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FOR IMMEDIATE RELEASE

Human Rights Tribunal affirms hate speech jurisdiction, providing broader protections for online spaces

Vancouver B.C. – Today, the BC Human Rights Tribunal issued a decision affirming its ability to hear cases about allegations of online hate speech. This came as part of the Tribunal's hearing of the case *British Columbia Teachers' Federation (BCTF) on behalf of Chilliwack Teachers' Association v. Neufeld*, in which B.C.'s Human Rights Commissioner is an intervenor.

As part of her intervention, Commissioner Kasari Govender argued that the Tribunal does have jurisdiction over hate and discriminatory speech published online. The Commissioner is pleased to see the Tribunal agreed with her argument "that there is no principled basis" to carve internet publications out of the scope of protections offered in B.C.'s *Human Rights Code*.

"This is a positive decision for people across B.C. and Canada," said Commissioner Govender. "The Tribunal's decision means that discriminatory or hateful speech will not be immune from provincial human rights laws just because it was published online. The B.C. *Human Rights Code* will continue to offer protection to people in this modern context."

In particular, the Human Rights Tribunal found that Section 7 of B.C.'s *Human Rights Code*—which targets publications that perpetrate discrimination and hatred against protected groups—does, in fact, provide a means of redress to people whose rights have been violated in online publications, and that this falls within the province's constitutional jurisdiction. The Tribunal clarified that while jurisdiction over telecommunication systems is held federally, this does not prevent provinces from applying provincial laws to online conduct that falls within an area of their authority.

"The Tribunal's decision today will help to ensure that many people in B.C. who have been targeted by online hate speech are able to access justice," said the Commissioner. "As the Tribunal has acknowledged, the internet is a significant part of our daily lives and a medium where harmful content can spread quickly and with profound consequences. I am glad to see that complainants can rely on B.C.'s human rights law when discriminatory content is published online."

In the coming months, the Commissioner will make further comments as part of her intervention in the *BCTF v. Neufeld* hearing to provide guidance on the legal test for hate speech. That guidance will help distinguish between speech that discriminates against gender-diverse people and speech that, while offensive, does not breach B.C.'s *Human Rights Code*.

Media contact

For media inquiries, please contact media@bchumanrights.ca or 604-306-7369.

Resources

- [More about the Commissioner's intervention](#)
- BC Human Rights Tribunal decision on jurisdiction: [Chilliwack Teachers' Association v. Neufeld \(No.3\), 2024 BCHRT 232](#)
- BC Human Rights Tribunal decision on application to dismiss case: [Chilliwack Teachers Association v. Neufeld, 2021 BCHRT 6](#)
- B.C. Supreme Court decision on application to dismiss case: [2023 BCSC 1460](#)

Media kit

[Visit our media kit](#) for images of Commissioner Kasari Govender, pronunciation guidance, bios and more.

About BCOHRC

BC's Office of the Human Rights Commissioner exists to address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures. We do this work through education, research, advocacy, inquiry and monitoring. Learn more at: bchumanrights.ca

About the Commissioner

Kasari Govender began her work as B.C.'s first independent human rights commissioner in September 2019. As an independent officer of the Legislature, Commissioner Govender is uniquely positioned to ensure human rights in B.C. are protected, respected and advanced on a systemic level. In her first five-year term, her work through BC's Office of the Human Rights Commissioner included a public inquiry into experiences of hate in the pandemic, a report on systemic discrimination in policing, community embedded research about a range of human rights issues experienced by British Columbians, public awareness campaigns about ableism and racism and guidance to government that, among other things, informed the creation of both the Anti-Racism Data Act and the Anti-Racism Act. Commissioner Govender was reappointed for a second term beginning in September 2024.

About interventions

The Commissioner can apply to intervene in court cases with the potential to make a significant impact on human rights across the province and can intervene as a matter of right in B.C. Human Rights Tribunal cases. Interventions can impact how the law evolves, making them an important tool in systemic work to promote and protect human rights.

If the Commissioner's request to intervene is approved by a court, BCOHRC provides submissions (also called legal arguments) to the judge in the case in question. These submissions are usually about how to interpret a narrow point of the law. Intervenors do not represent either side in a case; their submissions must be different from the arguments being made by the parties to the case, and submissions must not advocate for either side to win or lose.

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