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FOR IMMEDIATE RELEASE

B.C. Human Rights Commissioner seeks clarity on hate speech jurisdiction during *BCTF v. Neufeld*

Vancouver B.C. – Today, B.C.'s Human Rights Commissioner intervened in a case before the BC Human Rights Tribunal (BCHRT) involving allegations of hate speech and discriminatory speech published on the internet. The Commissioner is arguing that the BCHRT has jurisdiction over hate and discriminatory speech published online.

The case, *British Columbia Teachers' Federation (BCTF) on behalf of Chilliwack Teachers' Association v Neufeld*, involves the issue of whether allegations of online hate speech can be adjudicated by the BCHRT or whether they can only be addressed at the federal level. In the coming months, the Commissioner will add to this intervention to provide guidance to the Tribunal on the legal test for hate speech, to help distinguish between speech that discriminates against gender-diverse people and speech that, while offensive, does not breach B.C.'s *Human Rights Code*. This is the Commissioner's first intervention at the BCHRT, adding to the list of cases she has intervened in before the courts.

The *BCTF v Neufeld* case began when the BCTF filed a complaint with the BCHRT after Barry Neufeld, a then-Chilliwack School Board Trustee, made a series of online posts that included statements about trans and queer-inclusive education. The complaint alleges that Mr. Neufeld engaged in speech that is likely to expose people to hatred or contempt on the basis of their gender identity or expression and sexual orientation.

"Our intervention is fundamentally about ensuring people in B.C. can enforce their human rights when they have been targeted by hate speech online," said Commissioner Kasari Govender. "It is crucial that we clarify where people can turn when they have been subject to online hate speech, as more and more of our lives are spent in digital spaces and as online hate continues to proliferate."

The Commissioner's 2023 [From Hate to Hope report](#) describes an increase in hate incidents online through the pandemic. Statistics Canada has also [reported](#) that in 2022, seven in 10 young people in Canada were exposed to online hate and violence.

The Commissioner previously intervened in a judicial review of this case before the B.C. Supreme Court, which took place in response to Mr. Neufeld's application to have the Tribunal case dismissed without a full hearing. The Court found Mr. Neufeld's judicial review was premature because it was brought before proceedings at the BCHRT fully concluded, which can only be done under exceptional circumstances.

Media contact

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

Resources

- [More about BCOHRC's application to intervene](#)
- BC Human Rights Tribunal decision: [Chilliwack Teachers Association v. Neufeld, 2021 BCHRT 6](#)
- B.C. Supreme Court decision: [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

B.C.'s Human Rights Commissioner, Kasari Govender, started her five-year term on Sept. 3, 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 centres listening deeply to British Columbians to inform educational materials, policy guidance, public inquiries, interventions, community-based research and more that protects marginalized communities, addresses discrimination and injustice and upholds human rights for all.

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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