

Individual Complaint

Step 1 – Parties



British Columbia
Human Rights
Tribunal

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Tribunal stamp

Step 1 Party information

Part A Complainant contact information

1. Who experienced discrimination [Complainant]?

Note: If a group or class experienced discrimination, use a Form 1.3 instead.

Legal name – First name:

Amy

Legal name – Last name:

Hamm

Preferred name: (example: traditional name, nickname, alias)

Use my preferred name:

- ☒ When talking to me
☒ When writing to me
☒ In decisions in addition to my legal name

Title:

☐ Mr. ☒ Ms. ☐ Mx.

☐ Not listed above: _____

Pronoun:

☐ she/ ☐ he/ ☐ they/

☐ Not listed above: _____

I do not
participate in
this ideology

2. Who will communicate with the Tribunal about this complaint?

Check only one:

- ☐ The Complainant
☒ A lawyer
☐ A legal advocate (example: a person who works for a law clinic)
☐ Another person – **must file a Form 1.2 with this complaint**

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Complainant contact information continued

Name of person who will communicate with the Tribunal, if different from the Complainant

First name:

Lisa

Last name:

Bildy

Preferred name: (example: traditional name, nickname, alias)

Organization name, if applicable: (example: law firm)

Libertas Law

Title:

☐ Mr. ☒ Ms. ☐ Mx.

☐ Not listed above: _____

Pronoun:

☐ she/ ☐ he/ ☐ they/

☐ Not listed above: _____

3. Complainant's address for delivery

You must provide:

a) an address where all parties can send you documents. Give the address of the person who will communicate with the Tribunal,

b) an email address, if possible. The Tribunal and parties usually communicate by email.

If you have contact information that you want to keep confidential, do not put it on this form. Provide it by email, mail, fax, or in person.

You must notify the Tribunal of any change to the address for delivery. A document sent to an address below is considered received by the complainant.

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

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Step 1 – Parties

Step 1, Part B Respondent contact information

Check here to confirm you want to name an organization as Respondent #1.

☒ Yes, I want to name the organization that discriminated against me.

Name of Respondent #1 [If naming an employer, give the name and address from a paystub, T4, or employment contract.]:

The British Columbia College of Nurses and Midwives

Relationship to you: (example: your employer, landlord, service provider)

my professional regulator

Email is fastest. If possible, give an email address where we can send your complaint. Choose someone that you think has authority to respond to your complaint. For example, the owner, executive director, or someone in the human resources or legal department.

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

Name of Respondent #2 (if applicable):

Relationship to you: (example: your manager, building caretaker, government employee)

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

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Step 2 – Area and Grounds of Discrimination

Step 2, Part A Area of discrimination

Information: The Human Rights Code protects people in the following “areas”.

Check any area that applies to your complaint:

Information about the areas:

<input type="checkbox"/> Employment If your complaint is about employment, check if it is about: <input type="checkbox"/> A job <input type="checkbox"/> A job ad <input type="checkbox"/> Lower rate of pay based on sex for similar work	Employment means work for an employer who controls the work and pay. It can include work as a volunteer, intern, or “independent contractor”. Applies when you: <ul style="list-style-type: none"> • Apply for a job • Are working as an employee • Get fired
<input type="checkbox"/> Services	Applies when you want a service. For example, you go out to eat or shop. You go to school. You apply for a government benefit. You own a strata unit.
<input type="checkbox"/> Tenancy	Applies to renting a space, including most co-op housing. Applies when you: <ul style="list-style-type: none"> • Try to rent a space • Are renting a space • Get evicted
<input type="checkbox"/> Purchase of property	Applies when you want to buy a house, condo, other unit, or land.
<input type="checkbox"/> Publication	Covers flyers, articles, notices, signs, and symbols. Applies when someone aims to discriminate. Example: A “whites only” sign Applies to a publication that is likely to expose a person or group to hatred. Example: An article that says a protected group is disgusting and immoral
<input checked="" type="checkbox"/> Membership in a union, employer’s organization, or occupational association	Applies when: <ul style="list-style-type: none"> • You want to join a union or get licensed to work by a regulator • You get suspended or expelled • You are a member

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Step 2 – Area and Grounds of Discrimination

Step 2, Part B Grounds of discrimination

Information: The Human Rights Code protects you based on the characteristics or “grounds” below. The Code protects you if you have the characteristic. The Code also protects you if you don’t have the characteristic, but someone thinks you do. Discrimination is conduct that harms you based on one or more characteristics.

Example of multiple “grounds”: A service provider treats a First Nations woman badly. She selects the grounds Indigenous identity and sex.

Check only the grounds that apply to this complaint. Give details for each ground you check.

Examples: Disability – I have a learning disability. Disability – Respondent thinks I have a heart condition. Age – I am 67. Indigenous identity – I am Métis.

<input type="checkbox"/> Indigenous identity, details: _____	You are First Nations, Inuit, or Métis.
<input type="checkbox"/> Race, details: _____	Example: South Asian or Black.
<input type="checkbox"/> Colour, details: _____	Skin colour. Example: Black, “dark-skinned”, “light-skinned”.
<input type="checkbox"/> Ancestry, details: _____	Where your ancestors come from. Example: Your father is Korean.
<input type="checkbox"/> Place of origin, details: _____	Where you come from. Example: Born in China.
<input type="checkbox"/> Physical disability <input type="checkbox"/> Mental disability (you can select both) details: _____	Conditions that affect or are seen as affecting your abilities. Examples: Addiction, amputation, asthma, bipolar disorder, cancer, depression, dementia, epilepsy, obesity, learning disorders, developmental disabilities, impairments to hearing, speech, vision, or mobility.
<input type="checkbox"/> Sex, details: _____	Includes being male, female, intersex, Two Spirit, or transgender. Includes pregnancy, breast-feeding, and sexual harassment.
<input type="checkbox"/> Gender identity or expression, details: _____	Gender identity is a person’s sense of their gender, including man, woman, transgender, or non-binary. Gender expression is how a person presents their gender. It includes how a person acts and appears. Gender identity or expression can include a person’s name or pronoun such as he, she, or they.

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Step 2 – Area and Grounds of Discrimination

<input type="checkbox"/> Sexual orientation, details: _____	Includes being heterosexual, gay, lesbian, bisexual, pansexual, or queer.
<input type="checkbox"/> Age (19 or over), details: _____	Does not apply: <ul style="list-style-type: none"> • To purchase of property • If legislation allows an age distinction
<input type="checkbox"/> Family status: _____ _____	Includes: <ul style="list-style-type: none"> • Family size • Family type (example: single parent family) • Family care responsibilities • Who is in your family (example: someone fires you because of who your father is) Does not apply to purchase of property.
<input type="checkbox"/> Marital status: _____ _____	Includes: <ul style="list-style-type: none"> • Married, single, widowed, divorced, common-law • Who your spouse is (example: someone fires you because they fired your spouse)
<input type="checkbox"/> Religion: _____	Includes: <ul style="list-style-type: none"> • Practicing a faith • Religious beliefs • Not having certain religious beliefs or any religious beliefs at all
<input checked="" type="checkbox"/> Political belief: <u>I am a gender-critical, sex realist who advocates for women's rights via legislative changes</u>	Applies only to employment and membership in a union, employer's organization, or occupational association. Includes: <ul style="list-style-type: none"> • Supporting a political party • Advocating for change to laws • Beliefs about how to govern a nation
<input type="checkbox"/> Criminal conviction: _____ _____	Applies only to employment and membership in a union, employer's organization, or occupational association. Includes: <ul style="list-style-type: none"> • Charged with a crime • Convicted of an offence
<input type="checkbox"/> Lawful source of income: _____ _____	Applies only to tenancy. Example: A landlord won't rent to you because you receive government benefits.

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Step 3 – Details of Discrimination

Step 3 Details of the discrimination

To show possible discrimination under the Human Rights Code, you must show:

- The Respondent harmed you in the “area” you selected, such as employment. The legal term is “adverse effect” regarding the area.
- The harm is based on the “ground(s)” you selected. The legal term is that the grounds “are a factor in” or are “connected to” the harm.

Answer these questions. Then give details for each Respondent.

1. Describe the harm you experienced in a few words. Examples: My landlord evicted me based on my race. My co-worker said things that made work very uncomfortable for me.

Give a short answer. Use the space on the form. Your short answer helps us understand the details you give below.

The BCCNM has subjected me to 4 plus years of lawfare because of my political beliefs expressed outside of work. This caused me extreme stress, anxiety, injury

2. Explain how the harm relates to the grounds you checked in Step 2, Part B above.

Examples: to my dignity & self respect, and lost wages, among other damages.

- The words my co-worker used are slurs about Black men.
- Security only followed me around the store, not the other people who were not First Nations.
- The Respondent fired me one week after they learned I was pregnant.
- A white male colleague got the promotion. I am at least as qualified. I am an Asian woman.
- My employer said I have to work Saturdays. My religion does not allow me to work Saturdays.
- My employer disciplined me for shouting at someone. My disability caused me to shout.
- This organization refused to provide an interpreter which I need because I am Deaf.

Consider getting help if you are not sure. See [Who Can Help?](#) on the Tribunal website.

The BCCNM has falsely and publicly accused me of “transphobia” because I recognize females as a distinct sex class, and advocate for our Charter protected rights / for changes to legislation that infringes on our sex-based rights.

The BCCNM dragged me through a 23 day hearing over my political views, expressed only in my free time.

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Step 3 – Details of Discrimination

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them "Step 3".

Respondent #1: The British Columbia College of Nurses and Midwives

Describe what this Respondent did that harmed you.

- Be specific.

Example: If someone harassed you, write out the words they used.

- Conduct can be what someone did or didn't do. The legal term is "acts or omissions".

If you don't know the exact date, give an approximate date. **Examples:** 2020 02 23 or 2020 02

Conduct:

Dates: YYYY MM DD

BCCNM notified me I was under investigation via a letter that included these statements:

2020 / 11 / 16

"The Complainant expressed concern that... you share the same transphobic views as JK Rowling" and "the anonymous complainant expressed concern regarding transphobic comments made on your social media accounts and published letters"

BCCNM proposed a consent agreement that would have me admit to false allegations of "making transphobic comments online, and promoting the legal, social, and institutional exclusion of transgender women", and to accept a 2-week suspension and other punishment - which would all be published on the BCCNM website and emailed to members.

2021 / 07 / 16

BCCNM issued a public citation that falsely accused me of "discriminatory and derogatory statements regarding transgender people, some of which..."

2022 / 04 / 01

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them "Step 3, Respondent #1".

Step 3, Respondent #1

... Included medically inaccurate information."

2022/06/28: BCCNM issued a revised public citation that removed mention of "medically inaccurate information." They refused to issue a public apology or retraction after dropping that charge, as I had requested. The new citation remains online to this day, and still falsely claims I made "discriminatory and derogatory statements!"

2023/02/11: BCCNM CEO [REDACTED] was quoted in the Globe and Mail. She mentioned me by name, and defamed me. "[REDACTED] said regulators need to act when members engage in public behaviour that undermines their professionalism and ability to do their job. She cited the case of Amy Hamm, a nurse who has been involved in a disciplinary hearing for making discriminatory remarks against transgender people, saying that all patients need to know they are safe and will be cared for. 'There is the interpersonal connection that you make with a patient and client, and the trust that they have in you that you will provide them with absolute care and attention,' she said. 'The moment that trust is broken, that for me is what is at stake here.'" My hearing was ongoing, and no allegations were or are proven, to this day.

Sept 21 2022 - March 19 2024: BCCNM held 23 disciplinary hearing dates across this period. They have also sent monthly emails to all BCCNM members, employees, registrants during this time, linking to the citation that falsely accuses me of discrimination.

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Step 4 – Time Limit

Step 4, Part A Is the complaint filed in time?

There is a 1-year time limit for filing a complaint. Answer these questions:

1. What is the date of the most recent conduct that you listed as discrimination?

Respondent #1: 2024 / 03 / 19
(yyyy mm dd)

Respondent #2: _____
(yyyy mm dd)

2. Did the most recent conduct happen in the last year?

Respondent #1 ☒ yes ☐ no

Respondent #2 ☐ yes ☐ no

3. Did all of the conduct happen in the last year?

☐ yes – go to Step 5. You filed your complaint in time.

☒ no – continue in Step 4.

4. Is all of the conduct related or similar?

Information: You must file a complaint within one year of the last conduct if the conduct is similar or related. The legal term is “continuing contravention”.

☒ yes – answer questions 5 and 6.

☐ no – skip questions 5 and 6. Go to Step 4, Part B.

5. Explain how the conduct is similar or related (a “continuing contravention”).

Examples:

- Each event is about a co-worker using racial slurs.
- Each event is about an employer not accommodating a disability.

Each event relates to the BCCNM's original decision to investigate me because of my political beliefs

6. Explain any gaps in time.

Information: Gaps in time might mean there is no “continuing contravention”. The Tribunal will consider reasons for gaps.

Examples:

- “My employer denied me three promotions. The job postings were three months apart.”
- “My manager used racial slurs. He was on leave for four months.”

The BCCNM scheduled hearing dates, often with months inbetween

If you need more space, use extra sheets (maximum 5 pages for Step 4). Mark them “Step 4”.

Step 5 Other proceedings

Information: The Tribunal can defer your complaint (put it on hold) until another proceeding is finished.

Instructions: Answer these questions.

1. Do you have another proceeding about the same events?

☒ yes – answer question 2

☐ no – go to Step 6.

2. What kind of proceeding is it?

Examples: union grievance, court case, WorkSafeBC claim.

disciplinary hearing

3. What stage is that proceeding at?

Examples: Has there been a hearing? When do you expect a decision?

awaiting panel decision – unsure when it will be issued

4. Do you want the Tribunal to wait to deal with your complaint?

☐ yes – answer question 5

☒ no – go to Step 6

5. Explain why you want the Tribunal to wait to deal with your complaint.

Step 6 Remedies

Check the kinds of remedies you want and that are available under s. 37 of the Human Rights Code:

☒ Order to stop the discrimination

☒ Declaration that the conduct is discrimination

☒ Steps or programs to address the discrimination (**examples:** training, policy)

☒ Compensation for injury to dignity, feelings, and self-respect

☒ Compensation for lost wages or other expenses such as moving expenses, photocopying, costs of attending the hearing (keep receipts)

☒ Something specific (**examples:** job back, ramp): *a public apology*

Step 7 Mediation

Information:

- At a “mediation”, a trained mediator works with you and the Respondent to find a solution to your complaint. Settlement is voluntary. If you can’t agree, the process continues.
- If you settle your complaint, the process is usually much faster. If you don’t settle, there are steps you must take before a hearing where you can prove your complaint. See [Steps in the Process](#) on the Tribunal website.
- Mediation is free.
- What you and the Respondent say in mediation is confidential.
- A mediator does not act for either party.
- You can bring your representative or a support person.
- You don’t have to be in the same room as a Respondent to participate in mediation. The mediator can speak to you and the Respondent separately.
- For more information see [Settle a Complaint](#) on the Tribunal website.

The Tribunal will ask the Respondent if they want to attend a mediation. If you both agree, the Tribunal will contact you to schedule a date for the mediation.

Do you want to attend a mediation?

☐ yes ☒ no

Step 8 Indigenous Peoples

Indigenous Peoples are First Nations, Métis, or Inuit.

Indigenous Navigators at the Tribunal can:

- Explain the process and options
- Discuss incorporating Indigenous protocols and ways of resolving disputes.

Check here if you are Indigenous and want an Indigenous Navigator to contact you.

☐ I confirm I am First Nations, Métis or Inuit. I want an Indigenous Navigator to contact me about the process.

Step 9 Extra pages

More space for answers to questions in form

You may add up to 5 pages for Step 3 – Details and up to 5 pages for Step 4 – Time Limit.

☒ Check here if you are attaching extra pages.

Number each page you attach, write the step you are responding to, and name the Respondent that it is about.

How many extra pages are you attaching: 1

Evidence

Do not file evidence now unless an exception applies. There are 2 exceptions:

1. You can file evidence to show why you filed your complaint late. For example, a doctor's note.
2. If your complaint is about a job ad or publication, you can attach the ad or publication.

☐ Check here if you are attaching evidence. One of these exceptions must apply.

How many pages of evidence are you attaching: _____

Keep your documents. The Tribunal will tell you when you need to submit evidence to support your complaint.

Step 10 Confirm information is true and accurate

Keep a copy of your complaint form.

Check the following box:

☒ The information I gave is true and accurate to the best of my knowledge and belief.