

HUMAN RIGHTS

# RULINGS DELAYED AS HR TRIBUNAL SHORT-STAFFED

## HRT only body to protect gay people from discrimination, former member says

**Nathaniel Christopher**

**MORE THAN SIX MONTHS AFTER** closing arguments, the BC Human Rights Tribunal has yet to decide if comedian Guy Earle violated the BC Human Rights Code when he allegedly targeted Lorna Pardy and her girlfriend with sexist and homophobic insults at Zesty's on Commercial Dr in 2007.

"We can't ever say when the decision is expected, as it depends on the workload of the members and their schedule," a tribunal staff person says.

The decision will take longer than usual, the person says, since two tribunal members' contracts, Judith Parack and chair Heather MacNaughton, expired on July 31. "We are short board members at this point, and that means that the remaining members and acting chair are short-handed."

The Pardy case, which was extensively covered by regional and national news outlets, brought into question the place and purpose of the tribunal, with many bloggers and columnists asking, "Do we really need the Human Rights Tribunal?"

Xtra asked various stakeholders of

the tribunal, as well as opponents, if the gay community needs the quasi-judicial body.

Conservative columnist Ezra Levant is an outspoken critic of human rights tribunals. In 2006, Levant published cartoons depicting the Muslim prophet Muhammad in his magazine, *Western Standard*. Syed Soharwardy, head of the Islamic Supreme Council of Canada, filed a complaint with the Alberta Human Rights and Citizenship Commission.

Levant believes the gay community should be especially wary of governmental regulation of speech and text.

"Until quite recently, gays and lesbians were targets of state censorship because their ideas are transgressive," he says, pointing to Little Sister's experiences with Canada Customs.

"Even in San Francisco or Amsterdam gays are a permanent minority, and permanent minorities should always be afraid of government power," Levant says. "They should stand up for the right to be eccentric, dissident."

Herman Nilsson, a former Vancouver Pride Society board member, agrees with Levant that the tribunal

has no place ruling on areas such as free speech.

Nilsson thinks the "rate with which these cases have been showing up at the tribunal has accelerated" since the BC Human Rights Commission was abolished and all its responsibilities were delegated to the tribunal. "In the last year and a half, we've had the Pardy case and the Mark Steyn case," he says.

The BC Human Rights Tribunal dismissed the Canadian Islamic Congress's complaint against *Maclean's* in October 2008, saying Steyn's article contained inaccuracies, relied on common Muslim stereotypes and tried to rally public opinion against Muslims, but did not violate the Human Rights Code's section prohibiting discriminatory or hateful speech.

Nilsson stops short of saying the tribunal should be abolished completely, comparing such a move to throwing the baby out with the bath water.

"If we were to get rid of the tribunal in its entirety, there would be a gaping hole, in my opinion, as far as people who have legitimate grievances," he says. "It's an unfortunate fact that prejudice is out there and there are people

who won't rent apartments to people if they suspect they might be gay. There are people who'll take a woman in an interview and suspect she'll have a child and pass over a resumé."

Levant maintains other existing courts are faster, cheaper and fairer. "Important stuff is covered by real life, criminal law, landlord law and employment law," he says. "We already have real courts to deal with those things. If you're evicted wrongfully, [your] lease is broken, you can hit him in civil court and get more money out. If someone fires you from your job for being gay, watch out for employment law."

Former tribunal member Lindsay Lyster disagrees. She says the tribunal is the only body that has jurisdiction to protect gay people from discrimination in this province.

"For the gay community, like any other community that has historically and continues to be subject to discrimination, it's essential to have access to an effective means for the protection of human rights," she says.

"In order to have protection from discrimination, you need to have a statutory body to provide that protection," she continues, pointing out that courts have made it clear there is no independent right to seek protection from them for discrimination cases.

"Pursuing [Charter cases] in court is far more expensive and difficult than

proceeding before the human rights tribunal," she says. "So it's only available in respect to government action and far less accessible than the Human Rights Tribunal."

For Kimberly Nixon it's a deeply personal issue. In 1995, she filed a complaint with the tribunal after Rape Relief rejected her because she was not female at birth.

Nixon says the tribunal was the only place she could turn to for help.

In 1997, Peter and Murray Corren filed a complaint with the tribunal over the public school system's failure to include LGBT information in course curriculum. The case ended when the provincial government reached a settlement with the Correns that acknowledged the omission and potentially paved the way for more queer content in schools.

"So many queer issues have been settled in our favour because the BC Human Rights Act, the former Human Rights Commission and now the tribunal exist," says Murray Corren. "Had we not been able to access the tribunal during the initial stages of the marriage case and had we not had the clout of the tribunal behind us, I don't think my late husband, Peter, and I would have been able to achieve the things we did through our settlement with the Ministry of Education."

I'M A HOMO THEREFORE I AM

## Gay resumé

Queen's Logic  
**Tony Correia**



**I**N 2006 I WAS DOING SOME informational interviews in an attempt to break into technical writing. At the time I was practising what I had learned at school by volunteering at local gay organizations like Gayway.

At one interview I went to, a gay technical writer pulled me aside.

"I know this is going to sound harsh, but I'm saying this as a member of the team," he said. "Your resumé is too gay. You need to butch it up a bit."

Swear to God I am not making this up.

Now I'll admit the words gay and AIDS are speckled across my resumé, but so are Hewlett-Packard and Ernst & Young. It wasn't like I had sprayed it with Calvin Klein's Obsession.

Getting this piece of advice from another gay guy did not make it easier to swallow (pun intended); in fact, it was the complete opposite. This wasn't just a piece of paper he was calling "too gay." It was my entire personal history. Excuse me for working in a gay bar and not going right to college. I had some figuring out to do.

Being a wizard with Microsoft Word and a bit of a wordsmith, I could pump up some aspects of my so-called career and downplay others, but there is no

mistaking what I am: a homo. An employer can figure this out, either by my resumé or when I start lisping.

Still, were employers looking at my resumé and thinking "troublemaker"?

For a period of time I actually considered volunteering for "straight" charities — something in cancer, perhaps — but I couldn't help but feel they have plenty of help: probably not all they need but more than Boys R Us.

At the interview for my next permanent job I actually apologized for my resumé, explaining how gay it was in advance. Like if you weren't careful a penis might fall out.

"On the contrary," the HR person said. "It's not gay enough."

Now that I'm unemployed and working on my resumé, that tech writer's voice keeps echoing in my ears, "Butch it up a little."

It's not as difficult as it was, now that I've written for corporations. But the fact is anyone who Googles my name will be taken directly to everything I've ever written for Xtra, where if the ads don't shock you, my discussing dildos will.

Will that prevent me from getting a job or two? Probably. But is that the kind of employer I would want to work for? Definitely not.

I guess you could say that by being out in my resumé, I'm saving us both a lot of time.

Tony Correia's column appears in every other issue of Xtra Vancouver.

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