

Nixon v. Vancouver Rape Relief Society: arguments Before the BC Human Rights Tribunal

Tuesday, January 1, 2002

RAPE RELIEF'S ANALYSIS

a) Discrimination

1. Rape Relief argued that not every distinction amounts to discrimination.

b) Bona fide requirement to have life-long experience of being treated as female

2. Rape Relief argued that the interest of callers in speaking with someone with the life experience of being treated as a girl and woman is not based on a stereotypical view but on a legitimate concern that the individual may lack the life-long experience of the subordination of women. It is rationally connected to Rape Relief's political belief that peers in experiencing the oppression of women should work together to fight oppression.

c) Freedom of association

3. Section 41 of the Code allows charitable non-profit organizations that have as a primary purpose the promotion of the interest or welfare of an identifiable group or class of persons characterized by a common sex or political belief, to grant a preference to members of the identifiable group or class of persons, without violating the Code. That section permits certain political parties to limit workers to members of the party, and certain religious organizations to limit workers to members of the religion.

4. Rape Relief argued that women who have been treated throughout their lives as girls and women have a common "sex" as the term is used in the Code. Interpretations of what is "sex discrimination" have included discrimination on some basis relating to sex, and therefore to include discrimination against transgendered people. Rape Relief argues that the same meaning of "sex" applies to section 41.

5. Similarly, Rape Relief argues that it has a primary purpose of promoting the welfare of people who share the common political belief that women's oppression is a social order in which men by birth rule women, and should be addressed by organizing among people who have suffered such oppression from birth.