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ANNOTATED BRITISH COLUMBIA HUMAN RIGHTS CODE Release No. 1, March 2026
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Annotated British Columbia Human Rights Code provides insightful commentary, legislation, regulations, case digests and a research guide. This resource also includes human rights digests, categorized by subject, of reported and unreported decisions, dating from 1976, from the B.C. courts and the British Columbia Human Rights Tribunal.

What's New in this Update:

This release adds digests to Chapter 3 (Digest Annotations — 2012 Forward).

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Highlights

Chapter 3 — II. Digests — 2012 Forward — NEW digest — Human rights—Practice and procedure—Commissions, tribunals and boards of inquiry—Complaints and pleadings—Reopening or reconsideration of complaint—Complainants filed human rights complaints against respondents, alleging systemic discrimination against graduates of international medical schools in process of medical licensure in province—Complainants’ lawyer, after several years of document disclosure, did not attend pre-hearing conference call, did not answer question about disclosure from Human Rights Tribunals and did not confirm intent to pursue complaints—Lawyer did not respond to notice from Tribunal that, if complainants did not confirm intent to diligently pursue complaints and answer outstanding question, complaints might be dismissed without further notice—Complaints were dismissed and, within hours, lawyer renewed contact with Tribunal—Complainants’ application for reconsideration was dismissed—Complainants, with new counsel, applied for judicial review—Application granted—Lawyer’s continued representation of complainants resulted in her efforts to explain her own conduct becoming focal point of reconsideration, diverting Tribunal’s focus from impact of dismissal on complainants—Tribunal properly found that lawyer’s explanations were not reasonable but its analysis of how her misconduct impacted general considerations essential to integrity of Tribunal’s process was missing any discussion of if or how four months of delay caused actual harm to process or respondents—Tribunal’s view that impacts on its process was most significant consideration was patently unreasonable as lawyer’s failure to respond to Tribunal’s directions was tempered by her unreserved apology and could not possibly outweigh harsh result to innocent complainants—Tribunal erred in law in finding that counsel error was issue between complainants and lawyer rather than basis for reconsideration, given longstanding legal principle that mistakes of lawyer should not be visited on client absent irremediable prejudice to other parties—Having found that complainants knew nothing of lawyer’s misconduct and intended all along to diligently pursue their complaint, it was incumbent on Tribunal to consider and apply counsel error principle that fell squarely within interests of fairness and justice—Tribunal’s reconsideration decision was patently unreasonable:*Pooyan v. British Columbia (Ministry of Health)*, 2025 CarswellBC 1893, 2025 BCSC 1210, 2025 A.C.W.S. 3170

Chapter 3 — II. Digests — 2012 Forward — NEW digest — Human rights—Practice and procedure—Commissions, tribunals and boards of inquiry—Evidence—Witnesses—Complainant, acting as representative of class, filed human rights complaint alleging that respondent city discriminated against class of people defined as all female softball players registered with certain softball association

who had played at certain park since start of 2019 season and/or currently played at park—Complaint alleged discrimination based on sex, in violation of s. 8 of Human Rights Code—Complainant filed witness list, which did not include certain elected officials of city and city’s Chief Administrative Officer (collectively, “proposed witnesses”)—Complainant later advised that he intended to request orders to attend for proposed witnesses— City brought application opposing issuance of orders to attend—Application dismissed—Proposed witnesses may have relevant, admissible evidence that could facilitate just and timely resolution of complaint—It was not established that proposed witnesses’ particular knowledge could be obtained from city witnesses—It was not established that judicial immunity applied to municipal councillors in this particular context: *Female Softball Players (by Michael Sharpe) v. City of Victoria* (No. 5), 2024 BCHRT 307, 2024 CarswellBC 3762 (B.C. Human Rights Trib.), affirmed on reconsideration 2024 BCHRT 317, 2024 CarswellBC 3772 (B.C. Human Rights Trib.), reconsideration / rehearing refused 2025 BCHRT 182, 2025 CarswellBC 2492 (B.C. Human Rights Trib.)