

## **Summary of Human Rights Tribunal Decision in Nixon vs Rape Relief Society**

Provided by Professor Christine Boyle, Faculty of Law, University of British Columbia and Gwendoline C. Allison, Bull Housser and Tupper. January 18, 2002

In the British Columbia Human Rights decision, Tribunal member Heather McNaughton ordered Vancouver Rape Relief to pay the highest award ever for injury to feelings in British Columbia to Kimberly Nixon, a post operative male to female transsexual. It was held that Vancouver Rape Relief was in breach of the human rights code in refusing to allow a person without the life experience of being treated as a woman to train as a volunteer peer counsellor at a women-only rape crisis centre and women's shelter

The Human Rights Tribunal Held that:

1. The complaint fell within its jurisdiction under the Human Rights Code because, in the circumstances of the case, the opportunity to volunteer falls within the meaning of "employment" and that the training program designed to equip women to assist victims of male violence is a service to those participating in the training program;
2. That there was a prima facie case of discrimination;
3. That while Rape Relief acted on a good faith standard which was rationally connected to the goal of providing a safe and supportive environment for women who seek its services, it had not met the burden of proof of showing that standard of life experience as a woman or girl is reasonably necessary to be of assistance to its callers;
4. That the Rape Relief organization was not protected by s.41 of the Human Rights Code (which allows groups with a primary purpose of promoting the interests or welfare of a particular group characterized by sex or political belief to grant preference to members of that group) , because the Objects of Vancouver Rape Relief Society did not show a primary purpose of promoting the interests of people who share their political belief or who share a life-long experience as girls and women.