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# BULLETIN 43: EQUITY IN ARCHITECTURAL PRACTICE

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In order to provide clarity on the important issue of equity practices in the professional workplace, AIBC Council approved two motions at its April 7, 2003 meeting, ruling:

- A) that harassment and other discriminatory practices in hiring, termination, behaviour and pay in architectural offices and workplaces must be avoided; and
- B) reminding members that allegations of discrimination, including harassment, may be brought to the AIBC as a professional conduct complaint and handled through the AIBC's *Rules for the Professional Conduct Process*.

Council passed these motions pursuant to Bylaw 34.5, which states:

***An architect shall conduct the architect's affairs in a professional manner and refrain from any act which would reflect unfavourably on the profession as a whole.***

This "umbrella" Bylaw encompasses a wide range of behaviour for architects, including their treatment of colleagues, staff and potential employees.

This Bulletin supplements these rulings. It provides the profession and those working with B.C. architects with a general overview of the definitions of discriminatory practices and how the AIBC may become involved where allegations of such conduct arise.

## BACKGROUND — WHAT IS DISCRIMINATION AND HARASSMENT?

The following information is excerpted from the former B.C. Human Rights Commission's document *Employers' Guide to Human Rights*. It is not a comprehensive review of discrimination and harassment nor is it intended as legal advice. The *Human Rights Code* sets out the grounds for discrimination in detailed sections and should be referred to should discrimination issues arise.

The B.C. *Human Rights Code* prohibits discrimination on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex (including sexual harassment and pregnancy), sexual orientation, age and criminal or summary conviction that is unrelated to the employment or intended employment. The *Human Rights Code* embodies the principle that all persons should be assessed on individual merit and not on criteria unrelated to job performance.

Section 13 of the *Human Rights Code* prohibits employers and employment agencies from discriminating with respect to hiring, dismissals, lay-offs, promotions and transfers, or any other term or condition of employment.

Employees are also protected from harassment in the workplace based on any of the prohibited grounds.

Section 12 of the Code requires that men and women doing similar or substantially similar work be paid the same wage. The obligation rests with employers to ensure that sex is not a factor in determining wage scales.

The Supreme Court of Canada describes sexual harassment in the workplace as an abuse of power. Sexual harassment is unwelcome comment or conduct of a sexual nature that may lead to adverse job-related consequences for the person who is being harassed.

## **THE ROLE OF THE AIBC IN DEALING WITH ALLEGATIONS OF DISCRIMINATION**

The practice of architecture is informed and governed by prevailing statutes and regulations affecting workplace equity and conduct (including the *B.C. Human Rights Code*) that prohibit discriminatory employment practices, including workplace harassment.

The AIBC urges parties to consider addressing alleged discriminatory practices by way of mediation and negotiation wherever possible. Although such matters should be treated seriously and with tact, in many cases they are best resolved by the parties themselves.

Where such an approach is not suitable or is ineffective in resolving discrimination concerns, it must be remembered that the AIBC's professional conduct process also has jurisdiction to consider complaints regarding such matters as discriminatory hiring and termination practices, discriminatory wage rates and workplace harassment, where the alleged conduct may be in breach of the AIBC's *Bylaws* and *Code of Ethics*. Such a complaint may be initiated by a concerned party whether or not a complainant has chosen to seek a remedy through the courts or an administrative body.

Members are also reminded that conduct contravening human rights legislation may expose architects, their firms and colleagues to sanctions through administrative processes such as the Employment Standards Tribunal and the Human Rights Tribunal and to civil liability through the courts.

Council recommends that members, particularly employers, seek appropriate legal or other professional advice to ensure that their workplace practices and policies meet the appropriate standards. Members and employees may also contact the AIBC for further information about workplace issues (*cf. AIBC Practice Note 11: Employment Standards: Rights, Obligations and Recommended Practices*).

Note that Council's resolutions and the wording of this bulletin refer to members, but also apply (as do the Institute's *Code of Ethics*, complaint process and disciplinary consequences) to associates and firms.

Guidance about the complaint process may be obtained by contacting the AIBC's Director of Professional Conduct. (*cf. AIBC Bulletin 41*)