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FOR IMMEDIATE RELEASE

Commissioner welcomes decision protecting LGBTQ people from hate speech

Vancouver B.C. – B.C.'s Human Rights Commissioner welcomes the Human Rights Tribunal's (Tribunal) decision in *British Columbia Teachers' Federation (BCTF) on behalf of Chilliwack Teachers' Association v. Neufeld*, which affirms that hateful statements or publications are not shielded from the *Human Rights Code* because they are part of public or political discourse. The Commissioner was an intervenor in the complaint.

The *BCTF v. Neufeld* case began when the BCTF filed a complaint with the Tribunal after Barry Neufeld, a then-Chilliwack School Board Trustee, made a series of statements about trans and queer-inclusive education. The Tribunal found that some of these statements amounted to hate speech and that Mr. Neufeld discriminated against LGBTQ teachers based on their sexual orientation and gender identity and expression in relation to their employment, given Mr. Neufeld's role as a school trustee.

The Tribunal found that six of Mr. Neufeld's publications expose LGBTQ people to hatred or contempt based on their sexual orientation or gender identity, and 24 were in violation of discrimination protections. The Tribunal differentiated between statements constituting hate speech and those that indicated discrimination, although some statements fell into both categories. The Tribunal agreed with the Commissioner's submission that a political opinion that is based on mis or disinformation and that is expressed publicly may cause harm by seeking to promote laws and policies that entrench barriers for equality-seeking groups and that such opinion can be discriminatory or hateful.

"Publishing statements that deny trans identities and rely on stereotypes create significant harm. When a political opinion comes from a person in power such as an elected official, it may be perceived by the public as having greater weight than the views of the average person," said Commissioner Kasari Govender. "The decision is significant for ensuring that human rights laws apply to political and public statements from our elected officials and affirming that trans people are entitled to have their identities recognized and rights respected."

The Commissioner intervened in this complaint before the Human Rights Tribunal to provide submissions on the legal test for discriminatory speech. Previously, it was not clear that publicly expressed political opinions could be considered discriminatory, as opposed to just offensive speech that does not breach B.C.'s *Human Rights Code*. The decision makes clear that all forms of public speech that cause harm to a person based on a protected characteristic may be found to be discriminatory, even if they do not name that specific person.

The Commissioner also argued, and the Tribunal agreed, that statements equating gender affirming support to child abuse may constitute hate speech.

In a previous decision examining jurisdiction, 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 prohibiting hate and discrimination in online publications 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.

Resources

- [BCTF v Neufeld background](#)
- Press release: [Human Rights Tribunal affirms hate speech jurisdiction, providing broader protections for online spaces](#), August 2024
- Press release: [B.C. Human Rights Commissioner seeks clarity on hate speech jurisdiction during BCTF v. Neufeld](#), July 2024
- Press release: [B.C. Human Rights Commissioner seeks to intervene in a case involving alleged online hate speech](#), April 2021

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Media contact

To request an interview with Commissioner Kasari Govender, please contact media@bchumanrights.ca or 604-306-7369.

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. Her work through BC’s Office of the Human Rights Commissioner has included public inquiries into experiences of hate in the pandemic, detentions under the *Adult Guardianship Act* and police use of media exclusion zones, a report on systemic discrimination in policing, community embedded research about a range of human rights issues experienced by people living in British Columbia, 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.

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