comments towards them. The respondent, following complaints, refused to remedy the problem internally and respond to the complainants' grievances.	The Tribunal found that the development of the "Stroller Policy" did not take necessary care to consider access to strollers, instead focusing primarily on access for wheelchairs instead. This alone was not discriminatory, however. However, the Tribunal found that failing to assist the complainants, their failure to assist in the vacating of priority seats, and the failure to give notice to the general public of the priority of strollers, consisted of adverse treatment, and failed to recognize the dignity and rights of persons travelling with young children.	
Johnson v. BC (Ministry of Health and others), [2009] B.C.H.R.T.D. No. 78 **OUTCOME: APPLICATION TO DIMISS ALLOWED IN PART**	BC Human Rights Tribunal	The complainant alleges the Ministry of Health, Vancouver Island Health Authority, and the B.C. Cancer Agency discriminated against her with respect to the provision of a service, on the basis of ancestry and family status. The complainant was denied access to a screening program for hereditary forms of cancer. She argues the denial was due to her family status as an adopted person with no family history, because the denial was based on a policy that limited testing to individuals affected by cancer. Either the applicant or another family member must have been diagnosed with cancer.	The Tribunal dismissed all but the complaint against the BC Cancer Agency, who had created the policy. The Tribunal was unable to conclude, based on evidence provided, that the complaint has no reasonable prospect of success.	
Evans v. UBC, (2008) BCSC 1026 **OUTCOME: JUDGEMENT FOR THE DEFENDANT**	Supreme Court of British Columbia **DISCUSSED AT PAGES**	Mother returning from maternity leave, who was unable to find childcare for her newborn, is refused additional time off to care for her child until space in day care is available, and claims constructive dismissal instead of accommodation. Case is also administrative, examining the issue of whether the BCHRT can dismiss a complaint for having no reasonable chance at succeeding (s.27(1)(c) of the *BCHRC*).	Court found complainant made little effort to find arrangements for childcare (only looking at one place, procrastinating in doing so) and was uncooperative with employer (little notice of need for extended leave, deceit about hours worked, deceit about constructive dismissal, uncooperative in meetings, delaying correspondence). The court follows *Campbell River*: the self-induced inability to find childcare does not consist of an employer's serious interference with a substantial parental obligation.	Element of self-induced or contributory hardships are akin to elements of choice in the *Campbell River* discussion.

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Ford v. Lavender Co-operative Housing Assn., [2009] B.C.H.R.T.D. No. 38 **OUTCOME: COMPLAINT DISMISSED**	BC Human Rights Tribunal	The complainant lived in the Co-op with her husband for 23 years. The Rules of the Co-op state that there shall be only one member of the Co-op in each unit. The complainant's husband was a member; she was not. When he died his membership was deemed withdrawn. The complainant's application for membership was denied as the Co-op determined she was not suitable for membership and her membership was not in the interests of the Co-op. Her daughter and grandchildren also live in the Co-op. The complainant argued discrimination on the basis of family and marital status because it was her change in marital and family circumstances that necessitated an application for membership. The Co-op argued that the negative consequences flowed rather from non-membership.	The Tribunal finds that the complainant was adversely affected by the Co-op Rules, and that her marital status was a factor, and so she experienced discrimination. The Tribunal did not consider family status. The BC Supreme Court quashed the decision (*Lavender Co-Operative Housing Assn. v. Ford*, [2009] B.C.J. No. 2081). The appeal of that decision was dismissed (*Lavender Co-Operative Housing Assn. v. Ford*, [2011] B.C.J. No. 401).	
Miller v. BC Teachers Federation (no 2), (2009) BCHRT 34 **OUTCOME: COMPLAINT DISMISSED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant is a parent and teacher who began an email campaign to lodge complaints with other parents against a fellow teacher. The Union respondent argues that, as a teacher, she was bound by the Union Code of Ethics, which required her to abide by internal dispute resolution measures. The complainant argued discrimination on family status as other parents are not bound by the Code.	*Campbell River* is fact-specific and cannot be used universally. Follows approach in Stephenson of distinguishing *Campbell River*. Applies analysis from Kapp. Unsuccessful because no discrimination in a substantive or purposive sense.	Is an example of an employment discrimination case in BC where *Campbell River* approach is not applied.
Fraser v. SecurTek Monitoring Solutions Inc. April 28, 2009 **OUTCOME: COMPLAINT DISMISSED**	Saskatchewan Human Rights Tribunal	The complainant is a mother who has an adopted child with Down Syndrome, who is also her biological grandchild. The child became very ill requiring hospitalization and the complainant required time off from work to attend. Her husband was also notified that he would require heart surgery, and the complainant requested time off to assist him. She was terminated shortly thereafter due to her position being abolished and unsatisfactory performance. The complainant argues she was terminated due to her requests for time off to care for family.	Family status includes the complainant's relationship with her grandson, which is a parental relationship. However, the Tribunal found insufficient correlation between family status and the termination.	

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
OPSEU v. Ontario (Ministry of Safety and Correctional Services) (Warling Grievance), [2009] OGSBA No 88 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Grievance Settlement Board	Grievor was a correctional officer, but was given a new post (upon request) as a property officer to accommodate family responsibilities for a temporary, but uncertain, amount of time. When he later advised the employer that he no longer required accommodation, the employer would not return him to his old post. He grieves the denial as discrimination on the basis of family status.	The Arbitrator found that the grievor's *position* was always that of correctional officer, but that only his *post* had changed. The employer has the right, under the Collective Agreement, to direct employees' posts and duties. Family status must be interpreted broadly (*Johnstone*) and not be limited to the status of being in a family per se. However, it cannot be so broad as to overrule valid sections of the Collective Agreement that otherwise form the traditional principles of the employer-employee relationship.	
Douglas College v. Douglas College Faculty Association (Wilkins Grievance), [2009] BCCAAA No 152 **OUTCOME: GRIEVANCE ALLOWED (IN PART)**	British Columbia Collective Agreement Arbitration Board	Individual grievor, a Professor at Douglas College, applied for the position of Dean of his Faculty but was disqualified from the selection process because he was married to a professor in the same department. The College's Conflict of Interest Policy ("anti-nepotism policy") stated that the college should avoid hiring any employee who may have to supervise a family member. The Douglas College Faculty Association filed an individual and policy grievance arguing that the College had violated both the collective agreement and the *BC Human Rights Code* (the "Code") when it refused to accept the grievor's candidacy. The union also argued that the manner of the selection process itself was conducted in bad faith.	Grievance allowed in part. College's anti-nepotism policy was not unreasonable or inconsistent with the collective agreement and the selection process was conducted in good faith. However, the college did discriminate against the grievor based on his marital status. The case did not fall within the "historical forms of discrimination, most of which are meant to demean and harm members of vulnerable groups." Rather, case involved "the balancing of competing social policies, both of which have intrinsic value; and balancing those competing values is not without some considerable difficulty." Arbitrator noted that "had this been a case of historical stereotyping and marginalization than it would be appropriate to apply both collective agreement and human right remedies." Further, arbitrator held that "the blanket application of an anti-nepotism policy does not survive, either on its own terms, or under a human rights analysis." Therefore, the arbitrator granted the union's application for a declaration that the College violated the collective agreement and the Code by disqualifying the grievor based on his marital status.	Applies *Campbell River* to marital status discrimination. Arbitrator notes"in respect to family status …the B.C. Court of Appeal has decided that a higher standard applies when determining *prima facie* discrimination," and that "discrimination on the basis of marital or family status does not involve the weighing of competing social values" characteristic of the traditional lower *prima facie* standard.

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Rawleigh v. Canada Safeway Ltd., [2009] AHRC 6 **OUTCOME: COMPLAINT ALLOWED**	Alberta Human Rights Commission **DISCUSSED AT PAGES**	The complainant had three young children and a wife who suffered from retinitis pigmentosa, an eye condition characterized by severe headaches and progressive and significant loss of vision, as well as a Chiari 1 malformation, a condition that involved the "throat closing off when lying flat, vomiting in her sleep and seizure." The complainant sought accommodation from his employer, in the form of exemption from the night shift rotation in order to care for his wife and three children, but was denied.	The commission found, using *Meiorin*, that the employer did not accommodate the complainant up to the point of undue hardship. Safeway was unwilling to work with the complainant to offer him accommodation. The employer did not try to test any means of accommodation, choosing only to offer the complainant a lesser position. The employer must try to accommodate up to the point of undue hardship.	While there is some discussion of *Campbell River*, *Hoyt* and *Johnstone,* the Commission ultimately relies on *O'Malley* and *Meiorin*.
Power Stream Inc. v. International Brotherhood of Electrical Workers (Bender Grievance), [2009] OLAA No 447 **OUTCOME: GRIEVANCE ALLOWED (IN PART)**	Ontario Labour Arbitration Board **DISCUSSED AT PAGES**	Prior to a re-negotiation of hours, employees could choose between 4 10-hour shifts, or 5 8-hour shifts. The employer decided to eliminate 5 8-hour shifts. 4 grievors claimed discrimination on family status in terms of impact on care of children.	The arbitrator widens *Campbell River* to include changes in family circumstances. Only the grievor who had been required to alter a carefully crafted custody arrangement has been discriminated against. The arbitrator refers to a requirement that the employee make efforts at self-accommodation.	Applies the "serious interference with a substantial parental duty" standard. Court-appointed family obligations (which are "carefully crafted" as says the arbitrator) are more serious than "ordinary" or non-legally appointed responsibilities.
Rajotte v. The President of Canadian Border Services Agency et al, (2009) PSST 0025 **OUTCOME: GRIEVANCE ALLOWED**	Federal Public Interest Staffing Tribunal (Ontario)	Complainant applied for a position requiring overtime and flexible hours, but was not considered for the job as the employer assumed (based on past behaviours) that she would be unable to fulfil the requirements of the job.	Tribunal agrees that *Johnstone / Hoyt* should be followed instead of *Campbell River*, as the latter imposes a hierarchy of grounds which is not supported under the CHRA. The employer failed to accommodate the employee by assuming that she would be incapable for the job before having an opportunity to discuss any accommodations.	Employer is responsible to raise issues of accommodation. If they know that the employee will need to be accommodated, they may not make judgements on hiring decisions without raising the issue of accommodation.

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McDonald v. Mid-Huron Roofing, 2009 HRTO 1306 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant was an employee who repeatedly took time off to care for his very ill pregnant wife. His employer told him he was no longer allowed to take any more time off. Shortly after the birth of their child, in an emergency, he left his post at work (giving notice that it would only take a few minutes) to take his child to the hospital. Upon return after a few hours, he was fired.	The employer failed to meet the procedural duty to accommodate when doing so would not cause undue hardship. Sticks to using the broader "adverse effect" *Meiorin* test, applying it where there is a duty to accommodate not offset by undue hardship.	Ontario case does not seem to struggle with the different interpretations, relying instead on established precedents like *Meiorin* to go through the standard steps to find discrimination.
Delage v. Treasury Board (Dept. Of Fisheries and Oceans), 2009 PSLRB 43 **OUTCOME: GRIEVANCE ALLOWED**	Public Service Labour Relations Board (Ontario)	The grievor was promoted while on parental leave, but was denied eligibility for back-pay, which was allowed for those other promoted employees which were not on leave.	Legislation prevents the employer from treating the grievor differently based on a parent-child relationship. Grievor was penalized due to his parental situation. The corrective actions requested by the complainant to accommodate his absence were reasonable.	
Hope v. Maplewood Painting, [2009] OHRTD No 594 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant was regularly sexually harassed by her employer. She claimed that the harassment on the basis of her family status (as she was a single mother) violated her rights under the *Human Rights Code*. The inappropriate behaviour ultimately made her leave her job.	The behaviour was harassment. No objective test used to determine whether the behaviour offends one of the grounds. Vice-chair stated that, "the harassment of the complainant was based on the unique intersection of the grounds with which the complainant self-identifies.	Discrimination not linked to a single specific ground. Tribunal deferred to the complainant's subjective perception of vulnerability linked to multiple intersecting grounds once she had factually established harassment.

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CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Junejo v. Peel (Regional Municipality), [2009] OHRTD No. 1843 **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal	The complainant was allegedly harassed by his employer on the basis of race, and refused accommodation on the basis of family status when the employer refused to change his shift schedule to allow the complainant to take his wife to her medical treatments. The complainant was terminated. The respondent denied denying the accommodation, and no proof was shown demonstrating that a request for time-off had been given or subsequently denied. The complainant's testimony lacked credibility.	The Tribunal only briefly addresses the question of whether such a denial could fall under the ground of family status. It states that marital status would be a more appropriate ground (though it too, due to a lack of evidence, would not result in a successful claim).	Tribunal member's comments suggest that family status does not capture discrimination related to caregiving obligations toward a spouse. Marital status is the appropriate ground here.
Capocci v. York Catholic District School Board, [2009] O.H.R.T.D. No. 106. **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal	The complainant argued discrimination on the ground of family status in that the respondent excluded him from School Council and committee meetings. The complainant argued he was excluded because he is the uncle and cousin of two of the complainants involved in six previously settled human rights complaints involving the Board and also known to be an advocate of children with disabilities.	Family status only includes circumstances that fall within the parent-child relationship paradigm. Family status does not include uncle or cousin relationship in Ontario.	
Nipissing Conduminium Corp No. 4 v. Kilfoyl, [2009] O.J. 3718 **OUTCOME: COMPLAINT DISMISSED**	Ontario Superior Court of Justice	The plaintiff in this case is a condominium corporation who is seeking a declaration that the defendants violated sections of the Ontario *Condominium Act* by allowing persons to live in their home that were not part of their family. The act states that a condominium unit may only be used as a "one-family" residence, and the plaintiff argues that roomers and boarders are not considered part of a "family" for this purpose. The defendants had two people living with them who were unrelated students living temporarily in the home for the duration of their school term.	The court finds that, even though the interpretation of "family" in the *Condominium Act* is purposely broad in order to not conflict with the *Human Rights Code* (the *Act* defines "family" as "a social unit consisting of parent(s) and their children, whether natural or adopted, and includes other relatives if living with the primary group", while the *Code* retains the traditional "parent child-relationship" concept of "family"), there is no discrimination in this case.	

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Killam Properties Inc. v. Frail, [2009] NSJ No 653 **OUTCOME: APPEAL GRANTED**	Supreme Court of Nova Scotia	Appeal by the landlord to overturn a finding that their eviction of the respondents constituted discrimination on the basis of family status. The appellant evicted the respondents when it was discovered that the tenants had breached their tenancy agreement by having too many occupants in the apartment unit. The respondent, a father with two children, alleged this was discriminatory on the basis of family status, and his complaint was successful.	The Court of Appeal finds that the decision of the appellant landlord to restrict renting units based on occupancy limits is reasonable. The decision to evict was one based solely on the number of occupants, not on the respondent's family status.	
Hiebert v. Martin-Liberty Realty Ltd., 2009 MHRC **OUTCOME: COMPLAINT ALLOWED**	Maintoba Human Rights Commission	The complainant, single mother to a young child, alleged that she was discriminated against by the respondent real estate company when she was denied the opportunity to rent an apartment due to her family status. She alleges that the respondent only rented ground-floor apartments to tenants with children in order to minimize noise to other apartments. As a result, the complainant was not able to get an apartment in the building, despite there being vacancies on other floors.	The Commission finds that the respondent's rule to not allow families with children on non-bottom floors is discriminatory to families with children. The complainant is an otherwise perfectly eligible prospective tenant for the upper-floor apartments. The Commission places the burden on the respondent to prove that the restrictive rule is reasonably justified. It fails this requirement.	No discussion of *Campbell River*, but uses *Meiorin* test to ascertain whether the respondent's rule is reasonably justified.
Windsor (City) v. Windsor Professional Firefighters' Association (Laba Grievance), [2010] OLAA No 715 **OUTCOME: GRIEVANCE ALLOWED**	Ontario Labour Arbitration Board	Grievor is a pregnant firefighter seeking medically-suggested accommodation in the form of lighter duties. The employer failed to accommodate the grievor, claiming that they could not find a new position for her where her duties would be less strenuous.	Arbitrator acknowledges the family status argument, noting the debate between *Campbell River* and *Johngstone* et al, but rules the case on sex discrimination. It is not defensible to say that there is no way to accommodate where there is no *bona fide* occupational requirement.	

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Alberta (Solicitor General) v. Alberta Union of Public Employees (Jungwirth Grievance), [2010] AGAA No 5 **OUTCOME: GRIEVANCE DISMISSED**	Alberta Grievance Arbitration Board **DISCUSSED AT PAGE**	Grievor is a prison guard and mother of an 11 year old child. The grievor had previously worked a rotation that included only mornings and afternoons, because another employee had volunteered to work all the night shifts. When this employee was re-assigned the employer required all employees working in her area to rotate through night shifts, amounting to a total of 30 night shifts a year. The grievor is a single mother and for various reasons it was difficult to find evening childcare. The grievor proposed alternative scheduling possibilities, but the employer refused.	At the *prima facie* discrimination stage, the burden of proof is on the grievor to show that there is no reasonable way they could care for their child. The grievor did not meet the evidentiary burden. A *Campbell River*-derived filter is used; not any interference in parental duties can trigger a discrimination claim.	Not clearly following *Johnstone* or *Campbell River*.
Brown v. PML & Wightman, (2010) BCHRT 93 **OUTCOME: COMPLAINT ALLOWED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	Letter offering employment documented a commitment to work flexibility to allow complainant to meet family needs. Complainant constructively dismissed following a maternity leave by requiring her to accept new employment terms and negative treatment of her by the staff. Complainant argued unilateral cancellation of work flexibility discriminated against her on the basis of family status, as well as adverse treatment due to maternity leave (sex discrimination).	Acknowledges that *Campbell River* is the binding authority in BC, but finds that the test does not apply in this case as this is an "unusual case" because governing provisions in the employment contract were breached. Unilateral cancellation of work flexibility was discrimination on the basis of family status,	Distinguishes *Campbell River* in an employment context. Breach of contract type reasoning.
Gao v. Minco Mining, (2010) BCHRT 204 **OUTCOME: COMPLAINT DISMISSED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant was dismissed from her job following a complaint where she was criticized for often being late, despite agreements between her and her employer to dock any tardy time from her vacation hours (which was done). Complainant claims the tardiness was due to her family obligations to take care of her son, as she had no other means to provide stable childcare.	Endorses the use of the *Campbell River* test to prevent discrimination claims arising from the ordinary obligations of parents who must juggle employment demands and childcare. Where a child has no extraordinary needs or difficulties, it is more difficult to trigger family status discrimination on the grounds of having to care for said child.	What are "ordinary obligations" of parents? Makes family status discrimination disproportionally applicable to special needs children; parents of 'normal' children are not protected as a result.

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Cavanaugh v. Sea-to-Sky Hotel (no 2), (2010) BCHRT 209 **OUTCOME: COMPLAINT ALLOWED**	British Columbia Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant with a newborn child, who held steady childcare, was hired to perform a job with long and irregular hours. Complainant was dismissed after not being able to commit to 20-hour days, despite having never failed to accomplish her work duties. Accommodations were proposed in offering the complainant a demotion to a more flexible position, these were refused.	*Campbell River* is not an exhaustive definition of family status. The court in *Campbell River* dealt with specific circumstances (employer unilaterally changing terms of employment) which cannot be compared to this situation. The Tribunal returns to the traditional *prima facie* test from *Johnstone* and *Hoyt*.	Limits the use of *Campbell River* to cases where employer changes the terms of employment in a discriminatory manner.
Johnstone v. Canada (AG), (2010) CHRT 20 **OUTCOME: COMPLAINT ALLOWED**	Canadian Human Rights Tribunal (Ontario)	Same facts as *Johnstone v. Canada (AG),* [2007] 3 F.C.R. D-4; case was sent back to the CHRT for a re-hearing with the instruction to not use *Campbell River* test by the Federal Court.	*Campbell River* is unduly restrictive, the traditional *Hoyt* and *Meiorin* test must be used instead.	Cements the supremacy of the Federal Court dismissal of *Campbell River*.
Whyte, Seeley and Richards v. CHRC and CNR, (2010) CHRT 23 **OUTCOME: COMPLAINT ALLOWED**	Canadian Human Rights Tribunal (British Columbia)	Complainant, who lived in Alberta and was laid off, was required to report to Vancouver or else lose her seniority. She had no means to care for her children should she relocate, and CNR responded to her accommodation requests by telling her that she must fulfil her employment obligations regardless of parental duties.	*Campbell River* unjustifiably creates a hierarchy of grounds and cannot be used instead of *Hoyt*. The requirement of finding a 'serious interference' should be limited to the third branch of the *Meiorin* test only, not *prima facie*.	Concept of equal grounds of discrimination; cannot have one ground's test be stricter than others. Similar-situation as *Campbell River*, but does not follow the reasoning.
Toronto Public Library Board v. CUPE (Toronto Public Library Workers Union) Local 4948 (Castro Grievance), [2010] OLAA No 667 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Labour Arbitration Board	Grievor applied, and was denied, parental leave of twice the normal duration because his spouse was having twins.	The grievance is dismissed, as parental leaves are issued with regards to the birth of children per se, and not the number of children born.	"Not every form of differential treatment or different access amounts to prohibited discrimination. Employees who do not give birth do not get access to parental leave, but no one would suggest that such a result is discrimination on the basis of family status."

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A.T. & V.T. v. The General Manager, the Ontario Health Insurance Plan, 2010 ONSC 2398 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Supreme Court **DISCUSSED AT PAGE**	The complainants in this case are two infants born in Sri Lanka to their father, a Canadian citizen. They moved to Canada to join their father. The Ontario *Health Insurance Act* required new residents of Ontario to wait three months before being qualified for health insurance coverage. One of the babies suffered from a liver disorder and required hospitalization in Canada before the three-month probationary period was over. He did not qualify for immediate coverage under OHIP. Discrimination was alleged, claiming that biological children or adopted newborns of Ontario citizens did not need to undergo this probationary period.	The children did experience differential treatment on the basis of family status, because it is A.T and V.T.'s family status as biological, rather than adoptive, children that prevents access to benefits. The Court applies a Charter analysis to determine whether the distinction violated the Charter or the Code and concludes that discrimination has not occurred because "this was not a distinction that would in any way demean them [A.T. and V.T.] or suggest that they were less worthy of respect in our society than adopted children."	
Fortier v. Child and Family Service Timmins and District, [2010] O.H.R.T.D. No. 17, **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal **DISCUSSED AT PAGE**	The complainant requested a reconsideration of the Tribunal's decision not to allow her to add the ground of family status to her complaint. The complaint had argued discrimination because the Ministry: (a) ignored her offers to look after her other grandchild, (b) improperly disregarded her complaints about the quality of care her grandchildren were receiving while in other people's care; and (c) did not provide her with compensation during the time she and her husband looked after her granddaughter.	The case is grounded in the fact that the complainant was the grandmother, not facts involving her being the primary caregiver of the children, and so no parent-child type of relationship is demonstrated. The definition of family status does not include the status of being a grandparent, a status that does not fit within the parent-child relationship definition. During a 10.5 month period the complainant did have custody of one of her grandchildren, but the children were not under the care of the Director at that time.	Grandmother-grandchild relationship is not caught by the narrow Ontario statutory definition of family status.
Khalifa v. Indian Oil and Gas Canada, [2010] C.H.R.D. No. 21 **OUTCOME: COMPLAINT DISMISSED**	Canadian Human Rights Tribunal	The complainant was a single parent with 4 children, who worked on contract for the employer. She alleged her contract was terminated due to her family status and also experienced harassment for being a single mother. The employer argued the complainant was dismissed due to performance issues and brought forward evidence of ongoing inaccuracies in recording of her hours as well as other performance issues.	The Tribunal found that the employer's evidence refuted the complainant's *prima facie* case, finding the testimony of the employer's witnesses to be more credible. Neither *Johnstone*, *Hoyt* or *Campbell River* is cited; the Tribunal applies the prima facie standard from *O'Malley*.	

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Kelly v. Prince Edward Island (Human Rights Commission), [2010] PEIJ No 12 **OUTCOME: APPEAL DISMISSED**	Prince Edward Island Court of Appeal	The appellant sought judicial review from a decision by the PEI Human Rights Commission to dismiss her complaint. She had been denied social assistance because the child support payments she received counted as income, and alleged this was discriminatory on the basis of source of income and family status. The Commission dismissed the complaint due to the fact that the inclusion of child support payment in income determination is reasonable non-discriminatory policy.	The court of appeal agreed with the Commission's original finding, ruling that there was no discrimination. The choice to include or not include child support in the equation for social assistance is a moral/political one, not one to be decided by human rights laws.	Does not discuss *Campbell River* or derivative cases.
BC Public School Employer's Association v. BC Teachers' Federation (Parental Benefits Grievance), [2011] BCCAAA No 12 **OUTCOME: GRIEVANCE ALLOWED**	British Columbia Labour Board	Collective agreement allowed for special parenting benefits to adoptive parents that were not given to birth parents. The complainant is a birth mother seeking to be compensated for the benefits that others get to enjoy. Union argued discrimination under *Human Rights Code* and *Charter.*	Denial to birth mothers of a benefit available to adoptive parents is discrimination on the basis of sex and family status. Applies Charter analysis to determine distinction not justifiable.	
Alliance Employees Union, Unit 15 v. Customs and Immigration Union (Loranger Grievance), [2011] OLAA No 24 **OUTCOME: GRIEVANCE DISMISSED**	Ontario Labour Arbitration Board **DISCUSSED AT PAGE**	Grievor, a father of child with a disability, and husband to a pregnant wife whose pregnancy was labelled high-risk, sought accommodation from his employer by requesting that, during the final months of his wife's pregnancy, he not be required to travel outside of the city, so that he could be available on short notice to care for his child.	Grievance dismissed, as the interference was not deemed serious or substantial. Most travel was limited to Montreal which, from Ottawa, was possible to do within normal work hours. The employer is not required to accommodate an employee where the accommodation would cause undue hardship.	Uses the *Campbell River* test to decide whether an interference is substantial or not. While the grievor's family responsibility was serious, the interference was not substantial enough to meet a *prima facie* discrimination test.

Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
British Columbia Teachers Federation v. British Columbia Public School Employers Association (Layoff Notice Grievance), [2011] BCCAAA No 54 **OUTCOME: GRIEVANCE DISMISSED**	British Columbia Collective Agreement Arbitration Board	Employer gave lay-off notices to employees in May for termination in June. Included in the group were teachers who were currently on maternity leave. Some teachers, whose leaves expired between May and June, applied for supplementary parental leave under the Collective Agreement to delay their dismissal. When these extensions were denied, they grieved the decision as discriminatory on the basis of family status.	Arbitrator found that the Collective Agreement and its anti-discrimination provisions require lay-offs be delayed until the end of maternity leave, but cannot be delayed by stacking parental leaves afterwards. Doing so would unfairly allow mothers to keep their jobs. This concession was agreed upon during the bargaining for the Collective Agreement.	
D.F. v. Children's Aid Society of Hamilton, [2011] OHRTD No 55 **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal	Complainant, the father of two children, alleges that he has been treated unfairly with regards to the legal process of custody and access to his children. He alleges that his ex-wife, by virtue of her being a woman and the mother of the children, is getting discriminatorily better treatment by the province than he is.	The *Human Rights Code* does not require that everyone be treated the same. The fact that two people are being treated differently does not mean that the differential treatment results in discrimination under the law; the differential treatment may arise legitimately as a result of personal characteristics of the people involved in the particular circumstances. That the complainant is not being treated the same as his ex-wife does not amount to discrimination.	Not all differential treatment is tantamount to discrimination—even when it arises out of a parent-child relationship.
Saroyan v. Deco Automotive, [2011] OHRTD No 225 **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal	Complainant originally worked the midnight shift. His shifts were changed to the afternoon. He claimed this change prevented him from fulfilling his childcare obligations and that the employer must accommodate him by letting him keep his old shifts. The employer alleges that the midnight shift is being laid off, as there is not enough funds to keep running that schedule. It further alleges that efforts	There is no discrimination as the employer fulfilled their obligation to accommodate the employee up to the point of undue hardship. By delaying the reduction in work hours to allow for alternative child care to be found and by offering modified afternoon shifts to accommodate family obligations, the employer fulfilled his duty to try and accommodate the complainant.	The Tribunal found there was no discrimination as the employer had fulfilled any duty to accommodate, without making any finding on whether family status discrimination had occurred.

Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
		were taken to give the complainant time to find childcare alternatives, as his change of schedule had been delayed twice already.		
Hendershott v. Ontario (Ministry of Community and Social Services), [2011] OHRTD No 478 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal **DISCUSSED AT PAGE**	Complainant is a 15yo girl who gave birth to twins. She sought financial assistance under the *Ontario Works Act* to support herself and her children. She was denied assistance for her own support on the basis that she was a minor, and further denied assistance for the support of her children because she was living with her parents.	The *Ontario Works Act* does not apply to minors, and this is not discriminatory. However, the section preventing assistance from being distributed to support children whose parents are living with their parents is discriminatory on the basis of family status.	
Pantoliano v. Metropolitan Condominium Corporation No 570, [2011] OHRTD No 792 **OUTCOME: COMPLAINT ALLOWED**	Ontario Human Rights Tribunal	The respondent condominium corporation imposed a series of age and family-restrictive rules on their pool. Among other rules, it limited access to the pool area for children under 16 at certain times of the day, and prevented children in diapers from being in the pool area. They claimed a bona fide justification; that these regulations were necessary to assure the health and safety standards of the pool were met. The complainant argued that less intrusive means could be taken to reach health and safety standards without discriminating against children and families.	The respondent's policies are an unreasonably severe way to achieve health and safety regulations. While the tribunal recognizes the need to keep the pool sanitary, doing so by forbidding underage children during certain times, and babies altogether, is discriminatory. The respondent could not prove that allowing children in the pool area would cause undue hardship, and that the needs of the group (families with children) can be accommodated with other policies to assure health and safety.	
L. v. BC (Ministry of Children and Family Development), [2011] BCHRTD No 214	BC Human Rights Tribunal	The complainant, a 16 year old girl living with her 20 year old boyfriend, was denied government housing assistance as she was deemed to be in a marriage-like relationship, which prevented her from receiving any benefits. On all other issues, the complainant qualified for the assistance; but she	Application to dismiss is approved in part, but the part of the complaint dealing with family and marital status discrimination is preserved. The Tribunal states: "in my view, L's allegations of discrimination with respect to family status or marital status, if proven, could constitute a contravention of the *Code*	Expansive approach to the notion of family to include a 16 year old girl living with her boyfriend.

Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
OUTCOME: APPLICATION ALLOWED IN PART **DISCUSSED AT PAGE**	BC Human Rights Tribunal	was barred due to her relationship with her boyfriend.	against the Ministry."	Expansive approach to the notion of family to include a 16 year old girl living with her boyfriend.
Van Staalduinen v. BC (Ministry of Public Safety and Solicitor General), [2011] BCHRTD No 226 **OUTCOME: APPLICATION TO DISMISS DENIED IN PART**	BC Human Rights Tribunal	Complainant was a single father of two children working in one of the respondent's prisons. He worked regular 9am-5pm hours until his employer, with 5 days notice, told him he would be transferred to another part of the prison and that his schedule would be changing. He asked for accommodation—to delay the transfer until the end of the school year—as he could not find childcare arrangement on such short notice.	The tribunal finds that, for a single father to be forced into irregular shifts of 8 to 12 hours, whereas before he had uniform 9am-5pm hours, may be enough to constitute the "something more" needed according to *Campbell River* to establish a serious interference with a substantial family obligation. Also, the Tribunal notes that *Campbell River* is not an exhaustive approach. The allegations of family status discrimination are not dismissed. (The allegation regarding the complainant's hair cut is dismissed as out of time.)	
Baines v. 0781380 BC Ltd, [2011] BCHRTD No 266 **OUTCOME: APPLICATION TO DISMISS DENIED IN PART** **DISCUSSED AT PAGE**	BC Human Rights Tribunal	Complainant took time off work without supervisory approval in order to care for her sick father. She alleges that she covered her shifts and that her absence was therefore a non-issue. The respondent employer requested that she take a formal leave of absence to care for her father, but the complainant refused. Her refusal resulted in her dismissal; she was given a two week notice, but did not come to work for her scheduled shifts, so she was deemed to have quit.	The tribunal did not dismiss the case against the corporate respondent, as it was not satisfied that there was no reasonable chance of success for the complainant's case. However, as the complainant had not made submissions in response to the respondent's allegations, the tribunal set the condition that the complainant must file a response within 14 days of the application decision or her complaint may be dismissed.	This case is one of the few family status cases involving care for aging family members. Relies on *B v. Ontario* as authority that relationship between adult child and parent falls within the ambit of family status.

Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
Landeau v. Ontario (Ministry of Finance), [2011] OHRTD No 1566 **OUTCOME: COMPLAINT DISMISSED**	Ontario Human Rights Tribunal	Complainant alleges that the HST refund cheques offered throughout 2011 are discriminatory on the basis of family status as they unjustifiably benefit couples and families; a single person receives $300, but a two or more person household (couple, parent and child, parents and children, etc.) receive $1000.	While taxation and the distribution of benefits is a service provided by the government, the HST refund cheques are not a service that fall within the scope of the *Human Rights Code*. There is therefore no discrimination. The tribunal does not discuss whether this falls under the ground of family status, instead focusing on the nature of the benefits.	Narrows the applicability of the *Human Rights Code*, preventing its use in cases where no clear discrimination of service provision can be made out.
D.W.R. v. D.J.R., 2011 ABQB 608 **OUTCOME: COMPLAINT DISMISSED**	Alberta Queen's Bench **DISCUSSED AT PAGE**	Mr H and Mr R employed Ms C and Ms D to have a child for them. Ms D was the surrogate mother using Mr R's sperm, and the baby (S) was born. For the next few years, Ms C and Ms D remained in S's life. A few years later, Mr H and Mr R separated, and the ensuing custody battle was complicated by Ms C and Ms D seeking custody of the child by arguing that it was within S's best interests that she be with a stable family. Mr R argues that, as the biological father, his claim for custody is weakened by Alberta's *Vital Statistics Act* and *Family Law Act*'s provisions which seem disadvantageous to same-sex couples using a surrogate mother to give birth to a child.	As the applicant was unable to distinguish how he was discriminated against based on his family status in a way that was distinct from his sexual orientation and gender, the court cannot contemplate family status argument. The court chooses not to consider whether family status is an analogous ground in the Charter. The court finds that the applicant's case succeeds with regards to the *Family Law Act* being discriminatory to males in a homosexual relationship using assisted conception. The court finds that the applicant's case fails with regards to the *Vital Statistics Act* on either the ground of gender or sexual orientation due to an inability to demonstrate any infringement based upon the grounds of the Charter.	The court relies on traditional "related by blood, marriage, or adoption" definition, and considers past cases where courts have attempted to include the family status ground in other contexts (such as within the framework of income tax law in *Thibaudeau v. Canada*, [1995] 2 S.C.R. 672).
Saskatoon Regional Health Authority v. Bear, [2011] S.J. 594 **OUTCOME: REVIEW GRANTED**	Saskatchewan Queen's Bench	This case is a judicial review of a decision by the Saskatchewan Human Rights Commission and Tribunal to find family status-based discrimination in a case where a complainant did not allege discrimination on the ground of family status, but the Tribunal chose to find family status-based discrimination regardless and rule against the respondent.	At judicial review, it was found that the Commission did not have the jurisdiction to "find" a ground of discrimination which was not specifically listed in the original complaint, and the Tribunal did not have the jurisdiction to uphold that finding.	Focus on administrative law issues of standard of review and jurisdiction.

Appendix 1: Table of Family Status Discrimination Jurisprudence -- *darkened cases are those that failed*

CASE NAME	JURISDICTION	MATERIAL FACTS	REASONING AND OUTCOME	NOTES
		The complainant was the mother of two boys who were seriously injured in a car accident. Upon arriving at the hospital, she was not given details about their injuries, and her enquiries were not addressed until two hours later when she was informed her sons had died. She alleged that this delay was caused by discrimination against her Aboriginal status. The tribunal found that it was discriminatory on the basis of family status.		
Malcolm v. Yukon College, [2011] YHRBAD No 2 **OUTCOME: COMPLAINT DISMISSED**	Yukon Human Rights Tribunal	The complainant, parents of "mirror-twin" girls, alleged that the girls' school was discriminating against the girls by preventing them from working together in group works and other assignments. The parents alleged that the girls needed to stay together in order to best function, as is the nature of "mirror twins". The respondent argued that it was not acting in a discriminatory manner by requiring the girls to do group work with the rest of the class. The teacher in question argued that separating students into groups is necessary to foster teamwork and friendship, and that keeping the girls isolated would not foster that development.	The tribunal does not discuss *Campbell River* or other cases, but dismisses the family status portion of the complaint by making the finding that there was no *prima facie* case of discrimination.	

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Smith v. Valley Recovery Support Assn., [2003] BCHRTD No 120	Employment	Complainant took time off to deal with "very serious family matters" and, during her leave, sustained a head injury. After requesting disability forms, the employer notified her that she was being dismissed due to her inability to meet the responsibilities of her job. Respondent argues that complaint does not show discrimination based on family status, but rather that the dismissal was justified for other reasons.	Tribunal finds that the Complainant's own allegations do not show discrimination on the ground of family status. The only reference to the ground is that the complainant took the leave for "a very serious family matter" and no other mention of the family issues are mentioned, nor is it explained how this serious family matter amounts to discrimination. **Complaint is dismissed in part under s.27(1)(b)**
McKinnon v. Miele, [2004] BCHRTD No 201	Employment	Complainant was the daughter and caretaker of her mother, to whom the respondent was appointed (by the Public Trustee) to make health decisions on the mother's behalf. One such decision was to dismiss the complainant as the caretaker, explaining that the complainant's father, who was suffering from emotional problems, no longer felt comfortable with the complainant in their home.	There is no evidence that the complainant was dismissed because she was her father's daughter. Serious relationship problems in the family that had arisen prompted the respondent to believe it was in the best interests of those under her care to terminate the complainant's employment. Despite a request, no further submissions were made to re-affirm the legitimacy of the complaint. **Complaint is dismissed under s.27(1)(b)**
Ramirez v. Lore Krill Housing Cooperative (No 1), [2004] BCHRT No 225	Accommodation service or facility	The complainant applied to live in a subsidized housing facility owned by the respondent. They applied for, and received confirmation that a 4 or 5 bedroom unit would be reserved for them. Three months later, only a 3 bedroom unit was given to them. Upon moving in, the complainants saw that the 4 and 5 bedroom units had been given to families with fewer children who could have instead used the 3 bedroom units. The complainant describes other events demonstrating discrimination based on the family's size/number of children. The respondent disputes all the allegations.	The complainants have alleged that unpleasant things have happened to them, but have not shown in their complaint that there is a connection or nexus between these events and the grounds of discrimination. Essentially, they have failed to set out the facts which, if proved, could show that the conduct they complain of is connected to a prohibited ground of discrimination. Without their evidence, there is no contravention of the *Human Rights Code*. **Complaint is dismissed in part under s.27(1)(b)**
L v. Fraser-Cascade School District No. 78, [2004] BCHRTD No 237	Service customarily available to the public	Complainant alleges family status discrimination by the respondent school board because her daughter must bear the "discriminatory flack due to the pressure [her disabled brother] was innocently causing the district". The respondent argues that the complainant has failed to show how her daughter was treated any differently than other students, and that there is no degree of causation between any alleged	Simply stating that being part of a family group, where one member of the group allegedly suffers discrimination based on an enumerated ground in the Code, is not a sufficient basis on which to find that other members of the family group are also subject to discrimination via the family status ground. **Complaint is dismissed in part under s.27(1)(b)**

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
		mistreatment and the complainant's family status.	
McKenzie v. Law, [2005] BCHRTD No 18	Service customarily available to the public	Complainant, under the request of her school, underwent a psychiatric assessment. The complainant alleges that the resulting report was discriminatory on various grounds (including family status) as it discussed personal issues which the complainant urged the psychiatrist to not discuss.	While there may be breaches of the psychiatric code of ethics, these breaches do not amount to discriminatory conduct. There was no service denied to the complainant on the basis of her disability, family status, sexual orientation, etc. **Complaint is dismissed under s.27(1)(b)**
Migliorini v. Greater Victoria Public Library, [2005] BCHRTD No 47	Employment	The respondent employer incorporated an anti-nepotism provision into its Collective Agreement which adversely affected the complainant. Mediation took place to resolve the issue while the BC Human Rights Tribunal was reformed in 2003. The complainant argues that the grievance process did not deal with the issue appropriately, despite awarding her damages.	The grievance process's goal is not to resolve complaints precisely as the Tribunal would have done, but rather resolve complaints in an appropriate matter. The matter was settled appropriately in the grievance process, so the complaint is dismissed. **Complaint is dismissed under s.27(1)(f)**
Stone v. Coast Mountain Bus Co., [2005] BCHRTD No 50	Service customarily available to the public	Complainant was denied access to a bus when the bus driver refused to lower the lift (thereby allowing the complainant to roll his stroller on board), and subsequently forbid them from riding after a disagreement broke out.	The respondent (CMBC) has a corporate relationship with Translink (the bus drivers), but are not responsible for the employees and services described in the complaint, regardless of their discriminatory nature. **Complaint is dismissed under s.27(1)(c)**
Meyer v. Strata Corp. LMS 3080, [2005] BCHRTD No 89	Accommodation service or facility	The complainant claims she was discriminated against due to her marital/family status of being married to her husband, a man who has caused animosity in their Strata Corp. In any attempt to be heard at Strata meetings, the complainant alleges that she is dismissed and ridiculed by the Strata board. The respondent denies any discriminatory conduct, only claiming that any animosity between parties results from general disagreements in Strata proceedings that are unrelated to her marital/family status.	Submitted evidence (audio recording of the meeting) shows clearly that the main complaint, that of dismissive and ridiculing conduct at the last Strata meeting, did not accurately reflect the complainant's version of events. **Complaint is dismissed under s.27(1)(c)**
Swift v. WCG International Consultants Ltd., [2005] BCHRTD No 109	Employment	The complainant was asked questions, during an job finding process by the respondent temp company, which touched on discriminatory grounds. However, the respondent argues that these questions were not asked nor used for a discriminatory purpose. The respondent argues that they did not limit the job opportunities of the complainant, and that they did not deny him their services.	The questions asked in the interview process and forms are not discriminatory. There is no evidence of exchange between the respondent and the Ministry which would show that an exchange of the information would have led to a denial of service or benefits. Any issue of family status that *could* be demonstrated would amount to a denial of income assistance, not employment. **Complaint is dismissed under s.27(1)(b)**

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Bryant v. Russel, [2005] BCHRTD No 257	Employment	Complainant was interviewed for a position as a practical nurse, but allegedly did not get the job because of concerns regarding her marital and family status. The respondents deny the allegations, claiming instead that a more qualified applicant was offered the position.	The complaint is dismissed because the Tribunal does not have jurisdiction to consider it; the incident occurred on Indian land, subject to the direction of the Band Council and federal laws. **Complaint is dismissed under s.27(1)(a)**
Gatto v. Interior Health Authority, [2005] BCHRT No 452	Employment	Complainant applied for a position with the respondent, but was not selected for employment, allegedly due to her pregnancy, her status as a mother, or her weight. The respondent body denies these allegations.	The complaint is dismissed because the limitation period has expired, because it is not in the public interest to accept and hear the case on its merits, and because the complainant has not shown there to be a reasonable prospect of success. **Complaint is dismissed under s.27(1)(c) and (g)**
Balintona v. Rainbow's End Housing Co-operative, [2005] BCHRT No 467	Accommodation service or facility	The Complainants are a married couple, originally from the Philippines, who are both permanently physically disabled. They applied for housing and were turned down after much paperwork and interviews. They allege discrimination on the basis of disability, race, and family status. They further allege that the housing co-operative deliberately interfered with the application process to prevent them from being accepted.	The complainants have not shown in their complaint that there is a connection or nexus between these events and the grounds of discrimination. Essentially, they have failed to set out the facts which, if proved, could show that the conduct they complain of is connected to a prohibited ground of discrimination. **Complaint is dismissed under s.27(1)(b)**
M.P. v. L.P., [2005] BCHRTD No 476	Employment	Complainant argues that the respondent (her employer) discriminated against her on the basis of family status and sexual orientation in the form of bullying and taunting. The employment context is one of a family business, where the employees are all related, either directly or by marriage.	The complaint arises in an intra-family dispute, which the Tribunal is not well-suited to handle. Additionally, the disputes have already been addressed and remedied through internal measures. There is no reason for further involvement of the Tribunal. **Complaint is dismissed under s.27(1)(d)(ii)**
Ryan v. Strata Plan VIS 3537, [2005] BCHRT No 559	Accommodation service or facility	The complainants purchased a condo in a development which prohibited occupants of those less than 55 years of age. They mistakenly believed the bylaw was to be removed, and planned to live with their 16yo daughter. They were told shortly thereafter that the daughter must leave the premises.	The respondent asked the daughter to leave because of her age, not because of her family status. The age limit is protected by the legislative intent to permit such limits in retirement communities. **Complaint is dismissed under s.27(1)(b)**
Stephen v. British Columbia (Ministry of Children and Family Development), [2006] BCHRTD No 41	Service customarily available to the public	Complainant argues that, in the adoption process, the SAFE Tool (a series of questions and interviews designed to assess potential adoptive parents) discriminates against certain groups who are unable to answer the questions and would therefore be denied access to adoption placement.	The tribunal finds that the complainant's allegations are vague and encompass hypothetical violations of the Code. It is not shown how the questions are related to discrimination against one of the prohibited grounds.

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
			Complaint is dismissed under s.27(1)(b), (c) and (d)
Tanner v. Riverside Landing Housing Co-operative, [2006] BCHRTD No 84	Accommodation service or facility	The respondent housing co-operative undertook proceedings to evict the complainant and his family following complaints against the complainant from other residents about his behaviour. The eviction was challenged, and the complainants won, but they now seek additional damages for discrimination based on the grounds of family status and disability.	The case has already been heard and remedied internally through the Housing Co-operative's dispute resolution system. It would not further the purpose of the Code to re-try the matter. There is also no evidence showing that this is a case with merit that could serve as a test case for disability or family status-based discrimination to raise awareness of the public of these issues. **Complaint is dismissed under s.27(1)(d)**
Corlazzoli v. North District Girls Soccer Assn., [2006] BCHRT 244	Service customarily available to the public	Complainant was prevented from joining a soccer team based on the league's residency requirements; her parents live in Ucluelet, BC but she lives in Burnaby, BC. The residency rules state that residency is based on the player's parents, and no team may have more than three out-of-district players.	The OOD rules and their limits are in place to accommodate individuals and prevent systemic discrimination. These provisions do not discriminate against players in the circumstances of the complainant. The allegations of discrimination do not reflect a systemic impact on those players in the BC Soccer Association. **Complaint is dismissed under s.27(1)(c)**
Paquette v. Vancouver Coastal Health Authority (c.o.b. Vancouver General Hospital), [2006] BCHRT No 512	Service customarily available to the public	Complainant claims discrimination on the grounds of sexual orientation and family status when the doctor requested a signature approving an autopsy from his dead husband's brother, rather than the complainant. The respondent argues that verbal consent from the husband was received, and a signature from the brother was sought in order to prevent administrative problems (as same-sex partnerships could cause) and to not cause further stress to the bereaved husband.	No clear case of discrimination. The doctor further apologized for his misunderstanding. The remedial purpose of the Human Rights Code have been met without the need for the case to be heard formally. **Complaint is dismissed under s.27(1)(d)**
Lanktree v. Vernon (City), [2006] BCHRT No 542	Employment	The complainant began dating a fellow employee in the city administration. Shortly afterwards, harassment claims against the complainant caused her to be investigated by a committee, and later resulted in her unanimous dismissal by the city councillors.	Inner turmoil in the city council was aggravated by the relationship between the employees. The relationship of the complainant was not a conjugal or familial one, so family/marital status does not apply, and regardless, the treatment of the complainant would have been the same if it were a familial/marital relationship. **Complaint is dismissed under s.27(1)(c)**
Lawrence v. Chartwell Construction Ltd., [2007] BCHRTD No 49	Accommodation service or facility	Complainant was issued an eviction notice for non-compliance with the residential agreement which prohibited more than two people living in the unit; the third person was the complainant's two year-old son.	The Code entitles complainants to have the discrimination against them set right or remedied. The offer made by the respondent to compensate for the eviction was reasonable and came within the remedies the Tribunal would have likely ordered if the complaint was found justified. Pursuing the claim further would be contrary

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
		The respondent argues that they made a reasonable offer of settlement which the complainants rejected.	to the purpose of the Code. **Complaint is dismissed under s.27(1)(d)**
Boren and Boren v. Vancouver Health Authority and another (no 2), [2007] BCHRTD No 246	Service customarily available to the public	Complainant receives funding from the respondent under a program created by the Ministry which allows him to directly hire care attendants. He is barred, however, from hiring his mother as a care attendant, despite the fact that she has been his part-time and back-up caregiver for the last four years. The complainants allege that the policy preventing the hiring of family members, unless very specific exceptions are met, is discriminatory.	The policy created by the ministry that prevents those disabled persons seeking caregiving from their parents from accessing a service customarily available to other disabled persons—unless it fits into strict exceptions—is discriminatory. However, the Vancouver Health Authority has no say in the policy, so the case against it is dismissed. The complaint must instead be pursued against the Ministry of Health who created the rule. **Complaint is dismissed under s.27(1)(c)**
Peters v. Force Engineering Group Inc., [2007] BCHRT No 251	Employment	The complainant took an extended vacation, during which time the respondent suspected he was violating computer-use policies. Upon his return, the complainant requested a parental leave. The respondents suspended their plans to investigate/dismiss him. The respondents told the complainant they would pay him until his parental leave started, but afterwards would suspend payment while he was under investigation. The investigation unearthed computer usage that violated workplace policies, and the complainant was fired. He alleged that the treatment was a result of his request to take parental leave.	The policies on computer usage were clear, and the evidence clearly pointed to violations of these policies which amounts to sufficient reason to terminate the complainant's employment. If anything, the respondent's decision to delay the investigation/dismissal until after the parental leave was in order to not jeopardize the complainant's EI benefits. There is no reasonable prospect that the complainant's case will succeed. **Complaint is dismissed under s.27(1)(c)**
Velkar and others v. Myers and others, [2007] BCHRT No 431	Service customarily available to the public	The complainant, a family, was refused service by a dentist after the respondent (their previous dentist) warned the family's new dentist about the family's failure to pay overdue fees. The new dentist refused service, claiming that he had the right to choose whether to serve certain patients, and since dentistry is such a personal service, honesty and a good rapport is needed. The family complains that they were discriminated against on the basis of family status.	The complaint is dismissed as there is no evidence of a causal link between the decision of the respondent to share the information and the complainant's family status. The fact that the complainant *is* a family is not enough to automatically make the event trigger discrimination under the family status ground. **Complaint is dismissed under s.27(1)(c)**
V.A. v. British Columbia (Ministry of Children and Family Development), [2008] BCHRTD No 67	Service customarily available to the public	Complainant suffers from many physical and mental disabilities, and has a child that was taken from him and put into foster care by the Ministry. His complaint alleges discrimination which belittled his attempts to demonstrate he is capable of providing a stable and supportive home life for his child.	The respondents provided a comprehensive, well-documented, and non-discriminatory explanation for their dealings with the complainant and his child. The allegations are unsubstantiated and do not point to discrimination as prohibited by the *Code*.

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
			Complaint is dismissed under s.27(1)(b) and (c)
Habetler obo Habetler v. Sooke School District and BC Ministry of Education, [2007] BCHRT No 85	Service customarily available to the public	Complainant is a mother who alleges that the respondents failed to accommodate her son (who suffered from physical and mental disabilities) and required her to reduce her work hours in order to be home and take care of him. The complainant alleges that she now has a substantial family obligation as she has been denied the service the school should have provided (caring for her son) as it is their duty to do so not only to her son, but to the complainant as well.	The Tribunal finds that the complainant is not a member of the "public" to whom the respondents owe a service. While the complaint may move forward if focused on her son, the part of the complaint that addresses the complainant's "right" to the "service" of having her child be cared for by the school is dismissed. **Complaint is dismissed under s.27(1)(b)**
Ramirez v. Lore Krill Housing Cooperative (No 3), [2008] BCHRT No 203	Accommodation service or facility	Same facts and arguments as *Ramirez (No 1)*, alleging that repairs to their unit were not done, and the respondent was avoiding mediation, amounting to discrimination.	Dismissed for lack of any evidence, as in *Ramirez (No 1).* **Complaint is dismissed under s.27(1)(c)**
Smith v. Strata Corp. NW2206, [2008] BCHRTD No 247	Accommodation service or facility	Complainants needed to replace carpet in their unit due to medical condition, but Strata bylaws prevented the renovations. The family status claim arises from the alleged harassment caused by the Strata Council which has, according to the complainants, affected their marriage, peace of mind, and family life.	With regards to family status, the Tribunal finds no nexus between the family status of the complainants and the allegations of behaviour from the respondents. **Complaint is dismissed under s.27(1)(b)**
Palmer v. British Columbia Teachers' Federation, [2008] BCHRTD No 322	Publication	The respondent published a report alleging that the complainant's religious group is guilty of sexual exploitation of children and discriminatory teaching in its independent schools. The complainant, director of one of the accused schools, argues that the report was discriminatory.	Finding a publication offensive, or disagreeing with its content or for the purposes for which it was published, are not sufficient to establish discrimination contrary to the Human Rights Code. **Complaint is dismissed under s.27(1)(c)**
Kung v. Peak Potentials Training Inc., [2008] BCHRTD No 414	Employment	While the complainant was on maternity leave, the respondent employer implemented a new computer system in the office which modified the complainant's old work duties. Despite training upon her return from leave, she was unable to become proficient with the system and her productivity greatly suffered. After additional training with no improvement, she was dismissed and provided with severance in lieu of notice.	While the application to dismiss the sex/pregnancy-based discrimination is denied, the family status-based discrimination claim is dismissed. There is no nexus between her dismissal and her status as a mother or her family responsibilities, nor has she presented a claim that her duties suffered as a result of her family caregiving responsibilities. **Complaint is dismissed in part under s.27(1)(c)**
Remple v. Ridge Investigative Services Inc., [2008] BCHRTD No 419	Employment	Complainant alleges that her requests for time off to attend family matters, and then her announcement that she was pregnant, were factors in the respondent's decision to terminate her employment. Respondents argue that she was dismissed due to her inability to perform her duties in a satisfactory manner.	Complainant has not established any connection between the employers allegations concerning her shortcomings in the workplace and the ground of family status or her pregnancy. That she felt she was harassed on these grounds is her conclusion, but not a fact that supports an inference of discrimination. **Complaint is dismissed under s.27(1)(c)**

Appendix 2: Family Status Complaints Dismissed Under Section 27(1) of the BC *Human Rights Code*

CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Vasiu v. Kovacs, [2008] BCHRTD No 454	Employment	Complainant is a single parent who immigrated to Canada. He alleges that the respondent employer treated him unfairly due to his immigrant and family status by prohibiting breaks, not paying for overtime, abusive behaviour, and requiring weekend attendance on one occasion despite family obligations.	There is insufficient information provided by the complainant to link the alleged adverse treatment with his place of origin or family status. Those few occasions where he was reprimanded for not completing work due to family responsibilities, do not demonstrate unreasonable reactions by his employer when the latter is upset about incurring financial penalties due to low performance. **Complaint is dismissed under s.27(1)(c)**
Johnson v. BC Ministry of Health and others, [2008] BCHRT No 431	Service customarily available to the public	The complainant, an adopted child, was denied access to a government service that provided free testing to select individuals who could be at risk of hereditary forms of breast and ovarian cancer. The tests required genetic testing of relatives with the cancer in order to be effective, and despite the scientific impossibility of the complainant being tested in an efficient way, she nonetheless claims she was discriminated against on the basis of family status when she was refused the service.	The complaint is dismissed in part against all parties but the BC Cancer Agency who set the guidelines in place. The Tribunal recognizes that the Vancouver Health Authority and Ministry of Health are not responsible for setting the discriminatory practices, but a full hearing is necessary to assess the scientific basis of the Agency's justification for their policies. **Complaint is dismissed in part under s.27(1)(c)**
White and others v. Community Living BC and another, [2009] BCHRT No 194	Service customarily available to the public	The complainant sought funding, under a government program, to care for her disabled sisters, but was denied as the program's policies prevented paying family members.	Application filed significantly beyond the limitation period (6 months past the limit), and the tribunal cannot justify allowing it to be heard in such a case. **Complaint is dismissed under s.27(1)(g)**
Whatmough v. JACE Holdings Ltd (c.o.b. Thrifty Kitchens), [2009] BCHRTD No 293	Employment	Complainant was promoted to a supervisory position with a three months probationary period. During that time, he occasionally could not find child care for his children and needed to bring them to work, and once left early to go see his children after a few days out of town on a conference. He was dismissed during the probationary period as he was deemed "not a good fit" for the supervisory position.	Tribunal uses *Campbell River* as a preliminary way to dismiss the claim, ruling that there was insufficient materials to demonstrate a serious interference with a substantial family obligation. There is no reason to believe that his obligations needed accommodation. **Complaint is dismissed in part under s.27(1)(c)**
B v. British Columbia (Ministry of Housing and Social Development), [2009] BCHRTD No 299	Service customarily available to the public	Complainant applied for, and was denied, Persons with Disabilities benefits. She alleges that this denial was discriminatory on the grounds of family status, as it did not take into account the consequences the denial would have on her family.	Respondent was merely carrying out a statutory mandate to approve or deny applications for PWD benefits. Its actions are reasonable and not discriminatory, and no evidence is presented that could reasonably support a claim of discrimination. **Complaint is dismissed under s.27(1)(c)**
Jhooti v. CLS Catering Services Ltd, [2009] BCHRTD No 367	Employment	While employed at the respondent company, the complainant's supervisor was a relative. The complainant was in a car accident and off work for 7 days. After the supervisor left the company a	The claim that the dismissal was based on family status—mainly her relation to the prior supervisor—lacks sufficient information to show a connection between the relationship and how she was

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CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
		few weeks later, the complainant's duties increased and aggravated the injuries caused in the accident, prompting her to go on medical leave. She was terminated when she failed to make timely submissions with medical evidence to her employer about the extent of her injuries justifying her inability to work.	adversely affected under the *Code*. She also provided no information about her injuries, nor did she ever seek accommodation or comply with the reasonable short-term disability benefits process imposed by the respondent. **Complaint is dismissed under s.27(1)(c)**
S v. British Columbia (Ministry of Housing and Family Development), [2009] BCHRTD No 373	Employment	The complainant was hired by the respondent to provide child care. She alleges discrimination on the basis that she was dismissed following allegations that she may have had a criminal record or had a record of child abuse following a custodial dispute in the past (hence the "family status" claim). While she was required to submit to a criminal record check, the complainant had avoided doing so. The respondent argues that the complainant had a history of dishonesty regarding her previous personal involvement with child protection agencies and a demonstration of poor judgement regarding past treatment of children.	There is no evidence that leads the Tribunal to believe that the respondent's decision to dismiss was based on the complainant's family status. The allegations of the complainant are entirely speculative and not grounded in any facts. The respondent made a clear case that the dismissal was based on unrelated and non-discriminatory issues. **Complaint is dismissed under s.27(1)(b) and (c)**
Sawchuck v. Hastings Entertainment Inc., [2009] BCHRTD No 407	Employment	Complainant, during the interview process, noted that he was available for any and all shifts for the respondent's 24h business. After beginning work however, he found the schedule to conflict with his family obligations. He resigned and filed this complaint, claiming that the respondent improperly scheduled him knowing that he had family obligations.	Tribunal dismisses case with a preliminary *Campbell River* analysis, claiming that nothing in the evidence submitted by the complainant can reasonably show that the scheduling requirements—to which he agreed to when he was hired—constituted a serious interference with a substantial family obligation. His difficulties were finding a babysitter, and lacked the "something more" as required by *Campbell River*. **Complaint is dismissed under s.27(1)(c)**
Steel v. Bounty Housing Co-operative, [2010] BCHRTD No 1	Accommodation service or facility	Complainant had her membership and tenancy in the co-operative terminated. She alleges it was based on her family status, as she claims to have been admonished at coop meetings for living in a two-bedroom unit by herself.	No materials presented that shows that over-housing was a consideration in the termination of the complainant's tenancy. **Complaint is dismissed under s.27(1)(c)**
Berezan v. M.R. Photo & Cameras Ltd. (c.o.b. Photo Express Foto Source), [2010] BCHRT No 42	Employment	The two complainants, who were in a same-sex relationship, were laid off without warning due to economic factor, and poor performance. The complainants allege that they were terminated due to their relationship with one another (family status and sexual orientation).	Family status portion of the complaint is dismissed as the relationship between the complainant does not fall within its scope. While two cohabiting lesbian partners *could* fall under the family status ground, there were no submissions as to how their relationship could be framed as such an issue. **Complaint is dismissed in part under s.27(1)(b)**

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CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Dillon v. Dawn Davies Health Care Ltd., [2010] BCHRTD No 115	Service customarily available to the public AND accommodation service or facility	Complainant resided in a care-home operated by the respondent due to physical and mental disabilities (including schizophrenia causing paranoia and delusions of persecution). During her time there, she alleges that the respondent treated her cruelly and unfairly on the basis of her Aboriginal status, disabilities, and family status.	The complainant submitted no materials to substantiate her claims, nor did she respond to the detailed exonerating materials presented by the respondents. Her allegations are vague and lack an air of reality, leading to serious issues of credibility. **Complaint is dismissed under s.27(1)(c)**
Zoost v. British Columbia (Ministry of Children and Family Development), [2010] BCHRTD No 156	Service customarily available to the public	Complainant alleges that, because she has custody of her grandson, the respondent will not classify and pay her as a restrictive foster parent. She alleges that this amounts to discrimination on the basis of family status.	Legal custodial parents are not employers or service providers under s.8 of the *Code*, and cannot be eligible for benefits under the statutory scheme. Additionally, complaint is significantly beyond its limitation period (5 years); the continuing existence of a legislative scheme does not create a continuing contravention that could extend the amount of time in which to put in a complaint. **Complaint is dismissed under s.27(1)(c)**
M v. Strata Plan LMS2768, [2010] BCHRTD No 198	Accommodation service or facility	Complainant and her autistic son received complaints about their behaviour. She now faces eviction from the strata, and alleges that the allegations against her are grounded in her family status and her son's disability. Her complaint accuses the strata manager, another resident, and the strata as a whole for the discriminatory conduct.	Complaint against residence manager and the other resident is dismissed. The other resident is not responsible for providing the accommodation services, thus no complaint can be made against them. Likewise, the complaint against the manager in his personal capacity is also dismissed. The claim against the strata itself, however, goes forward. **Complaint is dismissed in part under s.27(1)(c)**
M v. Hockey Association, [2010] BCHRTD No 199	Service customarily available to the public	Complainant's child was a player on a hockey team whose coach allegedly abused and bullied the player on the basis of his family status. Complaints to the respondent lead to increased harassment by the coach, ultimately leading to the decision to not advance the child to the house league. Family status discrimination is allegedly triggered as the coach focused his harassment on the child of the complainant.	The internal evaluation procedures of the hockey association to choose children to play in the house leagues is designed to assess individuals based on capabilities and performance. Appeals of these procedures, including allegations of bias or discrimination, must be determined by the governing hockey body, not the Tribunal. **Complaint is dismissed under s.27(1)(c)**
O'Flaherty v. Vancouver Community College (No.2), [2010] BCHRTD No 208	Employment	Complainant took a medical leave and, upon his return, found that he was still unable to work. No accommodation requests were made, so VCC was unable to provide advice or assistance. The complainant argues that persistent emails about his return to work and lack of accommodation amount to discrimination.	Emails were work-related and attempts to get the complainant to attend meetings about his requirements, accommodation, and benefits. The complaint is too general, with few specific allegations, to demonstrate any reasonable claim of discrimination. **Complaint is dismissed under s.27(1)(c)**
Cox v. Victoria Shipyards	Employment	Complainant sought, but was denied, accommodation from his	The court order for time with his children was for one weekend a

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CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Co., [2010] BCHRTD No 223		employer to switch shifts so he could have court-ordered time with his children, despite similar requests being approved to other employees without childcare obligations.	month, whereas the complainant requested *every* weekend off. Other times he has asked for time off to care for his children have not coincided with court-specified dates where he had access to his children. This inconsistency does not take the complainant's allegations beyond the realm of conjecture. **Complaint is dismissed under s.27(1)(c)**
Stevenson v. Victoria Shipyards Co., [2010] BCHRTD No 270	Employment	Complainants argue that, since the time they were hired, they were continuously underemployed and have been refused training opportunities compared to those person who are related to supervisors. Complaint was filed beyond the limitation period.	No public interest in accepting the late complaint for filing with respect to the section that pertains to family status/nepotism-based favouritism. **Complaint is dismissed under s.27(1)(g)**
ML v. Sunset Child Care Society, [2010] BCHRTD No 304	Service customarily available to the public	Complainant's son was expelled from the respondent's daycare facility. He alleges that this was because of racist animosity between him and a Vancouver Police Officer who threatened to make his son lose daycare service. Respondents argue that the decision was due to the complainant's threatening and aggressive manner which violated the daycare's safety policies.	No materials presented that can reasonably show that the respondents discriminated against the complainant. The allegations are merely speculative and fail to be persuasive enough to show a reasonable prospect of success. **Complaint is dismissed under s.27(1)(c)**
Recalma v. Orca Sand & Gravel LP, [2010] BCHRTD No 335	Employment	Complainant filed a complaint of discrimination which was settled internally. Subsequently, she alleges that the respondent retaliated against her contrary to the settlement, so she has filed a second complaint.	The "retaliation" was a single written comment which did not expose the complainant to hatred or contempt, but was simply a mere statement by the respondent which the complainant happened to take offence to. There is no reasonable prospect that the comment could amount to discrimination or an intent to discriminate. **Complaint is dismissed under s.27(1)(c) and (d)(ii)**
Calderoni v. Royal Inland Hospital, [2011] BCHRTD No 17	Service customarily available to the public	Complainant alleges that the respondent would not accommodate her disabilities to facilitate visits with her husband, who was a patient at the hospital. Respondent responds that the complainant was abusive, intimidating, and upset patients, staff and volunteers, and this behaviour interfered with the hospital's ability to care for her husband and to the provision of care to other patients in the hospital.	There is no information that supports the complainant's assertion that the respondent's actions related, in whole or in part, to the complainant's marital or family status affiliations. The hospital's decision to limit the complainant's access to her husband was reasonable in the circumstances, and in accordance with its operational policies against abusive and disruptive behaviour. **Complaint is dismissed under s.27(1)(c)**
MacAlpine v. Office of the Representative for Children and Youth,	Employment	The complainant returned from maternity leave to find that her position at the respondent company had been eliminated. Her new position required her to change her work hours, interfering	Tribunal finds that the allegations of discrimination, originating from the employer's requirement of earlier start times (the complainant's old position started at 10am, the new position at

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CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
[2011] BCHRTD No 29		with her family obligations. The case was filed outside the limitation period. In order to be heard, the complainant must prove there was a continuing contravention by demonstrating that the change in work hours constituted discrimination on the basis of family status.	9am) does not constitute a serious interference with a substantial parental obligation (the language from *Campbell River*) and therefore is not discriminatory. As it is not discrimination, it is not a continuing contravention of the *Code*, and therefore the case is outside the limitation period. **Complaint is dismissed under s.27(1)(g)**
Campbell v. Abbotsford Co-Operative Housing Assn., [2011] BCHRTD No 36	Accommodation service or facility	The complainant applied for a unit in the respondent housing co-operative. She co-signed with her husband, who was in prison. At the interview, when the respondent was told of the husband's situation, the complainant alleges the respondent became very negative about the possibility of the ex-prisoner living in the facility. She was later denied housing.	There is no evidence that shows a reasonable nexus between the complainant's status as a wife and the denial of tenancy. The denial was only based on the criminal conviction, which is not a contravention of the Code under s.10. One cannot reframe a purposely unprotected ground under another to bypass the law. **Complaint is dismissed under s.27(1)(b)**
Bindra v. School District No. 36, [2011] BCHRTD No. 56	Employment	The complainant, a school teacher for the respondent school board, alleged she was discriminated-against on multiple grounds. Her allegations of discrimination on the basis of family status stem from a refusal by the respondent to relocate her to another school closer to her home (which would have made it easier for her to care for her children) as they did not want any complications with school "politics" as the complainant's niece was a student at the other school.	The "family status" portion of the complaint is dismissed on the grounds that there is insufficient evidence to elevate the claims of discrimination beyond mere speculation. In addition, had the facts been proven, they would not amount to discrimination under the *Campbell River* test. The remainder of the case is dismissed for being outside the limitation period. **Complaint is dismissed under s.27(1)(g)**
Zuk v. Wright, [2011] BCHRTD No 78	Employment	Complainants (two parents and two sons) provided support services to an assisted living facility. After a change of ownership, the complainants were told that their employment constituted a conflict of interest. From that point forward, the complainants allege that they were treated with unfairly strict scrutiny and discipline, ultimately leading to termination of the father.	There is no factual foundation asserted which connects the employers direction regarding the evaluation process of the employees to a claim of discrimination. As the father was required to evaluate his son, there was a clear conflict of interest. It was not discriminatory to point this out. He was not disciplined for the conflict, but reasonable increased measures were taken to assure that the evaluation process was supervised and fair. Documentary evidence from both parties show that the actions taken by the respondent were not discriminatory. **Complaint is dismissed in part under s.27(1)(c)**
Mathieu v. Victoria Shipyards Co., [2011] BCHRTD No 188	Employment	Complainant alleges that the respondent employer discriminated against him on multiple grounds. Family status discrimination is included in the complaint on the grounds that the employer showed preferential treatment to "family friends" in hiring practices and shift-scheduling.	In regards to the family status-based discrimination allegations, the Tribunal holds that "family friends" is too remotely disconnected from the concept of "family" to amount to discrimination. The *Code* does not protect against such preferential treatment. **Complaint is dismissed in part under s.27(1)(c)**

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CASE NAME	CONTEXT	MATERIAL FACTS	REASONING AND OUTCOME
Prasad v. Sunwood Drugs (No 2) (c.o.b. Shoppers Drug Mart #2207), [2011] BCHRTD No 192	Employment	Complainant alleges that she was forcibly promoted. When she informed her boss that she was pregnant and wanted to take maternity leave, the boss responded negatively, describing her pregnancy as an inconvenience and belittling her. This behaviour continued throughout her pregnancy and into her leave. The complainant alleges that the respondent bullied her into returning to work early before her leave was complete. The complainant believed she was not wanted at work anymore, and never returned after her leave. She now claims she was discriminated against.	The Tribunal finds that the allegations made by the complainant are highly speculative, and do not show a causal connection between her need to leave work and any discrimination. The respondents' credibility is solid; they appear to have dealt with the complainant in good faith. The complainant failed to establish that she needed workplace accommodation beyond what she was given. She does not meet the *Campbell River* "something more" test. **Complaint is dismissed in part under s.27(1)(c)**
Gibbs v. Oak Bay Police Board (No 2), [2011] BCHRTD No 194	Employment	The complainant sought to amend a prior complaint to add allegations of family status-based discrimination. This amendment was outside the limitation period, and could only be accepted if the allegations demonstrated a continuing contravention. The allegations surrounded a change in work schedule, whereby the complainant was no longer working the same shift as her husband.	While the previous shift-arrangement helped the complainant organize childcare and fulfil her family responsibilities, the modification of her work hours did not amount to discrimination using the *Campbell River* test. The allegation could therefore not be seen as a continuing contravention, and so the amendment is not allowable as it is outside the limitation period. **Complaint is dismissed in part under s.27(1)(g)**
Singh v. BC Hydro, [2011] BCHRTD No 200	Employment	Pregnant complainant was hired on a short-term contract, for which it is alleged that such contracts usually lead to full-time positions upon their expiry. She took her maternity leave before her contract expired and was told that she was ineligible for full benefits because of her part-time status and the non-guarantee that she would be hired full-time upon her return. When she returned, she was not given her position full time.	The position had 58 other applicants, and the complainant was not the most skilled applicant. She did not receive an interview because she was not as skilled or experienced as several other applicants. Therefore there is no evidence of discrimination based on family status or pregnancy. **Complaint is dismissed in part under s.27(1)(c)**